

July 30, 2021



Village of Newcomerstown

ZONING MANUAL

Zoning Ordinance for the Village of Newcomerstown

Index

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ARTICLE 1. TITLE AND PURPOSE

Section 100. Title

This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of the VILLAGE OF NEWCOMERSTOWN".

VILLAGE OF NEWCOMERSTOWN

Section 101. Purpose

The purpose of this Ordinance is:

- To promote and protect the public safety, convenience, comfort, prosperity and general welfare by regulating and limiting the use of land and building and the erection, restoration and condition of buildings and alterations thereto, and the use thereof for purposes such as agriculture, residences, business and industry.
- To regulate the area and dimensions of land, setbacks and yards so as to secure adequate light, pure air, and safety from fire and other dangers.
- To facilitate safe and convenient traffic circulation.
- To protect the character and values of agricultural, residential, business, industrial, institutional, and public areas and to assure their orderly and beneficial development; and
- To provide for the most advantageous use of public utilities, such as water, energy, telecommunications, sewerage collection and disposal and storm drainage.

ARTICLE 2. DEFINITIONS

Section 200. General Provisions

200.1 General Terminology

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows: The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular. The word "shall" is mandatory, the word "may" is permissive. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied." The word "lot" includes the words "plot" or "parcel".

200.2 Interpretation of Words and Phrases.

The definitions herein are established to promote consistency and precision in the interpretation of zoning regulations. Interpretation shall be guided by the following:

- a) Zoning Inspector Interprets Definitions. In order to fulfill the intent and purpose of this code, the Zoning Inspector shall have the authority to define any word or interpret any definition contained herein.

- b) Definitions Apply Throughout the Zoning Ordinance. The meaning and construction of words and phrases defined in this Article shall apply throughout this Ordinance, except where the context of such words or phrases clearly indicates a different meaning. Additional terms which are applicable to a particular Article are defined in that Article.
- c) Terms Not Defined in the Ordinance. When words are not defined, the generally accepted dictionary definitions shall prevail. If a term or word causes difficulties in interpretation and is not properly described, the Planning Commission shall define the term and recommend to Council its inclusion in this code as an appropriate definition.

Section 201. Definitions

Access Drive: A driveway that provides access to, for example, parking spaces, parking lots, garages, loading spaces, or similar areas.

Accessory Structure: A separate structure which is used for purposes which are incidental and subordinate to the main use of the land and on the same premises as the main use or building. Examples include, but are not limited to, garages, barns, gardening sheds, gazebos, storage buildings, swimming pools and landscaping structures.

Accessory Use: A use customarily incidental and subordinate to the main use of the land or building and on the same premises as the main use or building.

Agriculture: Agriculture shall include farming, dairying, pasturage, horticulture, viticulture, animal and poultry husbandry, and the processing and sale of agricultural products.

Animal Hospital or Clinic: Establishment for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical treatment and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Apartment: See Dwelling, Multiple-family and Dwelling, Efficiency.

Assembly Hall: A facility used for group activities such as meetings and parties, which may or may not have fixed seating. Examples include, but are not limited to, a community center, clubhouse, or a meeting room or classroom which is accessory to another use. May or may not include facilities for service of food and beverages.

Automobile, Recreational Vehicle and Trailer Sales: Display and sale of new and/or used automobiles, recreational vehicles, and trailers in an enclosed building and/or out of doors, and where no repair work is done except minor incidental repair of automobiles, recreational vehicles, or trailers to be displayed and offered for sale on the premises. See Recreational Vehicles and Trailers.

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles in an enclosed building. See Hobby Vehicle or Machinery Repair.

Automotive Wrecking, Salvage and Storage: The dismantling or disassembling of used motor vehicles or trailers or the storage, sale or dumping of dismantled, obsolete, or wrecked vehicles or their parts.

Bar: See Tavern.

Basement: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground.

Bed and Breakfast Inn: A building or portion thereof, other than a hotel, which is accessory to a dwelling occupied by the owner or main leaseholder, where temporary lodging for persons is provided by the owner or main leaseholder for compensation. The total number of sleeping rooms shall not exceed five (5).

Board, Board of Zoning Appeals, "BZA": The Board of Zoning Appeals of the Village of Newcomerstown, OHIO.

Boarder Suite: See Suite, Boarder.

Boarding or Rooming House: A building or portion thereof, other than a hotel, which is accessory to a dwelling occupied by the owner or main leaseholder, where lodging for residents is provided for compensation. The facility shall maintain a kitchen for the use of residents, and/or service of meals to residents. The total number of sleeping rooms shall not exceed five (5).

Building: An enclosed structure designed or built for the shelter of persons, animals, chattel, or property of any kind.

Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face includes porches whether enclosed or unenclosed and does not include steps.

Building, Height of: The vertical distance measured from the established grade opposite the middle of the front of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height level between eaves and ridges for gable, hip, and gambrel roofs.

Building, Portable: See Structure, Portable

Building, Principal or Main: A building in which is conducted the main or principal use of the premises on which said building is situated.

Building Site: That contiguous portion of the lot or parcel of land or multiple lots upon which the principal and accessory uses are conducted, and a structure and appurtenance may exist or are to be placed, or are already existing, including adequate areas for sewage disposal, clearance, proper drainage, appropriate easements, parking, required setbacks and yards, and all other facilities required by the Zoning Ordinance and all other regulations of the Village. Also called 'premises'.

Business Service: Any activity conducted for gain which renders services to other commercial or industrial enterprises, or which services and repairs appliances and machines used in residences or businesses.

BZA: See Board of Zoning Appeals.

Campground: Recreation-type uses and facilities which include areas for temporary overnight accommodations, and which may include picnicking and sports areas, fishing waters, walking trails, hunting areas and hunting preserves. Temporary facilities may include tents, recreational vehicles or recreational trailer whether parked or supported by foundations. Such facility may include permanent

structures for, for example, office, maintenance, manager quarters, toilets, showers, picnic shelters, and similar accessory uses. Excludes motel and hotel.

Cemetery: Land used for or intended to be used for the burial or permanent interment of human dead.

Child Care Facility: A facility where care, protection and supervision are provided to children on a regular basis for a fee and in accordance with applicable state laws pertaining to licensing and regulation.

Church, Place of Worship: A facility for worship such as a church, temple, mosque, and similar establishments, which has a main hall for services. May include meeting rooms, offices, and facilities for serving food, and similar facilities.

Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

Commercial Entertainment Facility: See Entertainment Facility

Commission: The Planning Commission of the VILLAGE OF NEWCOMERSTOWN, OHIO.

Conditional Use, Conditionally Permitted Use: A use that, owing to some special characteristics' attendant to its operation or installation, is permitted in a district subject to approval by the Planning Commission, and further subject to special requirements, and in addition to those usual requirements for the district in which the conditional use may be located. 'Special characteristics' are uses which generate impacts on the community which are acceptable with proper management; examples may include, but are not limited to, large volume of users, hours of operation, patterns of pedestrian or vehicular traffic, parking patterns, potential impacts of noise or lighting, and similar effects. A conditional use may be granted by the Planning Commission only when there is a specified provision in this Ordinance. A conditional use is not considered to be a nonconforming use.

Controlled Access Highway: A street as designated in the VILLAGE OF NEWCOMERSTOWN Thoroughfare Plan. Corner: See Street Corner, Corner Lot.

Council: The Council of the VILLAGE OF NEWCOMERSTOWN, OHIO. Cultural Facility: Museum, art gallery, library or similar facility.

District, Zoning District: Any designated area of the municipality for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards and setbacks, and the intensity of use are uniform. Boundaries of the districts are shown on the Zoning District Map which is a part of this Ordinance.

Drive-in Use: Any use that by design of physical facilities encourages or permits customers to receive a service, obtain a product, or be entertained while remaining in a parked motor vehicle, such as drive-in restaurants, motion picture theaters, and similar uses. Such drive through areas are parking areas. See Drive-through Use.

Drive-through Use: Any use that by design of physical facilities encourages or permits customers to receive a service or pick up a product while remaining in a motor vehicle, such as drive-through restaurants, auto washes, bank tellers, pharmacies, dairies, and similar uses. Such drive-through areas are intended for brief use by customers and are distinct from parking areas. See Drive-in Use.

Dwelling: A building or portion of a building designed exclusively for residential occupancy but not including motels.

Dwelling, Efficiency: A dwelling unit in which the sleeping area is not a room separate from the main living area. Also commonly known as a 'studio'-type dwelling unit. Abbreviated in this Ordinance as 'Efficiency'.

Dwelling, Multiple family “MFR”: A building consisting of three or more dwelling units. Abbreviated in this Ordinance; as "MFR".

Dwelling, Single-family: A building consisting of the dwelling unit. Abbreviated in this Ordinance as "SFR".

Dwelling, Two-family: A building consisting of two dwelling units. Abbreviated in this Ordinance as "2FR".

Dwelling Unit: One or more rooms designed to create an independent housekeeping establishment with each unit having sleeping, cooking, and toilet facilities. Abbreviated in this Ordinance as "DU".

Efficiency, Efficiency Dwelling: See Dwelling, Efficiency.

Entertainment Facility: Any activity conducted for gain which is generally related to entertainment, such as motion picture or other theaters; live performances of music, dancing and/or plays; billiard or pool room; bowling alley; video and games arcade; indoor skating rink; and similar types of entertainment. All activities shall be conducted indoors. Food and beverages may be served.

Essential Service: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies of underground gas, electrical or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, traffic signals hydrants or other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings.

Excavation of Fill for Street Construction: The removal, addition, or similar rearrangement of earth for purposes of street construction.

Expanded Home Occupation: See Home Occupation, Expanded.

Farm Implement Sales and Service: A use in which equipment and supplies for agriculture, horticulture and landscaping is offered for retail and or wholesale sales. Includes equipment rental. Excludes Grain Elevators and Feed Mills.

Farm Vacation Enterprise: See Campground.

Fire Chief: The chief official responsible for fire safety for the VILLAGE OF NEWCOMERSTOWN.

Fiscal Officer: The Fiscal Officer of the VILLAGE OF NEWCOMERSTOWN, OHIO.

Floodplain: Areas which are identified in the current flood insurance rate maps.

Floodway: A channel for overflow of water caused by flooding.

Food Processing: The wholesale processing or other preparation of food for humans and animals which is not consumed on the premises. Excludes killing of animals, fish, birds, or other creatures for food or non-food products, such as slaughterhouses.

Forestry: The growing and care of trees for commercial purposes, including the cutting and marketing of timber.

Frontage, Lot. Frontage: The side of a lot abutting on a legally accessible street right-of-way other than an alley for the purposes of this definition, on corner lots, all sides of the lot adjacent to streets or roads shall be considered frontage.

Garage: A detached accessory building or portion of a main building for the parking or storage of motor vehicles, recreational vehicles, trailers, commercial vehicles, and similar vehicles by the occupants of the premises, See Article 6, Off-street Parking and Loading Requirements, and Parking and Storage of Recreational Vehicles and Trailers.

Garage Sale: See Rummage Sale.

Gas and Oil Extraction: See Oil and Gas Extraction.

Gasoline Service Station: A premises where automobile fuels and other petroleum products are offered for retail sale, and where limited maintenance and minor repairs may be conducted on automobiles. Excludes engine overhauls, body work and painting. Sales of beverages, packaged foods, and similar convenience goods may also be included as incidental to the principal use. See Automotive Repair.

Grain Elevator and Feed Mill: Facilities for the bulk storage of agricultural products such as grains and animal feeds.

Guest Suite: Sec Suite, Guest.

Height of Building: See Building, Height of.

Highway: A street as designated in the VILLAGE OF NEWCOMERSTOWN Thoroughfare Plan.

Hobby Vehicle or Machinery Repair: The repair of one vehicle, large machine, or similar object as an accessory use to a dwelling. Examples include, but are not limited to, an automobile, truck, trailer, boat, motor, tool, or similar machinery. The term 'hobby' is not intended to imply anything about the use of the vehicle, machine or object for recreation, regular transportation, business, etc. Hobby Vehicle and Machinery Repair is permitted as an accessory use to a dwelling, according to the restrictions in this section, and in districts as described in Article 4. Repair may be conducted as a hobby, not for profit, at the residence as long as it does not become a nuisance. Repair work may not be conducted in the front setback and may not be conducted outdoors for more than seven (7) consecutive days. At other times, repair work may be conducted within an enclosed structure. Vehicles, Machinery, and Objects kept outdoors must be entirely covered when repair work is not being conducted. See Article 3, Definitions and Article 6, Parking Disabled Vehicles. A variance can be applied for if more than seven (7) days are required.

Homemade Sales: The offer for sale of agricultural or handmade goods which are produced on the premises, as an accessory use to a residential or agricultural use, and which is intended to attract customers who are driving or walking by. Examples of goods include grain, fruits and vegetables, eggs and dairy products, baked goods, pets, woodwork, arts and crafts, and similar items. See Rummage Sale.

Home Occupation: A conditionally permitted, secondary use of a service or professional character conducted entirely within a dwelling and its premises, and only by the residents thereof, which is clearly incidental to the use of the dwelling for living purposes.

Home Occupation, Limited: A home occupation of a professional character, conducted only by residents of the dwelling, which does not change the character thereof, or have exterior evidence of such secondary use such as, for example, additional parking, or additional traffic generation. Such uses may include, for example, attorneys and engineers. See Signs, Article 6.

Home Occupation, Expanded: A home occupation of a professional or service character conducted within a dwelling or in an accessory structure to a dwelling, conducted by the residents thereof and not more than one (1) employee who is not a resident of the dwelling, which may have a sign as permitted in Article 12 and which shall provide parking as required in Article 6. Such use may include, for example, lawyer, architect, or beauty parlor.

Hospital: A facility where patients are lodged overnight and admitted for medical examination and treatment. (See Clinic;)

Hotel: See Motel.

Household: One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

Intersection: The intersection of one or more streets. Refer to the official Thoroughfare Plan of the Village.

Junkyard: See Recycling Center or Salvage Operation.

Legal, Nonconforming Structure: See Structure, Legal, Nonconforming.

Legal, Nonconforming Use: See Use, Legal, Nonconforming.

Limited Home Occupation: See Home Occupation, Limited.

Loading Space: An off-street space, in addition to required off-street parking spaces, for the temporary parking of a vehicle while loading or unloading merchandise or materials,

Lot: A parcel of land, shown on a duly recorded plat, occupied, or intended for occupancy by a use as permitted in this Ordinance, and having its principal frontage upon a street or upon an officially approved place.

Lot Area: The total horizontal area within the lot lines of a lot exclusive right-of-way of any public or private street.

Lot, Corner: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees.

Lot Coverage: The ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.

Lot Depth: The horizontal distance between the front and the rear lot lines measured along the median between the two side lot lines.

Lot Frontage: See Frontage, Lot Frontage.

Lot Line: The boundaries of a lot.

Lot of Record: A lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat, either individually or as part of subdivision.

Lot, Through: An interior lot having frontage on two (2) or more streets. See Corner Lot.

Lot Width: The width of a lot at the building setback line measured at right angle to its depth. The width of lots fronting on a cul-de-sac shall be the chord distance between side lot lines for the curve coinciding with the required depth of the front setback.

Manufactured Home: A single-family dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code. The term single-family dwelling shall include manufactured homes when placed on permanent foundations. Manufactured homes are distinguished by two types described below. See Recreational Vehicles and Trailers.

Residential Design Manufactured Home (RDMH): is a manufactured, single-family dwelling meeting residential design standards contained in this Ordinance. An RDMH is similar in appearance to site-built housing.

Standard Design Manufactured Home (SDMH): is a manufactured, single-family dwelling certified as meeting HUD code or certified as meeting the standards of prior construction codes and found to be in excellent condition and safe for continued residential occupancy, but in both cases not meeting residential design standards contained in this Ordinance. An SDMH is commonly referred to as a 'mobile home.

Manufactured Housing Development: A land area planned and improved for the placement of manufactured homes, and which are not otherwise regulated by state law. ('Manufactured Housing Developments' do not include 'Manufactured Home Parks' as defined in the Ohio Revised Code. For information about requirements and permits for Manufactured Home Parks, contact the Tuscarawas County General Health Department.) Manufactured housing developments include the following:

RDMH Subdivision: A parcel of land improved for the siting of Residential Design Manufactured Homes for use as single-family residences on lots as defined herein, platted and all applicable improvements provided according to the Subdivision Regulations, offered for sale. (Does not include 'Manufactured Home Parks' as defined in the Ohio Revised Code. For information about requirements and permits for Manufactured Home Parks, contact the Tuscarawas County General Health Department)

SDMH Mobile Home Park: A parcel of land under unified ownership or management utilized for the siting of Standard Design Manufactured Homes for use as single-family residences, including any land,

buildings or facilities used by residential occupants. (Does not include 'Manufactured Home Parks' as defined in the Ohio Revised Code. For information about requirements and permits for Manufactured Home Parks, contact the Tuscarawas County General Health Department.).

Manufacturing: Any production or industrial process, including food processing, which combines one or more materials or components into a product, or which changes the nature of the materials entering the process.

Manufacturing, General: The basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes that potentially involve hazardous or commonly offensive conditions.

Manufacturing, Restricted: Any manufacturing or industrial production from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding General Manufacturing.

Mineral Extraction, Storage, and Processing: The removal of sand, gravel, topsoil, earth, rock, stone, mineral bearing substance or similar natural material from the ground for the purpose of obtaining any mineral therefrom, storage of materials extracted from the site, and the processing of the materials extracted from the site.

Excludes oil and gas extraction. See Oil and Gas Extraction.

Mobile Home: See Manufactured Home; Recreational Vehicles and Trailers.

Mobile Home Park: See Manufactured Housing Development

Mortuary or Funeral Home: An establishment where dead bodies are prepared and kept before burial, including public rooms for funeral activities. Excludes crematorium. See Cemetery.

Motel or Hotel: A building or group of buildings offering transient lodging accommodation for compensation to the general public and may provide meeting rooms and food service.

Municipality: The Village of NEWCOMERSTOWN, OHIO. Nonconforming Structure, Legal: See Structure, Legal, Nonconforming.

Nonconforming Use, Legal: Use, Legal, Non-conforming

Nursing Home: A convalescent or extended care facility which specializes in providing necessary services to people unable to care for themselves, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured, and not including correctional facilities. Such facilities shall meet all federal, state, and other standards.

Office: See Professional Office, Public and Community Office.

Off-street Loading Space: See Loading Space.

Off-street Parking Space: See Parking Space, Off-street.

Oil and Gas Extraction: The removal of gas and oil from the ground for the purpose of obtaining any material therefrom. Excludes processing of the extracted materials. See Mineral Extraction, Storage and Processing.

Open Space: Areas intended for use as recreation, scenic view, or resource protection. Such areas contain natural vegetation and/or landscaping. Structures as may be permitted according to the provisions of this Ordinance.

Outdoor Sales: An outdoor area of a premises which is used for sale and display of goods. Includes, for example, plant nurseries, large equipment sales and rentals, and similar goods. Excludes Homemade Sales, Rummage Sales, Seasonal Sales, Sidewalk Sales. See Automotive, Recreational Vehicle and Trailer Sales.

Outdoor Storage: An outdoor area where materials and equipment incidental to a nonresidential use is stored.

Park: A public facility for passive or active outdoor recreation, and where there is no overnight accommodation. See Campground.

Parking Area, Parking Lot: An open area, other than a street, containing off-street parking spaces available to the public, or as an accommodation to residents, members, employees, or customers, Excludes the storing of abandoned, impounded, or wrecked vehicles. Excludes loading spaces.

Parking Space, Off-Street: Any parking space located wholly off any street, alley, sidewalk, in an enclosed building, covered structure or out of doors, and where each parking space has an area as required in Article 6. Sec Loading Space.

Personal Service: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shop, beauty parlor, dry cleaning service and/or self-service laundry and similar activities.

Plant Cultivation: The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses, but not including such plant cultivation as is conducted on residential properties for the primary benefit of the resident family.

Police Chief: The Chief of Police of the VILLAGE OF NEWCOMERSTOWN.

Pool: See Swimming Pool.

Portable Structure: See Structure, Portable.

Premises: See Building Site.

Principal Use: See Use, Principal.

Professional Office: The use of a premises and related spaces for such professional services as are provided by accountants, doctors, dentists, lawyers, architects, engineers, realtors, and other similar professional services. Excludes banks. See Clinic, Public and Community Office, Retail Business.

Public and Community Office: Offices of public and quasi-public agencies for public services, social services, and similar functions where the public and clients tend to do business in person, or organization that serve similar functions.

Public Right-of-Way: See Right-of-Way.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of facilities such as power plants or substations, water treatment plants, sewage disposal or pumping plants, and other similar facilities by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water, and sewerage services.

RDMH: See Manufactured Home, Residential Design Manufactured Home.

Recreation Facility: Outdoor facilities for active recreation such as riding, golf, skiing, hunting, racing, camping, fishing, boating, swimming, skating and similar activities. See Entertainment Facilities.

Recreational Vehicle or Trailer: A vehicle or portable structure designed and constructed to be used as a temporary dwelling for travel, recreational and vacation uses, or moving equipment and belongings. Includes but not limited to the terms listed below. Excludes manufactured homes, mobile homes, construction office trailers, and portable classrooms. See Manufactured Homes, Temporary Structures, and Portable Structures.

Boats and Boat Trailers - includes boats, floats, rafts, and equipment to transport same.

Motorized Home, Motor Home -portable unit for sleeping, designed, and constructed as an integral part of a self- propelled vehicle.

Pick-up Camper - a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling.

Utility Trailer: A trailer drawn by passenger automobile and used for the occasional transport of personal belongings.

Travel trailer - a vehicular portable structure built on a chassis as a non-self-propelled vehicle, including tent-type fold-out trailer and designed to be used as a temporary dwelling.

Recycling Center or Salvage Operation: Any lot, land or structure, or part thereof, used primarily for the collection, storage and sale of wastepaper, rags, scrap metal, machinery, vehicles, or similar discarded material. Commonly called a 'junkyard'. See Automotive Wrecking, Salvage and Storage.

Research and Testing Facility: A building or group of buildings in which are located facilities for scientific research, investigation, testing, experimentation which does not create traffic, noise, light, dust, or other impacts which disturb neighbors.

Residential Design Manufactured Home (RDMH): See Manufactured Home.

Residential Floor Area: The interior floor area of a dwelling includes only areas used for living quarters, and including stairways, halls, and closets. Utility rooms, breezeways, garages, carports, porches, laundry areas, heater rooms and basements are excluded.

Restaurant: Establishments where food and beverages are prepared and served within the premises. Includes, for example, bakeries, coffee and juice bars, sandwich shops, cafes, fine dining and similar businesses which offer dine in facilities. (See Drive-in Use, Drive-through Use, Entertainment Facility, Retail Business, Tavern. See Article 6, Parking Requirements. For purposes of determining requirements for parking spaces, dining room and carry-out services shall be considered separately.)

Retail Business: Premises where goods and merchandise are offered or kept for sale to the public, including storage of limited quantities of such goods and merchandise sufficient only to service such establishment. Includes banks, and stores which offer foods for carry-out only, such as bakeries, coffee and juice bars, sandwich shops and similar businesses. (See Business Services, Drive-in Uses, Drive-through Uses, Offices, Personal Services, Restaurants.)

Right-of-Way: A duly recorded easement for a street, sidewalk or similar public or private access.

Right-of-Way Line: See Street Line, Right of Way Line.

Rooming House: See Boarding or Rooming House.

Rummage Sale: An accessory use to an assembly hall, dwelling, church, place of worship, or school in which household and personal goods are offered for sale to the public and/or members. Rummage sales shall not be conducted in the public right-of-way. Rummage sales may be conducted in structures, in accessory structures, and/or outdoors. See Homemade Sales.

School: A public or private educational facility.

School, Adult: A school for adult students.

School, Primary: A school for students in grades designated as 'elementary', 'middle school', or 'junior high school' (approximately kindergarten to grade 8 or younger).

School, Secondary: A school designated as a 'high school', generally for students in grade 9 or higher.

SDMH: See Manufactured Home, Standard Design Manufactured Home.

Seasonal Sales: The offer for sale of agricultural or handmade goods as an accessory use to a permitted non-residential use, by one salesperson, and only out-of-doors. Examples of goods include fruits and vegetables, baked goods, woodworks, art and crafts, and similar items. The sale of live animals and goods are excluded. See Rummage Sales, Homemade Sales, Outdoor Sales.

Setback: The minimum horizontal distance by which any building or structure shall be separated from a lot line or right-of-way.

Setback Line: A line established by zoning, platting or other legal means on a lot a specified distance from and parallel to the lot line to restrict the encroachment of structures on the lot line. In measuring a required setback, the distance shall be measured from the lot line or right-of-way, whichever line creates the 'deeper' setback.

Sewage Disposal System, Group: An approved sewage disposal system which provides for the combined collection and disposal of sewage from a group of buildings or premises. Includes a municipal sewage disposal system.

Sewage Disposal System, Individual: A septic tank installation on an individual lot which utilizes an aerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of appropriate health and sanitation officials.

Shipping Container: Shipping containers range from large reusable steel or wood boxes used for shipments to corrugated boxes. May also be referred to as freight container.

Sign: An identification, description, illustration, or device which is affixed to or integrated into a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business. Signs are considered to be structures for the purposes of this Ordinance. Different types of signs are defined and regulated in Article 12 of this Ordinance.

Sign, Legal, Nonconforming: A sign which does not conform to the requirements of this Ordinance but can be demonstrated to have been lawfully erected but made nonconforming by adoption of subsequent amendments of Village Ordinances.

Solicitor: The Solicitor of the VILLAGE OF NEWCOMERSTOWN, OHIO.

Specialized Animal Raising and Care: The use of land and structures for the raising and care of animals which are not specifically prohibited by other restrictions by the Village or other government agencies. Examples of activities, facilities and animals include, but are not limited to, domestic pets; stables and riding arenas for horses; kennels for dogs or other animals; pigeon raising and raising of any other domestic animals or birds of a similar nature; birds, mammals, reptiles, and similar animals; boarding of animals.

Standard Design Manufactured Home (SDMH): See **Manufactured Home**.

Storage Unit: A facility for the rental or common ownership of individual storage facilities in one or more enclosed structures for any manner of goods including, but not limited to, personal and household goods, merchandise for sale elsewhere, business records, and similar large or small items. Such facility may include related uses such as a management office, maintenance area, and similar uses. No part of the storage area shall be used for human or animal occupation, for example, as a workshop, sales area, office, residence, or other uses that are not strictly related to storage. **Shipping containers as storage or human occupation is prohibited.**

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it. A basement shall be counted as a story if two-thirds of its volume is above the average level of the adjacent ground.

Street: A vehicular thoroughfare which may be owned by the public or by a private party, as designated on the official Thoroughfare Plan of the Village. See Right-of-Way.

Street Corner: The point of intersection of two or more rights of way.

Street Line, Right-of-Way Line: A dividing line between a lot, tract or parcel of land and the right-of-way.

Structural Alteration: Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams, or girders.

Structure: Anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on or in the ground. Examples include, but are not limited to, a building, backstop, barn, deck, fence, garage, gazebo, landscaping wall, shed, porch, sign, storage building, swimming pool, tank, or tower. Excludes a sidewalk, steps, driveway, or similar paved area.

Structure, Legal, Nonconforming: A building or structure legally existing at the time of passage of this Ordinance, or subsequent amendments thereto, and which does not comply with the current dimensional or other building requirements of the district in which such structure is located.

Structure, Portable: A transportable structure which is moved onto a site as a temporary or permanent fixture. Such structure shall not be used as a dwelling or temporary sleeping accommodation. Examples of portable buildings include, but are not limited to, classrooms and offices. Excludes portable toilets. See Temporary Structure, Manufactured Housing.

Structure, Temporary: A structure, which is erected or placed on a site, and completely removed, within a limited period of time. Excludes portable toilets.

Suite, Boarder: Each area that is occupied exclusively by individual boarders in a boarding house, as distinguished from common areas for use by all boarders. A Boarder Suite may be occupied by more than one person: for example, by a couple.

Suite, Guest: The room(s) occupied exclusively by a party of guests in a Motel, Hotel, or Bed and Breakfast Inn.

Swimming Pool: A permanent structure, above or in the ground, containing or capable of containing water for swimming, bathing, and water play. Includes wading pools, hot tubs, Jacuzzis, and similar pools. Excludes landscaping features such as ponds, pools or fountains intended for decoration and not intended for swimming, as determined by the Planning Commission.

Tavern: An establishment which serves alcoholic beverages as its primary business, and where food may be served as a secondary business. Excludes live entertainment. (See Entertainment Facility, Restaurants.)

Temporary Structure: See **Structure, Temporary**

Thoroughfare Plan: The Official Thoroughfare Plan of the Village of NEWCOMERSTOWN.

Tourist Camp: See **Campground**.

Transport and Trucking Terminal: The use of land, buildings, or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers, and/or buses, but does not include Gasoline Service Station, Truck Stop.

Truck Stop: A premises where fuels and services for commercial trucks (generally over 1 ton) and truck drivers are provided. Facilities and services may include, but are not limited to, fuel pumps, limited maintenance and repair, food service, sales of convenience goods, and restrooms. Excludes engine overhauls, body work and painting.

Use: The purpose or activity for which land or structures are designed, arranged, or intended or for which they are or may be occupied and maintained.

Use, Legal, Nonconforming: The use of land or a building, or a portion thereof, which existed legally at the time of passage of this Ordinance, or subsequent amendments thereto, and which does not conform with the current use regulations of the district in which it is situated.

Use, Principal: The permitted or conditionally permitted use or uses which are being, or are proposed to be, conducted on a premises, and excludes accessory uses.

Variance: A modification of the strict terms of the regulations where such modification will not be contrary to the public interest and where, owing to physical conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulation would result in unnecessary hardship and/or a practical difficulty. Hardship is based on physical limitations of the land and does not include financial considerations.

Village: The VILLAGE OF NEWCOMERSTOWN, Ohio

Warehouse, Warehousing, Warehousing Business: A premises, lot, structure, or portion thereof which is designed or appropriate for the storage of goods to be offered for wholesale, mail order sales, or reshipment.

Waste Disposal: Disposition of garbage, combustible, and noncombustible waste material.

Water System, Group: An approved water system which provides for the combined distribution of water to a group of structures or premises. Includes a municipal water system.

Water System, Individual: A water well, cistern or similar installation on an individual lot, subject to the approval of appropriate health and sanitation officials.

Wholesale Business: An establishment primarily stocking and offering merchandise for sale to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to such individuals or companies.

Yard: An area of a premises at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. A yard includes the area of all required setbacks.

Yard, Front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street right of way and the main building or any projections thereof, other than the projections of uncovered steps. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension. Where a lot has frontage on more than one street right of way, or with street, the front yard shall be considered to be parallel to such street.

Yard, Rear: A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps.

Yard, Side: A yard between the main building and the sideline of the lot and extending from the required front yard line to the required rear yard and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

Yard Sale: See Rummage Sale.

Zoning Certificate: A permit, issued by the Zoning Inspector, authorizing the proposed use of land or structures. See Zoning Compliance Inspection.

Zoning Compliance Inspection: A permit, issued by the Zoning Inspector, which certifies that a proposed use or structure has been inspected and determined to be constructed and occupied in compliance with a previously issued Zoning Certificate. See Zoning Certificate.

Zoning District: See District, Zoning District.

Zoning District Map: The official zoning map of the VILLAGE OF NEWCOMERSTOWN which indicates the locations and extent of the districts as determined by Ordinances adopted by Council.

Zoning Inspector: The Zoning Inspector or his authorized representative appointed by the Council of the VILLAGE OF NEWCOMERSTOWN, Ohio.

ARTICLE 3. DISTRICTS AND GENERAL PROVISIONS

Section 300. Zoning Districts

In order to carry out the provisions of this Ordinance, the Village of NEWCOMERSTOWN is divided into the following general categories of zoning districts (see Article 4):

(a) **"OA" Open Area Districts**

- S-1 Special Conservation District
- A-1 Agriculture District

(b) **"R" Residential Districts**

- R-1 Suburban Residential District
- R-2 Low Density Residential District
- R-3 Moderate Density Residential District
- R-4 High Density Residential

(c) **"B" Business Districts**

- B-1 Local Business District
- B-2 General and Major Street Business District
- B-3 Central Business District

(d) **"M" Manufacturing Districts**

- M-1 Restricted Industrial District
- M-2 General Industrial District

Section 301. Zoning District Map

301.1 Zoning District Map is Part of the Zoning Ordinance.

The boundaries of the districts are shown upon the map, which is made part of this Zoning Ordinance, which map is designated as the "Zoning District Map". This Zoning District Map, together with all the notations, references and other information shown thereon are a part of this Ordinance. The original Zoning District Map, or Official Map, is properly attested and is on file with the Clerk.

301.2 Amendments Are Effective When Noted on Zoning District Map.

No amendment to this Ordinance which involves matters portrayed on the Zoning District Map, shall become effective until after such change and entry has been made on said map. No changes of any nature shall be made on the Zoning District Map except in conformity with the procedures set forth in this Ordinance.

301.3 Zoning District Map is Final Authority on Zoning Status.

The Zoning District Map shall be the final authority as to the current zoning status of land, buildings, and other structures.

Section 302. Zoning District Boundaries

302.1 Boundary Lines Follow Centerlines and Lot Lines.

The zoning district boundary lines on the Zoning District Map are intended to follow, as much as is practical, either centerlines of streets or railroads or lot lines. In the case of unsubdivided property, the District boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions stated on the map.

302.2 Zoning Districts and Vacated Streets.

Whenever any street or other public right-of-way is vacated by an official action of Council, the zoning district adjoining each side of such street or right-of-way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district at the owner's expense. Such amendment shall be noted on the official Zoning District Map.

Section 303. Compliance with Regulations

303.1 Structures and Uses of Land Shall Comply with Zoning Ordinance.

No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformance with all of the regulations herein specified for the district in which it is located.

303.2 Alterations of Structures Shall Comply With Zoning Ordinance.

No building or other structure shall hereafter be erected or altered:

- to exceed the height;

- to fail to meet standards for minimum floor area;
- to accommodate or house a greater number of households;
- to occupy a greater percentage of lot area;
- to have narrower or smaller rear setbacks, front setbacks, side setbacks or other spaces; than herein required;
- or in any other manner contrary to the provisions of this Ordinance.

303.3 Setbacks Shall Conform to Zoning Ordinance.

No setback, yard, or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards, setbacks, or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

303.4 Exceptions May Be Authorized by Board of Zoning Appeals.

Exceptions to these regulations in specific cases may be authorized by the Board of Zoning Appeals of the Village of NEWCOMERSTOWN where, due to physical characteristics of the land, there are practical difficulties or unnecessary physical hardships in carrying out the strict letter of this Ordinance, providing such exception is in harmony with the general purpose and intent of the Ordinance and in accordance with the procedures and provisions specified in Article 18.

Section 304. Interpretation and Conflict

In interpreting and applying the provisions of this Zoning Ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. Nothing in this Ordinance shall be interpreted to repeal, amend, modify, alter, or change any other Ordinance, resolution, rule, regulation or permit previously adopted or issued by the Village of NEWCOMERSTOWN. In any case in which the Zoning Ordinance addresses the same matter which is addressed in another Ordinance of the Village of NEWCOMERSTOWN, the more restrictive regulations shall apply.

Section 305. Separability Clause

If any section, subsection, paragraph, sentence or phrase of this Zoning Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 306. Uses Exempted from Provisions of Ordinance

306.1 Agricultural Structure/Use Exemption.

Nothing contained in this Ordinance shall prohibit the use of any land for agriculture, forestry or plant cultivation, or the construction or use of buildings or structures incident to the use for such purposes of the land upon which said buildings or structures are located. Such exemption shall be recognized by the Village if an Agricultural Structure/Use Exemption Certificate has been filed by the property owner or occupant and inspected and accepted by the Village as provided in this Ordinance. Nothing in this provision shall be interpreted to exempt structures from such requirements as lot size, setbacks, yards,

height, parking and other requirements not specifically confined to the use of land or a structure for an agricultural purpose. The intent of this provision is to recognize structures and uses that are entitled to this exemption, and to exclude structures and uses which are not entitled to this exemption. It is not the intent of this provision to interfere with the use of any land or structures for agricultural purposes. See Article 3, Definitions, Agriculture and Article 16, Agricultural Structure/Use Exemption Certificate.

306.2 Public and Private Utilities.

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business or the use of land for essential services as herein defined shall be permitted in all districts established by this Ordinance and no Zoning Certificate shall be required for any building or structure or for the use of any land essential to the operations of a public utility or railroad.

ARTICLE 4. USE REGULATIONS

Section 400. Use Regulations

400.1 Permitted Uses:

Permitted uses are permitted in districts as listed in Article 4 with a Zoning Certificate issued by the Zoning Inspector.

400.2 Conditional Use:

A conditional use is subject to approval by the Planning Commission prior to the issuance of a Zoning Certificate, in accordance with Article 13 of this Ordinance.

400.3 Interpretation of Similar Uses:

Upon application for a Zoning Certificate for a use that is not specifically permitted in a district, or upon its own initiation, the Planning Commission may make additions or clarifications based on the following standards:

- (a) **Use is Appropriate to the District.** Such a use is appropriate to and conforms closely to the purpose and basic characteristics of the district to which it is added;
- (b) **Use Creates No Danger.** Such a use does not create dangers to health and safety and does not create objectionable influences to an extent greater than other uses permitted in the district to which the use is to be added.
- (c) **Use Does Not Generate Excessive Traffic.** Such a use does not generate traffic to an extent greater than other uses permitted in the district to which the use is to be added.

Section 401. Permitted and Conditionally Permitted Uses by District

The interpretation of uses given in categorical terms shall be defined in Article 3. Uses not specifically listed or interpreted to be included categorically under this Article shall not be permitted except by amendment to the Ordinance.

401.1 "S-1" Special Conservation District.

The purpose of this district is to provide large areas for recreation and conservation purposes, and to limit development in areas subject to periodic flooding.

"S-1" Permitted Uses	Conditional Uses Requiring Approval by Planning Commission
Accessory Use Agriculture Essential Service Forestry Park Plant Cultivation Recreation Facility	Campground Cemetery Mineral Extraction, Storage and Processing Public Service Facility

401.2 "A-1" Agriculture District.

The purpose of this district is to provide areas which are best reserved for outdoor uses, such as agriculture, forestry, mineral extraction and other similar purposes.

"A-1" Permitted Uses	Conditional Uses Requiring Approval by Planning Commission
Accessory Use Agriculture Essential Service Forestry Hobby Vehicle and Machinery Repair Homemade Sales Limited Home Occupation Park Plant Cultivation Single-Family Dwelling	Bed and Breakfast Inn Campground Cemetery Church, Place of Worship Cultural Facility Expanded Home Occupation Mineral Extraction, Storage and Processing Recreation Facility School Specialized Animal Raising and Care

Note: Hobby Vehicle and Machinery Repair and Homemade Sales are permitted as accessory uses only. See Article 3, Article 7.

401.3 "R-1" Suburban Residential District.

The purpose of this district is to provide areas for low density residential development with larger yards, which may or may not have group water and sewerage facilities, and compatible uses which attract limited traffic and activity.

"R-1" Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Essential Service Hobby Vehicle and Machinery Repair Limited Home Occupation Plant Cultivation Single-family Dwelling	Bed and Breakfast Inn Cemetery Church, Place of Worship Expanded Home Occupation Park Public Service Facility

	Recreation Facility School Two-family Dwelling
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Note: Hobby Vehicle and Machinery Repair and Homemade Sales are permitted as an accessory use only. See Article 3, Article 7.

401.4 "R-2" Low Density Residential District.

The purpose of this district is to provide areas for medium density residential development, which is served by group water and sewerage facilities, residential institutions, and compatible uses which attract limited traffic and activity.

"R-2" Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Essential Service Limited Home Occupation Plant Cultivation Single-family Dwelling Two-family Dwelling	Bed and Breakfast Inn Cultural Facility Multiple-family dwelling Professional Office Recreation Facility Nursing Home Park Public Service Facility School

401.5 "R-3" Moderate Density Residential District.

The purpose of this district is to provide areas for relatively higher density residential development, including multiple dwellings, which are served by group water and sewerage facilities, residential institutions, and some nonresidential activities which are convenient to locate near residential areas.

"R-3" Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Essential Service Limited Home Occupation Multiple-family Dwelling Single-family Dwelling Two-family Dwelling	Boarding or Rooming House Church, Place of Worship Cultural Facility Nursing Home Residential Design Manufactured Home (RDMH) Subdivision Park Public Service Facility School

Note: RDMI-1 Subdivisions do not include 'Manufactured Home Parks' as defined in the Ohio Revised Code. For information about requirements and permits for Manufactured Home Parks, contact the Tuscarawas County General Health Department.)

401.6 "R-4" High Density Residential District.

The purpose of this district is to provide areas for highest density residential development and residential institutions served by group water and sewerage facilities, and some nonresidential activities which are convenient to locate in residential areas.

“R-4” Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Essential Service Limited Home Occupation Multiple-family Dwelling Single-family Dwelling Two-family Dwelling	Boarding or Rooming House Child Care Facility Church, Place of Worship Cultural Facility Nursing Home Residential Design Manufactured Home (RDMH) Subdivision Park Public Service Facility School

Note: RDMH Subdivisions and SDMH Mobile Home Parks do not include 'Manufactured Home Parks' as defined in the Ohio Revised Code. For information about requirements and permits for Manufactured Home Parks, contact the Tuscarawas County General Health Department.)

401.7 "B-1" Local Business District.

The purpose of this district is to provide areas for small retail and service establishments in residential districts, where traffic related to businesses will not create undue conflicts with other traffic.

“B-1” Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Assembly Hall Church, Place of Worship Clinic Cultural Facility Essential Service Park Personal Service Professional Office Public and Community Office Restaurant Retail Business School Seasonal Sales	Gasoline Service Station Public Service Facility

Note: See Article 5 for floor area standards.

Note: Seasonal Sales require approval by the Zoning Inspector- See Section 1106.

401.8 "B-2" General and Major Street Business District:

The purpose of this district is to provide areas for sales and services along major streets with relatively high volumes of traffic.

“B-2” Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Assembly Hall Automotive, Recreational Vehicle, Trailer Sales Automotive Repair Business Service Church, Place of Worship Clinic Cultural Facility Essential Service Farm Implement Sales and Service Hospital Gasoline Service Station Motel or Hotel Public Service Facility Restaurant Retail Business Seasonal Sales Tavern	Animal Hospital Clinic Drive-in Use Drive-through Use Mortuary or Funeral Home Outdoor Sales Outdoor Storage Recreation Facility Transport and Trucking Terminal Truck Stop Wholesale Business

Note: Seasonal Sales require approval by the Zoning Inspector. See Section 1106.

401.9 "B-3" Central Business District:

The purpose of this district is to maintain compact areas where pedestrian circulation is encouraged, and for retail and service establishments at the traditional commercial core of the Village.

“B-3” Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Assembly Hall Business Service Church, Place of Worship Clinic Cultural Facility Essential Service Hospital Motel or Hotel Restaurant Tavern Park Personal Service Professional Office Public and Community Office Retail Business School Seasonal Sales	Drive-in Use Drive-through Use Entertainment Facility Gasoline Service Station Public Service Facility

Note: Seasonal Sales require approval by the Zoning Inspector. See Section 1106.

401.10 “M-1” Restricted Industrial and Manufacturing District:

The purpose of this district is to provide areas for manufacturing, industrial, and related uses which do not create traffic, noise, dust, odor, light, or similar impacts which may be disruptive to neighbors, and where there is access to streets.

“M-1” Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Essential Service Food Processing Professional Office Public Service Facility Research and Testing Facility Restaurant Restricted Manufacturing Storage Unit Warehouse Wholesale Business	Oil and Gas Extraction Outdoor Sales Outdoor Storage Transport and Trucking Terminal Truck Stop

401.11 “M-2” General Industrial and Manufacturing District:

The purpose of this district is to provide areas for manufacturing, industrial, and related uses, and which are isolated from neighboring uses which may be disrupted by traffic, noise, dust, odor, light, or similar impacts, and where there is access to intercommunity streets.

“M-2” Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Essential Service Food Processing General Manufacturing Grain Elevator and Fee Mill Public Service Facility Restaurant Restricted Manufacturing Storage Unit Transport and Trucking Terminal Warehouse Wholesale Business	Auto Wrecking, Salvage and Storage Mineral Extraction, Storage and Processing Oil and Gas Extraction Outdoors Sales Outdoor Storage Recycling Center or Salvage Operation

ARTICLE 5. REQUIREMENTS FOR LOTS, STRUCTURES AND SETBACKS

Section 500. Basic Setback, Area and Height Requirements for Dwellings

The following table establishes setback, area and height requirements for dwellings and structures accessory to dwellings by district: ("w/o S&W" means "individual water and individual sewage disposal system"; "w/ S&W" means "municipal water and group sewage disposal system.")

Note that 'Minimum Lot Area' and 'Minimum Lot Area per Dwelling' are two different measures. The effect is that Minimum Lot Area for an SFR is higher than the minimum area for 2FRs, MFRs, Efficiencies, etc.

District	Density DU/Ac	Minimum Lot Area (sq ft)	Minimum Lot Width (feet)	Minimum Lot Area per Dwelling (square feet)	Minimum Setback (feet)		Minimum Setback Width (feet)		Maximum Height of Buildings	
					Front	Rear	Either Side	Sum of Side Setbacks	Stories	Feet
A-1	1.4	30,000	150	30,000	60	60	25	60	2-1/2	35
R-1: w/o S&W	2.1	1.5 acres	90	1.5 acres	50	40	12	30	2-1/2	35
R-1: w/ S&W	2.9	15,000	90	15,000	50	40	12	30	2-1/2	35
R-2	6.2	13,000	85	7,000	35	40	10	25	2-1/2	35
R-3	8.7	9,000	70	5,000	30	30	6	15	3	40
R-4	8.7	5,000	50	5,000	30	30	6	15	3	40

Section 501. Residential Floor Area Requirements (Newcomerstown).

The residential floor area per unit in dwellings erected on any lot shall not be fewer square feet than that established by the following table.

Districts	SFR	2FR	Multiple Family Dwellings				Average of all units in project
			Efficiency	1 bedroom	2 bedrooms	3 or more bedrooms	
A-1	1,000	1,000	--	--	--	--	
R-1	1,200	1,000	--	--	--	--	
R-2	1,100	900	400	540	700	900	750
R-3	1,000	800	320	480	600	720	650
R-4	1,000	800	320	480	600	720	650

Section 502. Dimensional Standards for SDMH Mobile Home Parks (Newcomerstown)

The following table contains standards for Standard Design Manufactured Housing in Mobile Home Parks. See Article 8. SDMH Mobile Home Parks do not include 'Manufactured Home Parks' as defined in

the Ohio Revised Code. For information about requirements and permits for Manufactured Home Parks, contact the Tuscarawas County General Health Department.

Minimum Project Area	Minimum Lot Area (sq ft)	Minimum Lot Width (feet)	Minimum Floor Area (square feet)	Minimum Clearance Between SDMH's (feet)	Minimum Setback from Property Boundaries of Mobile Home Park	Minimum Recreation Area (whichever is least)
3 acres	5,500	50	600	30	50	20% gross park area or 3 acres

Section 503. Basic Setback, Area, Lot Coverage and Height Requirements for All Buildings Other Than Dwellings (Newcomerstown)

The following table establishes the setback, area, lot coverage and height requirements for all buildings except dwellings and structures accessory to dwellings by districts. ("w/o S&W" means "individual water and individual sewage disposal system"; "w/ S&W" means "municipal water and group sewage disposal system.")

District	Minimum Lot Area	Minimum Lot Width (feet)	Front Setback (feet)		Minimum Rear Setback	Minimum Width Each Side Setback	Maximum Percentage of Lot Coverage	Maximum Height of Buildings	
			Min	Max				Stories	feet
S-1	3 acres	250	60	None	60	50	15	3	45
A-1	30,000	90	50	None	40	15	15	3	45
R-1: w/o S&W	20,000	90	50	None	40	15	10	2 ½	35
R-1: w/S&W	15,000	90	50	None	40	15	10	2 ½	35
R-2	13,000	85	35	None	40	12.5	35	2 ½	35
R-3	9,000	70	30	None	30	7.5	30	3	40
R-4	9,000	70	30	None	30	7.5	30	3	40
B-1	10,000	80	0	5	20	0	80	2	35
B-2	20,000	120	0	60	40	30	35	3	45
B-3	20,000	120	0	5	20	0	80	3	45
M-1	1 acre	200	0	50	40	30	35	3	45
M-2	1 acre	200	0	50	40	30	35	3	45

503.1 B-1 Uses Limited to 10,000 Square Feet in B-1 District.

All uses in the B-1 district are limited to 10,000 square feet of floor area, including the area of all buildings, and including the area where permitted uses are conducted outdoors.

Section 504. Setback of Buildings on Specified Streets

No building or accessory structure shall be located within fifty (50) feet from the right-of-way of any designated state highway or any proposed right-of-way for such state highway as shown on the Thoroughfare Plan adopted by the Village of Newcomerstown. Where there is no officially established

right-of-way for a street, all buildings and structures shall be set back at least eighty (80) feet from the centerline of the street.

Section 505. Special Setback Requirements in All Districts

505.1 No Accessory Buildings or Uses in Front or Side Setbacks.

No accessory buildings or uses shall be located in any front or side setback. Off-street parking spaces may be located in the rear setback provided such building is set back at least three (3) feet from the side lot lines and six (6) feet from the rear lot lines.

505.2 No Parking or Storage in Front Setbacks.

No accessory uses or structures, off-street parking spaces or material or equipment storage shall be located in any front setback.

505.3 Traffic Visibility Across Corner Lots

In any district on any corner lot, no fence, structure, or planting shall be erected or maintained within thirty (30) feet of the street corner at height above two and one-half (2½) above curb or street grade, or so as to interfere with traffic visibility across the street corner.

505.4 Interpretation of Required, Permitted or Prohibited Uses or Structures in Required Setbacks.

For the purposes of this Ordinance, regulations for areas of overlapping setbacks shall be interpreted as stated below. Any exceptions to this section are specifically stated in this Ordinance.

- Where a use, structure landscaping or similar feature is required to be located in a specified setback, the entire setback shall be counted, including areas which overlap with required side, front or rear setbacks.
- Where a use, structure, landscaping of similar feature is permitted to be located in a specified setback, only that portion of the setback which does not overlap other required front, rear and side setbacks shall be counted.
- Where a use, structure landscaping or similar feature is prohibited to be located in a specified setback, the entire setback shall be counted, including areas which overlap with required side, front or rear setbacks.

Section 506. Side and Rear Setback Requirements for Nonresidential Uses Abutting "R" Districts

The purpose of this section is to provide sufficient separation between uses on different properties to provide emergency access, and to minimize conflicts in appearance, traffic, noise, and other impacts where residential and nonresidential uses are located near one another.

506.1 Minimum Setback Requirements for Non-residential Uses:

Non-residential structures or uses shall not be located nor conducted closer to any lot line of an "R" District than the distance specified below. Where different setbacks are required in other sections of this Ordinance, the greater distance shall apply.

- A. **Open Area and Business Uses:** Uses in all "OA" and "B" districts which are located adjacent to property in "R" districts shall be setback a minimum of 30 feet from the residentially zoned

property. The area in the setback shall be buffered in accordance with the requirements of this Article.

- B. **Manufacturing Uses:** Uses in all "M" districts which are located adjacent to property in "R" districts shall be set back a minimum of 40 feet from the adjacent residential property line. The area in the setback shall be buffered in accordance with the requirements of this Article.
- C. **Storage and Accessory Uses:** The required setback may not be used for storage or other operations associated with the use.
- D. **Areas for Outdoor Sales and Outdoor Storage.** Outdoor Sales and Outdoor Storage shall conform to all setback requirements. No Outdoor Sales or Outdoor Storage shall be conducted in the setback.

506.2 Landscaping or Screening Provisions for Nonresidential Uses Near "S" and "R" Districts: For nonresidential uses abutting "S" and "R" Districts, landscaping or screening shall be installed as follows:

- (a) **Screening**, when used to buffer adjacent residential property, shall consist of any combination of landscaping, mounding, and/or fencing. Screening shall be maintained in good condition. Plant material shall be replaced when necessary to maintain the minimum requirements of screening.
- (b) **Landscaping** shall consist of a strip of land no less than fifteen (15) feet in width planted with evergreen material which shall provide a minimum four (4) foot-high opaque appearance. The evergreen material may be supplemented by deciduous plants and trees.
- (c) **Mounding** shall be a minimum of four (4) feet in height and graded at a slope that can be maintained. All mounds shall be planted to prevent erosion.
- (d) **Fencing** shall consist of a masonry or solid fence between four (4) and six (6) feet in height, maintained in good condition and free of all advertising or other signs.
- (e) **Zoning Compliance Inspection:** No Zoning Compliance Inspection shall be issued until the landscaping or screening is installed.

Section 507. Side Setback Requirements to Provide Emergency Access in "B" Districts

In the "B-1", "B-2" and "B-3" Districts, when there is no vehicular access to the rear setback from a public street, alley, or from an adjacent lot with such access, at least one side set back no less than twelve (12) feet shall be required. Landscaping, mounding, fencing and other features shall not impede emergency vehicle access. The Zoning Administrator may, under advisement by the Fire Chief, Police Chief or other public safety official, require additional fire lanes or setbacks to facilitate public safety and emergency access.

Section 508. Structures Exempt from Height Restrictions

The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, storage towers or scenery lofts in theaters, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smokestacks, conveyors, and flagpoles, except where the height of such structures shall constitute a hazard to the safe landing and take-off at an established airport.

Section 509 Architectural Projections Into Setbacks

Open structures such as porches, balconies, platforms, carports, and covered patios and similar architectural projections shall not project into the required minimum front, side and rear setback. Ordinary projections of sills, belt courses, roof eaves, cornices, and similar structural and ornamental features may extend to a distance not to exceed eighteen (18) inches into a required setback.

Section 510. Existing Lots of Record

Any lot of record forty-nine and one-half (49 ½) feet or wider existing at the effective date of this Ordinance in any “R” District may be used for the erection of a single-family dwelling even though this area and width are less than the minimum requirements set forth herein. Each side setback shall be a minimum of five (5) feet. Where two adjacent lots of record with less than the required area and width are held by one owner, the lot shall be combined and used for one (1) main building. In either case, the prevailing front setback shall be met.

Section 511. Lot Size Reduction Prohibited

No lot existing at the effect date of this Ordinance shall be reduced in dimensions or area below the minimum requirements herein. Lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 512. Restriction on Dividing A Residential Structure Into More Dwelling Units.

No existing residential structure existing at the effective date of this Ordinance shall be subdivided to create additional dwelling units or boarder suites which do not conform to the minimum requirements herein. Dwelling units and boarder suites created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

ARTICLE 6. OFF STREET PARKING AND LOADING

Section 600 Off-street Parking Requirements:

The purposes of this section are as follows:

- To encourage sufficient off-street parking for the convenience of property owners, occupants and visitors;
- To provide sufficient off-street parking for peak times, peak seasons, etc.
- To minimize conflicts between on-street parking and traffic;
- To discourage unauthorized parking on nearby private property or use of parking spaces intended for other establishments; and
- To provide visual buffers between parking areas and parking residential uses.

It is not the intention of this section to require more parking than is necessary, which could use land inefficiently and create an undesirable appearance of excessive parking areas.

600.1 General Requirements for Off-street Parking:

In all districts; and in connection with every industrial, business, manufacturing, recreational, residential, or other use; and at any time; any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces shall be provided in accordance with the following requirements.

- (a) **Dimensions of Parking Spaces.** Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet and a minimum width of nine (9) feet. Such area shall be exclusive of access drives or aisles and shall be usable shape and condition.
- (b) **Access to Parking Spaces.** There shall be adequate provision for ingress and egress to all parking spaces. Where a lot abuts on a public or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width in the case of a dwelling, and not less than twenty (20) feet in width in all other cases, leading to the parking or storage or loading or unloading spaces required hereunder.
- (c) **Location of Access Drives.** Access drives shall be located such that they are the maximum distance possible from all street intersections.
- (d) **Access Drives Near Residential Districts.** Access to property zoned in "OA", "B" or "M" districts shall not be located in any residential zoning district.

600.2 Number of Parking Spaces Required for Each Use:

The Number of off-street parking spaces to be provided shall not be less than the following ("sq ft" means "square feet.")

Use	Required Number of Off-street Parking Spaces
Institutional-Type Uses	
Assembly hall, meeting room, classroom (not in a school)	1 space for each 4 seats in each assembly room, meeting room or classroom with fixed seats, or 1 space per each 100 sq ft in such room without fixed seats
Child Care facility	1 space per each 300 square feet
Church, place of worship	1 space per each 5 seats in main auditorium
Clinic	1 space per each 200 sq. ft. of floor area
Cultural facility	1 space per each 300 sq. ft. of floor area
Hospital	1 space per each 3 in-patient beds, plus 1 space per each 200 sq. ft. of outpatient treatment areas. Plus, 1 space per each 400 sq. ft. of administrative office space.
Nursing home	1 space per each 3 beds
School, primary	1 space per each 5 seats in auditorium or main assembly room, or 1.5 for each classroom, whichever is greater. Plus, 1 space per each 400 sq. ft. of administrative office space.
School, secondary or adult	1 space per each 5 seats or bench seats in main auditorium, or 4 spaces per each classroom, whichever is greater. Plus, 1 space per each 400 sq. ft. of administrative office space.
OFFICE-TYPE USES	
Medical, dental office	1 space per each 200 sq. ft. of floor area
Public and community office	1 space per each 200 sq. ft. of floor area
All other professional offices	1 space per each 300 sq. ft. of floor area

BUSINESS-TYPE USES	
Animal hospital or clinic	1 space per each 200 sq. ft. of floor area, excluding kennel area.
Automotive Repair	2 spaces per each service bay
Business service, personal service, retail business, under 10,000 sq. ft.	1 space per each 250 sq. ft. of floor area
Business service, personal service, retail business, over 10,000 sq ft	1 space per each 500 sq. ft. of floor area. Plus, 1 space per each 1,000 feet of warehouse area
Drive-in use	1 space per 300 sq. ft. of floor area. Plus, 100 percent of spaces required for other uses associated with the establishment.
Drive-through use	1 space per 300 sq. ft. of floor area. Plus, 100 percent of spaces required for other uses associated with the establishment. No drive-through traffic shall be permitted to queue off the premises or in any street.
Use	Required Number of Off-street Parking Spaces
Gasoline service station	1 space per each gasoline pump plus 2 spaces per each service bay. Plus, spaces required for other uses associated with the establishment
Mortuary or funeral home	1 space per each 50 sq ft of floor space in public rooms
Motel, hotel	5 spaces. Plus, 1 space per each guest suite. Plus, 50 percent of spaces otherwise required for other uses associated with the establishment.
Restaurant, tavern	1 space per each 100 sq. ft. of floor area
MANUFACTURING -TYPE USES	
Food processing, general manufacturing, research and testing facility, restricted manufacturing, wholesale business	1 space per each 500 sq. ft. of floor area
Warehouse	2 spaces, plus 1 space per each 2,000 sq. ft. of floor area
RECREATION-TYPE USES	
Auditorium (not on the same site as a school), theater, arena, stadium	1 space per each 5 seats or bench seats
Bowling alley	5 spaces per each alley. Plus, 50 percent of spaces required for other uses associated with the establishment
Golf course	4 spaces per each green. Plus, 50 percent of the spaces otherwise required for other uses associated with the establishment
Other entertainment facilities	1 space per each 150 sq. ft. of floor area. Plus, 50 percent of the spaces otherwise required for other uses associated with the establishment
RESIDENTIAL-TYPE USES	
Dwelling unit, all types	2 spaces per unit

(Excludes “Manufactured Home Parks” as defined in the Ohio Revised Code. For more information, contact the Tuscarawas Couty General Health District.)	
Boarding or Rooming House	2 spaces per principal dwelling, plus 1 space per each boarder suite. In all cases, all vehicles parked by residents of the boarding house shall be parked on the premises.
Expanded Home Occupation	2 spaces per dwelling, plus spaces required for the type of accessory use in the Expanded Home Occupation (example, office, personal service, etc.), including 1 space for an employee.
Bed and Breakfast Inn	2 spaces per dwelling, plus 1 space per each guest suite.
LARGE AREA-TYPE USES	
Agriculture, airport, automotive/recreational vehicle/trailer sales, campground, cemetery, farm implement sales and service, forestry, grain elevators and fee mill, homemade sales, mineral extraction-storage-processing, oil and gas extraction, park, plant cultivation, recreation facility, recycling center or salvage operation, seasonal sales, specialized animal raising and care, transportation and trucking terminal, truck stop, and similar uses.	Because such uses generally involve large areas of land which is physically suitable for parking, all vehicles associated with establishment must be parked on-site at all at times.

600.3 Interpretation of Off-Street Parking Requirements

The following rules shall govern the determination of spaces required:

- A. **Determining Parking Requirement Based on Floor Area.** “Floor Area” shall mean the gross floor area of the specified use, including outdoor areas where the use is conducted, and all buildings.
- B. **Determining Required Parking for Fractions.** Fractional numbers of the total number of required parking spaces shall be increased to the next whole number.
- C. **Calculating Parking Required for Multiple Uses.** Unless described differently in this Article, where more than one use is present in one establishment, and the floor area devoted to each use may be separately determined, the total number of spaces required shall be the sum of the individual requirements. Where multiple uses are combined in an establishment in such a way that separate floor areas cannot be calculated, the standard for the use requiring a greater number of spaces shall apply. See modification of Parking Requirements in this Article.
- D. **Calculating Parking Required for Bench Seating.** The number of seats on benches shall be calculated as one (1) seat per each thirty (30) inches of bench length for purposes of calculating required off-street parking.
- E. **Calculating Parking Required Per Bed.** The number of beds shall be the maximum number of beds for which a facility is licensed for purposes of calculating required off-street parking. Documentation of the number of licensed beds shall be submitted with

the application for Zoning Certificate and with the application for the Zoning Compliance Inspection.

- F. **Calculating Parking Required for Outdoor Sales and Outdoor Storage.** Areas for Outdoor Sales and Outdoor Storage shall be counted in total floor area and for purposes of determining required off-street parking.
- G. **Determining Parking Required for Uses Not Specifically Mentioned.** The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Zoning Inspector.

Section 601. Special Parking Provisions

Every parcel of land hereafter used as a public or private parking lot shall be developed and maintained in accordance with the following requirements.

601.1 Screening and Landscaping for Off-street Parking:

Off-street parking areas for more than ten (10) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any "R" District by a fence. Such fence shall not be less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the lot line of the adjoining premises in any "R" District shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted.

601.2 Setbacks for Off-street Parking:

Off-street parking areas shall be subject to the following distance and setback requirements:

- A. **Buffers Between Parking and Dwellings or Other Uses:** No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling, school, hospital, or other establishment for human care, unless screened in accordance with the provisions of this Article.
- B. **Parking Setback from Street.** In no case shall any part of a parking area be closer than five (5) feet to any established street or alley right-of-way.

601.3 Surfacing for Off-street Parking:

Any off-street parking area for more than ten (10) vehicles shall be so graded for proper drainage and drained as to dispose of all surface water accumulated within the area and surfaced so as to provide a durable and dustless surface and shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking and storage of vehicles.

601.4 Lighting for Off-street Parking:

Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect/deflect the light away from adjoining premises and the public right-of-way.

601.5 Parking Disabled Vehicles:

The parking of an unlicensed or disabled vehicle within any district for a period of more than two (2) weeks shall be prohibited, except that such vehicle may be stored in an enclosed building, or out-of-doors on a premises operated by a licensed vehicle dealer.

601.6 Commercial Vehicles Parked in Residential Districts.

Not more than one (1) commercial vehicle may be parked by the occupants of each dwelling unit in any "R" district. The commercial vehicle shall not exceed two (2) ton capacity.

Section 602. Handicapped Parking Regulations Enforced by Zoning Inspector

Handicapped parking spaces shall be provided as required by the American with Disabilities Act. Such requirements shall be enforced on behalf of the Village by the Zoning Inspector. In no case may federal requirements for handicapped parking facilities be decreased by an official of the Village of Newcomerstown. However, in some cases in which the Planning Commission or Board of Zoning Appeals has authority, the Planning Commission or BZA may determine that more handicapped parking facilities are required to fulfill handicapped parking needs generated by a specific use.

Section 603. Parking or Storage of Recreational Vehicles and Trailers

The parking of recreational vehicles or recreational trailers shall be prohibited in any residential district for forty-eight (48) hours or a longer period of time except that such vehicles, trailers and boats may be stored in an enclosed garage or other accessory building or parked in the rear yard of a residential property, provided:

- A. **Use for Living or Business During Storage Prohibited.** That in all cases no living quarters shall be maintained or any business conducted within while the vehicle, trailer or boat is stored or parked.
- B. **Used by Resident Occupants Only.** The recreational vehicle or trailer is owned by and used for the sole benefit and enjoyment of the resident occupants of the property on which it is stored or parked. Parking and storage of such vehicle or trailer belonging to a non-resident of the premises is prohibited. Rental of such vehicle or trailer to a non-resident of the premises on which it is parked or stored is prohibited. The repair of one vehicle, large machine, or similar object as an accessory use to a dwelling. Examples include, but are not limited to, an automobile, truck, trailer, boat, motor, tool, or similar machinery. The term 'hobby' is not intended to imply anything about the use of the vehicle, machine or object for recreation, regular transportation, business, etc. Hobby Vehicle and Machinery Repair is permitted as an accessory use to a dwelling, according to the restrictions in this section, and in districts as described in Article 4. Repair may be conducted as a hobby, not for profit, at the residence as long as it does not become a nuisance. Repair work may not be conducted in the front setback and may not be conducted outdoors for more than seven (7) consecutive days. At other times, repair work may be conducted within an enclosed structure. Vehicles, Machinery, and Objects kept outdoors must be entirely covered when repair work is not being conducted. See Article 3, Definitions and Article 6, Parking Disabled Vehicles. A variance can be applied for if more than seven (7) days are required.
- C. **Setbacks of Storage Area.** The vehicle, trailer or boat shall not be parked closer than five (5) feet to the side or rear lot lines of the property on which it is stored or parked.

Section 604. Off-Street Loading Requirements

604.1 Uses Requiring Loading Spaces.

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) square feet or less, which is to be occupied by uses including a Clinic, Hospital, Mortuary or Funeral Home, Research and Testing Facility, Restaurant, Retail Business, School, Tavern, Warehouse Business, Wholesale Business or other use requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) loading space, plus one (1) additional such loading space for each additional twenty thousand (20,000) square feet or major fraction thereof of gross floor area.

604.2. Dimension of Loading Spaces.

Each loading space shall be not less than twelve (12) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height.

604:3 Loading Spaces in Side and Rear Setbacks.

Loading spaces may occupy any required side or rear setback, excluding any areas which overlap the front setback, except as required by this Article.

604.4 Loading Spaces Near Residential Districts.

No loading space shall be located closer than fifty (50) feet to any other lot in any "R" District, unless wholly within a completely enclosed building or unless enclosed on all sides facing lots in any "R" District by a wall or fence not less than six (6) feet in height.

Section 605. Modification of Parking Requirements.

The BZA may permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification shall not be inconsistent with the purpose and intent of such requirements. See Board of Zoning Appeals, Article 18.

605.1 Off-site Parking for a Dwelling.

The BZA may permit the waiver of the requirement that off-street parking spaces be provided on the same lot with a dwelling, if other suitable and convenient off-street parking space is available within a structure or outdoors.

605.2 Providing Off-street Parking for a Non-residential Use on Another Site:

Parking spaces may be located on a lot within three hundred (300) feet from the one containing the principal non-residential use. Such parking provision shall be required which is agreed to by the operator and owner of such property where the principal use is located, and the operator and owner of the property where parking is to be provided. Such agreement is subject to approval by the BZA and the Village Solicitor.

605.3 Joint Use of Off-street Parking (Joint Parking Agreement):

The BZA may permit two or more nonresidential uses which are not located on the same premises to jointly provide and use off-street parking spaces (for example, by stores during the day and theaters during the evening) provided there is no overlapping of use and the parking space requirements for each use are complied with during each period. A joint parking agreement shall be required which is agreed

to by the operators and owners of such properties where the uses are located, and the operator and owner of the property where parking is to be provided. Such agreement is subject to approval by the BZA and the Village Solicitor.

605.4 No Decrease in Handicapped Parking Requirements.

Under no circumstance shall the BZA authorize the decrease in handicapped parking facilities as required by the Americans with Disabilities Act. However, in some cases the BZA may find that additional facilities are required to meet the need for handicapped parking generated by a specific use.

605.5 Avoid Creating Insufficient Parking for Future Uses.

The BZA shall consider the future potential use of structures in reviewing applications to modify parking requirements. The intent of this provision is to avoid restricting the future use of a structure or premises for similar, and reasonably foreseeable, uses which require more parking. For example, a modification to reduce parking requirements for a senior housing project might create a future problem if the project is eventually occupied by a mix of seniors and other people who generate more need for parking, if there is no space available to provide additional parking.

605.6 Expiration of Parking Modification

A modification of parking requirements approved by the BZA shall expire if the parking plan has been conducted, and subsequently discontinued for six (6) months.

ARTICLE 7. REQUIREMENTS FOR RESIDENTIAL USES

Section 700. Restrictions on Hobby Vehicle and Machinery Repair

Hobby Vehicle and Machinery Repair is permitted as an accessory use to a dwelling, according to the restrictions in this section, and in districts as described in Article 4. Repair may be conducted as a hobby, not for profit, at the residence as long as it does not become a nuisance. Repair work may not be conducted in the front setback and may not be conducted outdoors for more than seven (7) consecutive days. At other times, repair work may be conducted within an enclosed structure. Vehicles, Machinery, and Objects kept outdoors must be entirely covered when repair work is not being conducted. See Article 3, Definitions and Article 6, Parking Disabled Vehicles. A Variance can be applied for if more than seven (7) days are required.

Section 701. Fences and Planting Screens in "R" Districts

For residential uses in any "R" district, fences, plant material and similar screening devices up to three (3) feet in height are permitted in yards fronting on a street. These same screening devices up to six (6) feet in height are permitted in the remaining yards.

ARTICLE 8. REQUIREMENTS FOR MANUFACTURED HOMES

Note: Manufactured Housing Developments, RDMH Subdivisions and SDMH Mobile Home Parks do not include 'Manufactured Home Parks' as defined in the Ohio Revised Code. The ORC imposes special requirements on sites for certain types of manufactured housing in which three or more units are placed on a single lot, and other criteria. In general, Manufactured Home Parks are more like SDMH Mobile Home Parks. The Village zoning regulations will probably apply to parks in which the owners of individual homes also own the property on which the unit is located, and the County health district

would regulate parks where the lots are rented or leased. This paragraph is intended to encourage further study of the laws, and not to be a definitive explanation. For more information about requirements and permits, it is recommended that applicants contact both the Village Zoning Inspector and the Tuscarawas County General Health District.

Section 800. Planning Commission Approval Required for All Manufactured Homes

All Manufactured Homes, RDMH Subdivisions and SDMH Mobile Home Parks shall require approval by the Planning Commission prior to the issuance of a Zoning Certificate, subject to the provisions of this Article. (Note: Contact the Tuscarawas County General Health District for further information about 'Manufactured Home Parks'.)

Section 801. Design Standards for Residential Design Manufactured Homes (RDMH) and RDMH Subdivisions

Manufactured homes approved as Residential Design Manufactured Homes (RDMH), shall be permitted subject to requirements and limitations applying generally to such residential use in the districts, including, for example, minimum lot, setback and building spacing, percentage of lot coverage, off-street parking requirements and approved foundations as described in this Ordinance. The following standards shall be used in determinations of similarity in appearance between RDMH homes and site-built housing which has been constructed in adjacent or nearby locations. (Note: Contact the Tuscarawas County General Health District for further information about 'Manufactured Home Parks'.)

- A. **Minimum Width of Main Body.** Minimum width of the main body of the RDMH as located on the site shall not be less than twenty feet, as measured across the narrowest portion, excluding any off-setting of portions of the home'.
- B. **Minimum Roof Pitch, Minimum Roof Overhang; Roofing Materials.** Minimum pitch of the main roof shall be not less than one foot to rise for each four (4) feet of horizontal run and minimum roof overhang shall be one (1) foot. In cases where site-built housing generally has been constructed in adjacent or nearby locations with roof pitches less than 1:4 and/or roof overhangs are less than one foot, then the RDMH may have less roof pitch and overhang similar to the site-built houses. Roofing material may be used which is generally used for site-built houses in adjacent or nearby locations.
- C. **Exterior Finish; Light Reflection.** Any material may be used for exterior finish which is generally acceptable for site-built housing which has been constructed in adjacent or nearby locations, provided however that reflection for such exterior shall not be greater than from siding coated with clean white gloss exterior enamel.
- D. **Approved Foundations Required.** No RDMH shall be placed on a site until foundation plans have been approved by the Zoning Inspector as to the appearance and durability of the proposed foundation and being acceptable, similar, or compatible in appearance to foundations of residences built on adjacent or nearby sites. No RDMH shall be occupied until the Zoning Inspector has verified that the unit has been installed in conformance to the approved foundation plan.
- E. **Site Orientation of The Manufactured Home.** RDMH shall be placed on lots in such a manner as to be compatible with and reasonably similar in orientation to the site-built housing which has been constructed in adjacent or nearby locations.
- F. **Garages, carports.** In residential neighborhoods where adjacent or nearby to site-built homes includes garages and/or carports, a RDMH shall be required to be provided with a garage and/or carport compatible with the RDMH and the site-built garages and/or carports constructed in adjacent or nearby locations.

Section 802. Site Design for Standard Design Manufactured Homes (SDMH) Mobile Home Parks

Standard Design Manufactured Homes (SDMH) shall be permitted only in a SDMH Mobile Home Parks. Such parks shall be constructed to meet the minimum requirements of the Subdivision Regulations of the Village of Newcomerstown, Article 5 of the Zoning Ordinance, and shall conform to the following requirements: (Note: Contact the Tuscarawas County General Health District for further information about 'Manufactured Home Parks'.)

- A. **Vehicular Access.** Mobile home parks shall provide direct vehicular access to the development by means of an abutting improved public street. Each development shall be provided with streets for complete and uninterrupted traffic circulation within the boundaries.
- B. **Parking.** Mobile home parks shall provide off-street parking spaces for each manufactured home as required in Article 6 of this Ordinance. In addition, one such parking space shall be provided at each site.
- C. **Recreation and Open Space.** Mobile home parks shall provide for not less than ten (10) percent of the gross site area shall be used for open space, excluding space for community buildings and community use facilities, adult recreation and child play areas and swimming pools. Where practical, recreational facilities shall be centrally located. Land set aside for such open space or recreation purposes shall be subject to legally enforceable reservations and restrictions which shall ensure the preservation of the land in perpetuity and absolutely prohibit development of such land except for permitted recreational use by the owners and residents without profit. No area to be computed as recreation space shall have a dimension less than 20 feet, measured in any direction. Such space shall not be used for parking.
- D. **Health Department Regulations.** Mobile home parks shall conform to all County and State Health Department requirements. (Note: Contact the Tuscarawas County General Health District for further information about 'Manufactured Home Parks'.)
- E. **Skirting.** Each unit shall have a screen over the space beneath it such as skirting or other appropriate means.
- F. **Landscaping.** Mobile home parks shall be landscaped with lawns and plantings, including appropriate trees.
- G. **Buffers Between Neighboring Uses.** Mobile home parks shall provide for effective screening of the premises on all sides by means of walls, fences, or plantings. Walls or fences shall be a minimum of three (3) feet and a maximum of six (6) feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted.

Section 803. Replacement of Manufactured Homes

Manufactured homes and similar structures, and mobile home parks and similar developments which were approved prior to the adoption of this Ordinance may be modified or replaced with a Replacement Manufactured Home Permit authorized by the Planning Commission prior to the issuance of Zoning Certificates and shall be subject to certain requirements as follows: (Note: Contact the Tuscarawas County General Health District for further information about ('Manufactured Home Parks'.) New manufactured homes cannot be more than 10 years old. Variances can be requested if more than 10 years old but must be approved after inspection.

803.1 Replacement of Units in Legal, Non-conforming Mobile Home Parks.

All mobile home parks or similar developments approved prior to the adoption of this Ordinance shall be legal non-conforming developments and shall be exempt from these regulations for minimum lot size, both area and width and minimum setbacks when permits are requested for replacement of existing manufactured homes or older units, provided, however, that the replacement units are RDMH or SDMH as defined in this Ordinance.

803.2 Replacement of Legal, Non-conforming Units Not Located in Mobile Home Parks.

All mobile homes, trailers, or similar portable residential structures approved prior to the adoption of this Ordinance, and not located in a mobile home park or similar development, shall be legal non-conforming structures. In the event that an existing unit is to be replaced, the replacement unit must be an RDMH as defined in this Ordinance.

- A. **Legal, Nonconforming Unit Removed for 3 Months Shall Not be Replaced with an SDMH.** A mobile home, trailer or similar portable structure which is a legal, nonconforming structure which is removed for a period of six (6) months shall not be used for an SDMH (Standard Design Mobile Home).

803.3 Expiration of a Replacement Manufactured Home Permit.

A Replacement Manufactured Home Permit shall expire after six (6) months if a replacement home is not placed on the site.

ARTICLE 9: REQUIREMENTS FOR HOME OCCUPANTS

Section 900. Limited Home Occupations

The following regulations shall apply to Limited Home Occupations. Limited Homes Occupations are a permitted use as provided in Article 4 and require a Zoning Certificate and Zoning Compliance Inspection as provided in Article 16. See Article 3, Definitions.

- A. **Limited to Residents Only.** No person other than residents of the dwelling unit shall be engaged in the Limited Home Occupation;
- B. **Home Occupation Conducted Within the Dwelling Only.** The Limited Home Occupation shall be conducted wholly within the dwelling, and not within any accessory structure or out-of-doors. Such home occupation shall be clearly incidental and subordinate to the use for residential purposes by the dwelling unit occupants, and not more than twenty-five percent (25%) of floor area of the dwelling shall be used in the conduct of the home occupation.
- C. **Equipment.** No mechanical or other equipment is to be utilized in the Limited Home Occupation except that which is necessarily, customarily, or ordinarily used for household purposes.
- D. **No Change in Residential Appearance.** There shall be no change in the outside appearance of the building or premises, or other evidence of the conduct of a Limited Home Occupation, including, for example, noise and additional parking.
- E. **No Storage or Sale of Goods.** There shall be no keeping of stock in trade, or sale of goods in connection with the Limited Home Occupation.
- F. **No Additional Traffic or Parking Need.** No traffic or need for parking shall be generated by the Limited Home Occupation in greater volume than would normally be expected in residential neighborhoods.

- G. **Sign.** Signs announcing the Limited Home Occupation shall be permitted as pursuant to sign ordinance in Ordinance 09-2020.

Section 901. Expanded Home Occupations

The following regulations shall apply to Expanded Home Occupations. Such approved uses are a conditionally permitted use as provided in Article 4, and are subject to Planning Commission approval prior to the issuance of Zoning Certificates, as provided in Articles 13 and 17. Sec Definitions, Article 3.

- A. **Limited to Residents and One Employee.** The home occupation must be conducted by at least one resident of the dwelling. In addition, not more than one person who is not a resident of the dwelling may be employed in the Expanded Home Occupation.
- B. **Expanded Home Occupation Shall Be Conducted Within Dwelling or Accessory Buildings Only.** The Expanded Home Occupation shall be conducted within the dwelling and or an accessory building and shall be clearly incidental and subordinate to the use of the dwelling and premises for residential purposes by the residents of the dwelling unit. Not more than twenty-five percent (25%) of floor area of the dwelling and accessory buildings shall be used in the conduct of the Expanded Home Occupation.
- C. **Equipment.** No mechanical or other equipment is to be utilized in the Expanded Home Occupation except that which is necessarily, customarily, or ordinarily used for household or leisure purposes.
- D. **No Change in Residential Appearance.** There shall be no change in the outside appearance of the building or premises, or other evidence of the conduct of the Expanded Home Occupation, other than a sign as provided in Ordinance 09-2020.
- E. **Sign.** Signs shall be permitted as provided in Ordinance 09-2020.
- F. **No Storage or Sale of Goods.** There shall be no keeping of stock in trade, or sale of goods in conduction with the Expanded Home Occupation.
- G. **No Additional Traffic Generation.** No traffic shall be generated by the Expanded Home Occupation in greater volume than would normally be expected in the residential neighborhood.
- H. **Parking Requirements.** The Expanded Home Occupation shall meet the off-street parking requirements of this Ordinance, and parking shall not be located in a required front yard.

Article 10: REQUIREMENTS FOR BUSINESS AND MANUFACTURING USES

Section 1000. Screening of Areas for Outdoor Sales and Outdoor Storage

Areas for Outdoor Sales and Outdoor Storage require approval by the Planning Commission prior to the issuance of Zoning Certificates. Such areas shall be effectively screened from all adjoining properties in any "R" District by means of walls, fences, or plantings. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted. Outdoor Sales and Outdoor Storage areas are not intended for display of merchandise toward the street or elsewhere off the premises. See Use Regulations, Article 4, Conditional Uses, Article 13 and Planning Commission, Article 17.

Section 1001. Regulations for Automobile Wrecking and Salvaging, Sales and Storage, and for Recycling Centers and Salvage Operations

Automobile Wrecking and Salvaging, Sales and Storage, and Recycling Centers and Salvage Operations require approval by the Planning Commission prior to the issuance of Zoning Certificates. See Use Regulations, Article 4, Conditional Uses, Article 13 and Planning Commission, Article 17.

1001.1 Screening and Buffers for Automobile Wrecking, Salvage and Storage and Recycling Centers or Salvage Operations

Screening and buffers shall be effectively screened on all sides by means of walls, fences, or plantings. Walls or fences shall be a minimum of eight (8) feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land no less than fifteen (15) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height may be substituted. Storage of materials shall not exceed the height of the screening.

Section 1002. Mineral Extraction, Storage and Processing, and Oil and Gas Extraction

Mineral Extraction, Storage and Processing, and Oil and Gas Extraction require approval by the Planning Commission prior to the issuance of Zoning Certificates. See Use Regulations, Article 4, Conditional Uses, Article 13, and Planning Commission, Article 17.

1002.1 Setbacks for Mineral Extraction.

Mineral Extraction, Storage or Processing, and Oil and Gas Extraction shall not be conducted closer than five hundred (500) feet from any "R" District, nor closer than two hundred (200) feet from any structure used for human occupancy in any other district.

1002.2 Fencing for Mineral Extraction, Storage and Processing, and Oil and Gas Extraction.

When determined to be necessary for the protection of public safety, the Planning Commission may require fencing to be erected and maintained around the entire site or portions thereof where Mineral Extraction, Storage and Processing, and Oil and Gas Extraction are conducted.

1002.3 Site and Restoration Plan for Mineral Extraction, Storage and Processing, and Oil and Gas Extraction.

The operator of the proposed use shall submit with the application for a Conditional Use Permit, a plan providing the items required by Article 13 and the provisions of this section:

- A. **Site Plan.** A site plan which clearly shows areas where materials are to be extracted, stored, and processed, and the location of adjacent properties, streets and natural features.
- A. **Topographical Map of Excavation.** The anticipated depth of excavations and the location and probable effect on the existing water table, public utilities, streets, and surface drainage.
- B. **Restoration Plan.** A detailed plan for the restoration of the area where materials are to be extracted, stored, and processed, which shall include the anticipated future use of the

restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, the type and number per acre of trees or shrubs to be planted, and the location of future streets, drives, drainage courses, or other improvements.

1002.4 Performance Bond for Mineral Extraction, Storage and Processing, and Oil and Gas Extraction.

The operator shall file with the Council a bond payable to the municipality and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate, per acre of property where materials are to be extracted, stored, and processed, of the required bond shall be as fixed by Ordinance of the Council. The bond shall be released upon written certification by the Council that the restoration is complete and in compliance with the restoration plan. It shall be the responsibility of the applicant to submit a written request to the Zoning Inspector for release of the bond.

- A. **Application for Release of Performance Bond for Mineral Extraction, Storage and Processing, and Oil and Gas Extraction.** An application for a Zoning Certificate shall contain two (2) collated sets of the information listed below. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal.
- An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
 - A site and building plan as described in this section.
 - A fee as required in this Ordinance.
- B. **Process for Review of Release of Performance Bond for Mineral Extraction, Storage and Processing, and Oil and Gas Extraction.** Applications for release of bonds shall be processed as follows:
- The applicant shall submit the application to the Zoning Inspector. The Zoning Inspector shall determine whether the application is complete within seven (7) business days.
 - If the application is determined to be complete, the Council shall schedule a hearing and shall give at least ten (10) days public notice thereof in a newspaper of general circulation in the municipality and at least ten (10) days notice to property owners and occupants of land within two hundred (200) feet of the premises in the application.
 - If the application is deemed to be incomplete; it shall be the responsibility of the applicant to request a refund of the application fee from the Zoning Inspector.
 - The Council shall decide to approve or disapprove the application. As part of the review process, the Council may require additional information, and/or submit the application to the Tuscarawas Regional County Planning Commission for recommendation.
 - The Council shall decide to approve or disapprove the application within sixty (60) days of the date of determination that the application is complete.
 - If the proposed application is approved by the Council; the Zoning Inspector shall release the bond. If the application is denied by the Council, the Zoning Inspector shall inform the applicant in writing of the refusal and the reasons for the determination.
 - The Zoning Inspector shall mark all sets of the application and attachments as "approved" or "disapproved" and shall sign the documents. The Zoning Inspector shall

maintain one set of the approved or disapproved application, and the determination of the Council on file in the Village offices. One set of approved documents shall be transmitted to the applicant.

Section 1003. Excavation of Fill for Street Construction

Excavation of fill for street construction outside of rights-of-way shall be permitted only with approval of a Site Plan Review by the Planning Commission prior to the issuance of a Zoning Certificate. The construction contractor shall provide proof that the source of community water supply shall not be adversely affected due to lowering the water table or contaminating the supply before permission for excavation is granted. The contractor shall also submit a plan and description as to the manner in which public utilities, streets, and surface drainage are to be restored in those instances where such facilities are to be disturbed by the excavation.

Section 1004. Site Plan Review for Developments in "B" and "M" Districts

Certain projects in "B" and "M" districts shall be submitted to the Planning Commission for review and approval prior to the issuance of a Zoning Certificate, as provided in this section. See Planning Commission, Article 17.

1004.1 Projects Required for Site Plan Review:

Site Plan Review is required for the development of projects in "B" and "M" districts which consist of more than one building, and/or are located on sites of three or more acres which are under unified ownership or development.

1004.2 Approval Criteria for Site Plan Review for Non-residential Developments:

The Planning Commission shall use the following standards when reviewing the site plan:

A. **Non-residential Uses Near Property Zoned for Residential Use:** Sites for non-residential uses shall be designed to minimize hazard, nuisance and inconvenience to nearby property zoned for residential use as follows:

- Locate drive-up windows, loading docks and overhead doors away from property zoned for residential use.
- Locate driveways and parking facilities away from property zoned for residential use.
- Locate trash bins, dumpsters, and storage areas away from property zoned for residential use.
- Locate office portions of a facility nearest to property zoned for residential use.

B. **Setbacks Reviewed on Site Plan:** Required setbacks shall be maintained around the perimeter of the group of main buildings and the boundary of the parcel. No minimum distance between the group of main buildings is required; however, such intervening space shall allow for adequate circulation and emergency access around each building.

C. **Safe Vehicular Access Reviewed on Site Plan:** Points of access or other means of vehicular ingress and egress shall be situated to provide safe and convenient access, and to maintain adequate sight distances.

ARTICLE 11: REQUIREMENTS IN ALL DISTRICTS

Section 1100. Requirements for Environmental Impacts

All uses in all districts are subject to the requirements for environmental impacts. Certain projects in "B" and "M" districts are required to have an approved Environmental Impact Certification prepared by a professional engineer, as described in this Article.

1100.1 Requirements to Control Environmental Impacts:

No proposed use in any district shall be permitted that will create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. The following environmental impact requirements shall apply to all uses:

- A. **Fire Hazards:** Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and by, such safety devices as are normally used in the handling of any such material, as determined by the Fire Chief. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- B. **Radioactivity or Electrical Disturbance:** No activity shall emit dangerous radioactivity at any point or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- C. **Noise and Vibration:** No activity shall emit noise or vibration which is objectionable because of intermittence, beat, frequency or shrillness. Noise or vibration may equal but shall not exceed average street traffic noise or vibration on the nearest street bordering a non-commercial or non-industrial use. Noise or vibration resulting from temporary construction activity that occurs between 7 a.m. and 7 p.m. shall be exempt from the requirements of this section.
- D. **Smoke and Air Pollution:** No establishment shall be permitted to emit into the air smoke, fly ash, dust, fumes, vapors, gases, and other forms of air pollution except as permitted and approved by the Ohio Environmental Protection Agency Division of Air Pollution Control.
- E. **Odors:** No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.
- F. **Glare:** No direct or reflected glare shall be permitted which is visible from any other property or from any public or private street.
- G. **Erosion:** No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

- H. **Water Pollution:** Pollution of water shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency, Division of Water Pollution Control. Penalties for violations of these regulations shall be imposed against both the operator of the permitted nonresidential use, the operator of the seasonal sale, and the property owner.
- I. **Floodplain:** Areas which are identified in the current flood insurance rate maps (FIRMs). Land to be subdivided or developed should be designed and improved in a way that meets the requirements of the Newcomerstown flood damage reduction regulation ordinance. (Floodway & Floodplain Building code, 1315 in Coded Ordinances of Newcomerstown) Development in a designated floodplain is not encouraged. Floodplain areas are identified on the current flood FIRMs. A floodplain development is required to develop in floodplain limits. Development may be prohibited in some areas of the floodplain.
- J. **Floodway:** Regulatory flood way is the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. There is no construction allowed in the floodway.

Section 1101. Swimming Pools

Swimming pools shall be allowed in the rear yard of any "B" or "R" District as an accessory use and shall comply with the following conditions and requirements:

- A. **Swimming Pool to be Used by Occupants of Principal Use Only.** The pool is intended and is to be used solely by the occupants of the principal use of the property on which it is located and all other guests with permission of the occupant.
- B. **Setbacks of Swimming Pool.** The pool or any accessory structure shall be located no closer than ten (10) feet to any property line of the property on which it is located.
- C. **Covers Over, and Walls and Fences Around Swimming Pool.** The swimming pool shall be covered with a locked device that prevents access when the pool area is unattended. Alternatively, the swimming pool or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet in height and maintained in good condition with a locked or removed and secured ladder.

ARTICLE 12: SIGN REGULATIONS

Section 1200. Signs

No sign shall be constructed, erected, moved, enlarged, illuminated, substantially altered or permitted in any district except as provided in this Ordinance.

Section 1201. Statement of Purpose

The purpose of this Section is to create the legal framework for a comprehensive but balanced system of signage to promote communication between people and their environment and to avoid the usual clutter which is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. This section is adopted for the following purposes:

- a. To preserve, protect and promote public health, safety, and welfare.
- b. To preserve the value of private property by assuring the compatibility of signage with surrounding land uses.
- c. To protect the physical and mental well being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment.
- d. To enhance the physical appearance of the Village by preserving the scenic and natural beauty of the area.
- e. To enhance the Village's economy, business and industry by promoting the reasonable, orderly and effective display of signage and encouraging better communication between an activity and the public it seeks with its messages.
- f. To protect the general public from damage and injury which may be caused by distractions, obstructions, and hazards created by certain signage.
- g. To protect pedestrians and motorists within the Village from injury caused by distractions, obstructions, and hazards created by certain signage.
- h. To protect the public investment in streets and highways by reducing distraction which may increase the number and severity of traffic accidents.
- i. To encourage sound practices and lessen the objectionable effects of competition with respect to size and placement of signage.

Section 1202. General Regulations

1202.1 Obstructions.

No sign may block any required access way, window, fire escape, door, or other entrance or exit way, nor any window surface required for ventilation by the Village Code.

1202.2 Public Right-of-way.

No sign or associated lighting fixture shall be erected or displayed within the public right-of-way except for traffic control and traffic information signs, and signs as otherwise provided herein.

1202.3 Metal Signs.

No metal sign shall be located within a vertical distance of eight (8) feet, or a horizontal distance of four (4) feet of electrical wires or conductors, even if such wires or conductors are insulated or otherwise protected.

1202.4 Setback Requirements.

Except as otherwise provided, freestanding signs shall be located no less than ten (10) feet from any driveway or lot line, as measured from the portion of the sign closest to the driveway or lot line. On a corner lot, the sign shall not be placed within any portion of the thirty (30) foot sight triangle at the intersection of two streets and/or public access points (such as driveways).

1202.5 Projection.

No sign shall project beyond the property line into the public right-of-way, except as otherwise provided herein.

1202.6 Off-Premise Signage.

Off-premise signage is not permitted within the Village. All signs constructed within the Village shall be located on the property in which the construction, business and/or use is taking place.

1202.7 Illumination.

Sign illumination shall be constant in intensity and color. The light for any illuminated sign shall be shaded, shielded, or directed so as not to cause glare in surrounding properties or in public streets. No direct or reflected light from a light source for an illuminated sign shall create a traffic hazard for operation of motor vehicles. Illuminated signs shall be wired and ground fault interrupters (GFIs) controlling their electrical supply.

1202.8 Changes to Signs.

A sign permit shall not be required for painting, cleaning, repair, or maintenance of an otherwise permitted sign existing on the property.

1202.9 Change Ownership, Tenant or Advertiser.

Any sign that has a change of ownership tenant or advertiser shall cause all signs on that lot to secure new sign permits.

1202.10 Sign Maintenance. Repair and Safety.

- a. The appearance and safety of a sign shall be maintained at all times. The sign shall be repaired and repainted as necessary to prevent rust, corrosion, rotting, or other deterioration in appearance or structural safety of the sign.
- b. The source of illumination shall be kept in safe working order at all times.
- c. All letters, figures, characters, and sign embellishments on a sign and its support shall be safely and securely attached to the sign at all times.

1202.11 Non-Conforming Signs.

All signs lawfully existing or holding Sign Permits issued prior to the date of adoption of this ordinance, but which are not in conformance with these regulations, may be continued as non-conformities.

1202.12 Removal of Unsafe, Abandoned or Unlawful Signs.

Any sign, other than an outdoor advertising sign, that no longer identifies a business, activity, event, or service, conducted, or product, service or entertainment sold on the premises where the sign is located shall be considered abandoned and shall be removed. If upon inspection the designated representative finds that a sign is abandoned, unsafe, or in any way not in compliance with Village Ordinances, he or she shall issue a written order to the permittee or owner stating the nature of the violation and requiring the repair, replacement, or removal of the sign within ten (10) working days from the date of the order.

If after ten (10) working days of issuance of an order has not been complied with, or if a sign constitutes an immediate hazard to the public safety, the designated representative may recommend to the Village Council to authorize judicial process to cause the sign to be removed or repaired.

After removal of a sign through judicial process, the designated representative shall send a notice to the property owner stating the nature of the removal work performed and demanding payment of the cost thereof plus ten percent (10%) for inspection and administrative costs. If said amount is not paid within thirty (30) days of the notice, it shall become a lien against the property owner upon which the sign was located.

Section 1203. Permit and Regulation Exempt Signs

The following signs and displays are exempt from the permit required and subject only to the provisions of Section 12.02.

- a. Memorial signs and tablets displayed on private property.
- b. Holiday Decorations. Displays of a primarily decorative nature clearly incidental and customary and commonly associated with any national, local, or religious holiday.
- c. Scoreboards, when used in conjunction with an athletic activity.

Section 1204. Permit Exempt Signs

The following signs are exempt from the permit requirements but must comply with the regulations established herein.

- a. Governmental and Utility Signs. Informational signs or displays maintained by a government body or public utility, including traffic or parking regulatory devices, legal notices, warning of hazards, and similar displays.
- b. Government Mandated Signs. Street address numerals, public hearing signs and other signs or exterior displays required to be maintained by government order or regulations, provided that the content and size thereof does not exceed that required by such order or regulation.

Mailboxes and neighborhood Delivery Cluster Box Units may only display names, addresses, and user information. Such mail structures may not be used for advertising any commercial, sales, home occupation activity, or garage sales and the like.

- c. Legal notices, identification, informational, directional, traffic, or other sign erected or required by governmental authority under any law, statute or ordinance.
- d. "No Trespassing", "Beware of Dog", "No Dumping" and other similar warning signs not larger than two (2) square feet in area, provided that no more than one (1) such sign shall be permitted in each yard abutting a street.
- e. Garage and Yard Sale Signs. Signs shall not be more than six (6) square feet in area, provided that no more than one (1) such sign shall be permitted in each yard abutting a street; signs shall be freestanding signs and setback not less than ten (10) feet from any lot line and shall not exceed six (6) feet in height and shall not be illuminated. Signs may not be erected or maintained more than three (3) days prior to the beginning of the sale and shall be removed within five (5) days after the conclusion of the sale.
- f. Political and Election Campaign Signs. The following rules shall apply to signs identifying a political candidate, party or issue subject to an upcoming election:
 - 1. Signs shall not be attached to fences, trees, utility poles or light poles, similar structures or placed within the public right-of-way.
 - 2. Signs shall not exceed sixteen (16) square feet in area per face.
 - 3. Sign shall not exceed six (6) feet in height.
 - 4. Signs shall not be posted or attached to any parked or stationary semitrailer or similar type trailer.
 - 5. Signs can be erected no more than forty-five (45) days before an upcoming election and must be removed within five (5) days following the date of the election to which it pertains.
- g. Roadway Directional or Informational Signs - Signs erected within the Village's right-of-way shall be installed in accordance with the National Manual on Uniform Traffic Control Devices (ILMUTCD). In addition, the person or entity seeking to erect such sign shall provide the Village with a liability waiver.
- h. Signs or banners giving notice of noncommercial events and activities are permitted provided that such signs may not be erected or maintained more than (14) days prior to the date of which the event or activity advertised is to occur or be conducted and shall be removed within five (5) days after the termination thereof.
- i. Temporary directional signage.
 - 1. Signs shall provide directional messages for commercial or noncommercial events or activities at a specified address within the Village limits.
 - 2. Signs shall be permitted within the Village's public right-of-way only.
 - 3. Signs shall not exceed four (4) square feet in surface area per face and three (3) feet in overall height. A sign shall be limited to a maximum of two (2) sign faces.

4. Signs shall be free standing, not attached to any utility pole or structure or any traffic control sign and be setback a minimum of five (5) feet from the curb or edge of pavement.

5. If a sign is removed by a Village official it will be retained for a period of five (5) days and then destroyed. The owner of such signs may claim them at the Village Hall between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

j. Permanent directional signage.

1. Signs shall provide directional messages for buildings or other permanent structures.

2. Signs shall not exceed four (4) square feet in surface area per face and three (3) feet in overall height. A sign shall be limited to a maximum of two (2) sign faces.

3. Signs shall be free standing, not attached to any utility pole or structure or any traffic control sign and be setback a minimum of five (5) feet from the curb or edge of pavement.

Section 1205. Prohibited Signs

The following signs and displays, as they are defined herein are prohibited.

- a. Traffic hazard. Any sign that is determined to constitute a traffic hazard by reason of size, location, content, color or type of illumination.
- b. Public right-of-way. Any sign which is located in or which extends over the public right-of-way except as otherwise permitted under this Section.
- c. Light/utility pole. Any signs that have been attached to a light or utility pole, except for banners installed by governmental agencies.
- d. Billboard signs within Village limits.
- e. Signs which contain any obscene material.

1205.1 Temporary and portable signs

except as regulated by Section 12.09 herein

- f. Projecting signs, except as regulated by Section 12.07 herein.
- g. Temporary Vehicle Signs, other than professionally designed magnetic signs, when displayed on a parked car, truck, semi-trailer, trailer, or other vehicle to advertise a business, service, product, or other commercial activity.
- h. All other signs not expressly permitted or regulated herein.

Section 1206. Administration

1206.1 Permits

a. **Contents of Sign Permit Application.** An application for a Sign Permit shall be made upon forms provided by the designated representative and shall include the following information.

- 1. The name, address, and telephone number of the applicant, of the owners or managers of the property on which the sign is to be displayed, and of the intended owner of the sign.

2. The location of the property where the sign is to be displayed.
3. A site plan showing the position of the sign in relation to nearby buildings, structures, rights-of-way, and street grade, and the locations and sign areas of all existing signs on the same premises.
4. A copy of plans and specifications showing methods of construction and support, all dimensions of the sign, and all electrical components, if any.
5. An elevation sketch showing all exposed surfaces of the sign and all proposed messages or representations thereupon, accurately represented as to shape, size, proportion, and color.
6. Name, address, and phone number of the party that is to erect the sign. Sign contractor must be registered and bonded with the Village prior to the issuance of any sign permit.
7. Written consent of the owners of the property on which the signs are to be displayed, if other than the applicant.
8. Other information required by the designated representative to ascertain compliance with Village regulations.
9. A non-refundable fee as established by the Village Council.
10. The signature of the applicant on the Permit Application.

b. Issuance of Sign Permits. The designated representative shall issue a Sign Permit for any sign for which a complete and accurate Sign Permit Application has been filed when he or she has determined that the sign is in compliance with this and other applicable Village Ordinances.

c. Suspension. Revocation. and Denial. A Sign Permit shall become void if the sign authorized thereby has not been completely installed within six (6) months of the date the Sign Permit was issued. The designated representative shall give written notice to the applicant of denial of a Sign Permit Application together with the reasons for the denial. The designated representative may suspend or revoke, in writing to the permittee, any Sign Permit issued on the basis of misstatement of fact.

d. Permit Fees.

1. Permanent signs, including wall signs and ground signs:
 - a. Non-illuminated signs - \$3.00 per square foot of sign area
 - b. Illuminated signs - \$25.00 plus \$3.00 per square foot of sign area
2. Temporary and Portable signs - \$10.00 per sign
3. Sign Face Changes - \$1.50/square foot of sign area

1206.2 Appeals and Variances

Variances and appeals relating to the application of sign regulations and decisions of the designated representative, pertaining thereto shall be as provided for all as other provisions of this Ordinance.

1206.3 Penalties

Any person who violates, omits, neglects or refuses to comply with any provisions herein, after notification by certified or registered mail, shall be subject to a suit for injunction as well as the following minimum fine schedule:

1st Offense: \$ 75,00

2nd Offense: \$150,00

3rd Offense: \$300,00

4th Offense and above \$500.00

An offense is deemed to occur whenever a person fails to comply with the terms of a notice of violation. The applicable fine will accrue each day a sign is in violation of the provisions herein.

Section 1207 definitions

As used in this Section. the following terms and words shall have the meaning ascribed to them as defined below:

ABANDONED SIGN: Any sign or part of a sign on a building or on the ground (freestanding) that remains after the business identified on the sign no longer occupies the tenant space, building or property.

ADVERTISING SIGN: A sign which directs attention to a business or profession conducted or to a commodity or service sold, offered, or manufactured or an entertainment offered on the premises where the sign is located or to which it is affixed.

AMENITY SIGN: A temporary sign constructed for a developing residential subdivision or complex identifying the amenities to be offered within the subdivision or complex. An amenity sign shall not be considered as a marketing sign.

ANIMATED OR MOVING SIGN: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

ATTENTION GETTING DEVICE: Any pennant, flag, valance, banner, propeller, spinner, streamer, searchlight, balloon and similar device or ornamentation designed for purposes of attracting attention, promotion or advertising.

AWNING: An overhanging roof like structure stretched over a frame to provide shelter or shade. It may be constructed of canvas or other materials, permanent or collapsible, but by definition does not include any lettering, signage or advertising information.

AWNING SIGN: A sign attached to or incorporated in any awning.

BANNER: A temporary sign composed of flexible material either enclosed or not enclosed in a rigid frame.

BILLBOARD: A sign or graphic structure which advertises products or services not sold or distributed on the premises on which the sign or graphic is located.

BUSINESS SIGN: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

CONSTRUCTION SIGN: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

CONTRACTORS SIGN (in residential areas): A temporary sign erected on a residential property indicating the name of a contractor, or contracting company performing repair work, maintenance work or construction on the property.

DIRECTIONAL SIGN: Signs limited to directional messages, principally for pedestrian or vehicular traffic, establishment but does not identify the establishment itself or other goods or services available at the and does not contain other advertising messages.

DIRECTORY SIGN: A sign listing the names, and location of various activities conducted within a building or group of buildings.

FLASHING SIGN: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

GARAGE/YARD SALE DIRECTIONAL SIGN: A temporary sign directing the public to a specific location in which the sale of personal property is being conducted.

GRAND OPENING SIGN: A temporary sign or a portable sign used for the purpose of advertising a grand opening of a new business. A grand opening sign may be a wall, marquee, canopy, awning, or freestanding sign.

GROUND SIGN: A monument sign erected on a supporting structure, not attached in any way to a building.

HISTORIC SIGN: A sign designated by the Historic Preservation Commission or a local authority as having historical or architectural significance in the history of Newcomerstown,

ILLUMINATED SIGN: A sign which has characters, letters, figures, or outlines illuminated by electric lights, luminous tubes, or any other means of illumination.

MARKETING SIGN: A temporary sign constructed for a developing residential subdivision or complex identifying the name of development and prices of the homes being sold or rents of the units being rented. A marketing shall not be considered as an amenity sign.

NON-CONFORMING SIGN: Any sign lawfully existing on the effective date of an ordinance, or amen, thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

OFF- PREMISE SIGN: A sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

OVERHANGING SIGN: Any sign, awning sign, canopy sign or marquee sign, whether or not attached to a building that overhangs any public sidewalk, public street, public alley, or other public way.

PAINTED WALL SIGN: definition of wall sign includes "painted" signs.

POLITICAL SIGN: A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

PORTABLE SIGN: A sign that is designed to be moved from place to place, not permanently or temporarily attached to ground or building and often contains changeable copy.

REAL ESTATE SIGN, SMALL: A sign, having a maximum size of six (6) square feet in area, pertaining to the sale or lease of the property, or a portion of the property, on which the sign is located.

REAL ESTATE SIGN, LARGE: A sign, having a size of greater than six (6) square feet in area but in accordance with the maximum size and height provisions as specified in the respective zoning districts, pertaining to the sale or lease of the property, or a portion of the property, on which the sign is located.

ROOF SIGN: A sign attached to and extending above the roof parapet or eaves of a building.

SANDWICH BOARD SIGN: A sign with no more than two (2) sides, informing the general public of an event or particular item or items that is/are offered a specific and proximate commercial enterprise. A sandwich board sign shall not be permanently anchored to the ground.

TEMPORARY SIGN: A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.

TENANT IDENTIFICATION SIGN: A sign giving the name of a tenant on a lot on which two (2) or more tenants or businesses are located. Said sign shall only indicate the name of the tenant or business establishment or a logo or symbolic representation of the type of business. Tenant identification signs shall be uniform in size and be designed for maximum legibility.

VEHICLE SIGN: A sign or advertisement posted on a vehicle, either permanently or temporarily.

WALL SIGN: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign.

Section 1208. Appeals Procedure

Any party who had a sign permit denied by the Village Council may seek a variance of the provision(s) of this Ordinance by filing an appeal application to the Village Fiscal Officer. Such a variance request must be applied for and filed within 30 days of the denial.

At a Building and Grounds Committee meeting, any appeal application(s) filed within the required 30 days will be reviewed. The Building and Grounds Committee may request a variance from the provisions of this Ordinance upon a finding of all of the following:

- The particular physical surroundings, shape or topographical conditions of the property would render compliance with the provisions of this Ordinance difficult and likely result in a particular hardship on the owner, as distinguished from inconvenience of the Ordinance requirements or a desire to increase financial gain or avoid the financial expense of compliance.
- The type of sign structure and the location proposed would not pose a significant risk to the public health, safety, and welfare.

- The benefit of the sign to the general public and/or applicant under the circumstances outweighs any risk to traffic safety and the Village desire to eliminate the accumulation of visual clutter in accordance with stated purpose of this Ordinance.
- A variance would be in the interest of the of the Village and not against the spirit and intent of the Ordinance.

In issuing a variance from the strict letter of the provisions of this Ordinance, the Building and Grounds Committee presents their findings to the Village Council. The Village Council may grant a variance of any sign requirement or place reasonable conditions or restrictions upon issuance of a permit.

ARTICLE 13 CONDITIONAL USES

Section 1300. Conditional Use Requires Planning Commission Approval

Conditional use approval from the Planning Commission shall be required prior to the issuance of Zoning Certificates for certain types of uses, so classified because of their uncommon or unique characteristics, infrequency of occurrence, large area requirements or special nature relative to size, design, location and mode of operation that each use be considered individually. Such use shall not be permitted by right. Uses which are conditionally permitted in Article 4 must conform to all requirements of the zoning district and may be permitted only if they conform to standards provided in this Article. See Article 17 for application requirements and procedures.

Section 1301. Criteria for Conditional Use

The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use at the proposed location shall conform to the following standards:

- (a) Harmony With Neighborhood Character.** Will be in harmony with the existing or intended character of the neighborhood and that such use will not change the essential character of the area; and
- (b) No Adverse Impacts on Neighbors.** Will not adversely affect the use of the adjacent property; and
- (c) No Hazard to Health, Safety and Welfare.** Will not adversely affect the health, safety, or welfare of persons residing or working in the neighborhood; and
- (d) Adequate Public Facilities.** Will be served adequately by public facilities and services such as, but not limited to, streets, police and fire protection, drainage facilities, water, sewer, or schools; and
- (e) Conforms with Intent of Zoning Ordinance.** Will be in accordance with the general or specific objectives, and the purpose and intent of the Zoning Ordinance.

Section 1302. Action by the Planning Commission

If after review of the information available the Commission finds that in its opinion a request does not meet the above criteria, the request shall be denied. In granting any conditional use permit, the Planning Commission may impose such conditions in connection therewith as it may deem necessary to protect the public welfare and convenience, preserve the purpose and intent of this Article, and protect

the character of the neighboring properties. Such conditions may include, but shall not be limited to, the regulation of:

- Setbacks
- Screening and buffers
- Noise
- Hours of operation
- Access and traffic
- Parking
- Glare
- Vibration
- Odors
- dust
- Smoke
- Hazardous materials
- Waste disposal

Section 1303. Terms of Approval of Conditional Uses

1303.1 Conditional Use Permit Runs with the Land, Not the Owner or Tenant.

If a Conditional Use approved by the Commission is sold, leased, or transferred, the successor or assigns shall be operated in the same manner as described in the original application, and shall be bound by the same conditions as approved by the Planning Commission. Any alteration of the conditionally permitted use by the successor or assign shall require approval by the Planning Commission of a new, separate conditional use permit.

1303.2 Expiration of Conditional Use Approval.

Conditional use approval shall expire if the use shall cease for a period of six (6) months after it has been established.

ARTICLE 14 Legal, Nonconforming Uses and Structures

See Article 3, Definitions and Article 8, Replacement of Manufactured Homes and Legal, Nonconforming Manufactured Homes.

Section 1400. Intent

It is the intent of this Article to accomplish the following:

- To protect the legal status of uses and structures that were legal and conforming to laws that were in effect prior to adoption of this Ordinance and subsequent amendments.
- To permit the reasonable replacement of a legal, nonconforming use or structure which is destroyed by a catastrophe.
- To encourage the reasonable and eventual conversion of a legal, nonconforming use or structure to conformance with the standards of this Ordinance.

Section 1401. General Restrictions for Legal, Nonconforming Uses and Structures

All alterations, reconstruction and similar changes in legal, nonconforming uses and structures require the approval of the Planning Commission prior to the issuance of a Zoning Certificate, subject to the requirements of this Ordinance.

1401. 1 Legal, Nonconforming Uses and Structures May Continue After Adoption of This Ordinance.

Any lawful uses of buildings or land existing at the effective date of this Ordinance may be continued, even though such use or structure does not conform to the provisions hereof, subject to the provisions of this Ordinance.

1401.2 Legal, Nonconforming Use or Structure· May Continue After Amendments of This Ordinance.

Whenever the use of a building or land becomes nonconforming through a change in the amended zoning Ordinance or in the district boundaries, such use may be continued, or structure may continue to be used, subject to the provisions in the amended Ordinance.

1401.3 Legal, Nonconforming Uses or Structures Partially Destroyed by Catastrophe.

A legal, nonconforming use or structure which has been damaged by fire, explosion, act of nature or the public enemy to the extent of sixty (60) percent of its restoration value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than sixty (60) percent of its restoration value, a nonconforming use or structure may be replaced, repaired or reconstructed, and used only as before the time of damage, provided such repairs or reconstruction are started within six (6) months of the date of such damage, and provided that public health, safety and welfare are not jeopardized. The Zoning Inspector may require the property owner to remedy any public nuisance or safety hazard resulting from the damage to the structure. Such remedies shall be subject to review and approval by the Fire Chief and Police Chief, prior to consideration by the Planning Commission, who shall enforce all provisions of the Ohio Revised Code relative to public health, safety and welfare. Such remedies shall be subject to the review and approval of the Planning Commission prior to the issuance of a Zoning Certificate for conformance with all provisions of the Zoning Ordinance. If a Zoning Compliance Inspection is not approved within two (2) years of such damage, the property and any structures shall not be used except in conformance with the current standards in this Ordinance. In the event that the owner and the Municipality do not concur on the reproduction value, a determination of reproduction value shall be made by three (3) practicing building construction contractors, one to be appointed by the owner, one to be appointed by the Municipality, and the third selected by the mutual consent of the two parties. Costs for the services of the building construction contractors shall be borne by the owner of the property.

1401.4 Conditional Uses Are Not Made Legal, Nonconforming Uses by This Ordinance.

It is not the intention herein to classify as nonconforming a use or building allowed in a district as a conditional use under the regulations of this Ordinance.

1401.5 Legal, Nonconforming Uses and Structures Approved But Not Yet Existing.

Any building arranged, intended or designed for a nonconforming use, or which would be a nonconforming structure, and which has been granted final approval of a Zoning Certificate, conditional use permit, variance, and all other permits or approvals, excluding the Zoning Compliance Inspection, prior to the adoption of this Ordinance may be completed as a legal, nonconforming use or structure and/or used for such legal, nonconforming use.

1401.6 Determination of Legal, Nonconforming Use.

A determination of the legal and conforming status of an existing use or structure shall be made by the Planning Commission according to the provisions of the Ordinance (see Article 17).

- (a) Application for Determination of Legal, Nonconforming Use Only.** Any property owner, tenant or lessee may apply to the Planning Commission for a determination of the legal, conforming status of an existing structure or use. Such application may be made even if there is no proposed alteration of such structure or use.

Section 1402. Restrictions on Legal, Nonconforming Uses

A use of a structure existing lawfully at the time of the effective date of this Ordinance, but which does not conform to the use regulations of the district in which it is located, may be continued so long as it remains otherwise lawful, subject to the provisions of this section.

1402.1 No Legal, Nonconforming Use May be Extended in a Structure.

The Legal, Nonconforming Use of a building may not be extended throughout those existing parts of the building which were arranged or designed for such use.

1402.2 No Legal, Nonconforming Use May Occupy More Land.

No Legal, Nonconforming Use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

1402.3 No Legal, Nonconforming Use May be Moved.

No Legal, Nonconforming Use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.

1402.4 No Expansion or Addition of a Nonconforming Structure for A Legal, Nonconforming Use.

No expansion of an existing structure, and no additional structure not conforming to the requirements of this Ordinance shall be erected in connection with a Legal, Nonconforming Use.

1402.5 No Other Nonconforming Use May Replace a Legal, Nonconforming Use.

When any Legal, Nonconforming Use is replaced by a permitted use, the use shall thereafter conform to the regulations for the district, and no nonconforming use shall thereafter be resumed. No Legal, Nonconforming Use shall be changed to another nonconforming use.

1402.6 Legal, Nonconforming Use May Not be Resumed if Discontinued for Three Months.

A nonconforming use which is discontinued for a period of three (3) months shall not again be used except in conformity with the regulations of the district in which it is located.

Section 1403. Restrictions for Legal, Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on size, height, yards, setbacks, or other requirements concerning the structure, such structure may continue to remain so long as it remains otherwise lawful, subject to the provisions of this section.

1403.1 No Changes Permitted in Legal, Nonconforming Structures.

No nonconforming building or structure shall be moved, extended, enlarged, or altered in a way which increases its nonconformity, but any such structure may be altered to decrease its nonconformity, as provided by this Ordinance.

1403.2 Dilapidated Legal, Nonconforming Structures May Only Be Altered to Conform to This Ordinance.

If a nonconforming structure becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Section 1404. Expiration of Approval of Changes in Legal, Nonconforming Uses and Structures

Any approval by the Planning Commission of a change in a legal, nonconforming use and/or structure shall expire if the use is not conducted as approved, or construction of approved changes is not constructed within six (6) months of the date of approval. Note: This provision applies to uses and structures which, with the approved changes, will continue to be legal, nonconforming uses and/or structures.

ARTICLE 15 Variances

Section 1500. Variances

Variances to this Zoning Ordinance must be reviewed and approved by the Board of Zoning Appeals prior to the issuance of Zoning Certificates. See Article 18.

1500.1 Variances Must Meet All Criteria.

The BZA shall have the power to hear and decide appeals and authorize such variances from the provisions or requirements of this Ordinance as will not be contrary to the public interest. In authorizing a variance, the BZA may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this Ordinance. On appeal, and where there is unnecessary physical hardship, the BZA may grant a variance in the application of the provisions of this zoning Ordinance only if all of the following findings are made:

- (a) Physical Characteristics Unique to the Property.** That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions of the property generally created by the provisions of the zoning Ordinance in the neighborhood or district in which the property is located, and
- (b) Physical Characteristic Unique to the Property Prevent Conformance with Regulations.** That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property, and
- (c) Hardship Is Not Created by the Applicant.** That such unnecessary hardship has not been created by the applicant, and

(d) Variance Will Not Adversely Impact Neighboring Properties. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare, and

(e) Minimum Variance of the Regulations. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1500.2 Invalid Reasons for Variance:

Factors which are not strictly related to the physical characteristics of land, such as physical limitations of a structure or economic hardship, shall not be considered as valid reasons to grant a variance from the provisions of this Zoning Ordinance.

1500.3 BZA May Recommend Zone Change.

The BZA may determine that the requested use or structure is not eligible for a variance but may form the opinion that the proposed project is otherwise acceptable. The BZA may make a recommendation to the Council for an amendment to the Zoning Ordinance. Notwithstanding the action of the BZA, the applicant may apply for a zone change according to the Ordinances of the Village.

ARTICLE 16 Zoning Inspector, Zoning Certificate, Zoning Compliance Inspection

Section 1600. Zoning Inspector

1600.1 Zoning Inspector Enforces the Zoning Ordinance.

It shall be the duty of the Zoning Inspector, who shall be appointed by the Council, to enforce this Ordinance. It shall be the duty of all officials and employees of the municipality to assist the Zoning Inspector in the administration of the Zoning Ordinance by, for example, reporting to him/her upon new construction, reconstruction, or land uses or upon seeming violations, and by reviewing applications for Zoning Certificates, Zoning Compliance Inspection and Sign Permits as needed. The Zoning Inspector shall make no change in this Ordinance nor vary the terms of this Ordinance in carrying out the duties of the position of Zoning Inspector.

1600.2 Appeal Decisions of Zoning Inspector to the BZA.

Appeal from the decision of the Zoning Inspector may be made to the Board of Zoning Appeals, as provided in Article 18. An appeal may be made of a case in which the Zoning Inspector has issued a final, official determination, such as a Zoning Certificate, Zoning Compliance Inspection, sign permit, etc.

1600.3 Zoning Inspector Maintains Records.

The Zoning Inspector shall maintain records of applications for action by the Zoning Inspector, Planning Commission and Board of Zoning Appeals, all actions of Council pertaining to this Ordinance, all Zoning Certificates and Zoning Compliance Inspections, and all approved and rejected applications. Copies shall

be furnished upon request to any person having proprietary or tenancy interest in the building or land affected: A fee for copies may be charged as determined by Council.

Section 1601. Zoning Permission for a Structure or Use

1601.1 New or Altered Use or Structure Requires a Separate Zoning Certificate.

It shall be unlawful for an owner to construct, create, erect, change, convert, enlarge, or otherwise alter any structure, building or land, or part thereof, until a Zoning Certificate shall have been issued by the Zoning Inspector.

1601.2 New or Altered Use or Structure May Not be Occupied Without Zoning Compliance Inspection.

It shall be unlawful for an owner to use or permit use of any structure, building or land, or part thereof, hereafter constructed, created, erected, changed, converted, or enlarged, wholly or partly, until a Zoning Compliance Inspection shall have been issued by the Zoning Inspector.

1601.3 Zoning Certificate and Zoning Compliance Inspection Are Issued by Zoning Inspector.

It shall be the duty of the Zoning Inspector to issue the Zoning Certificate and Zoning Compliance Inspection, provided he/she is satisfied that the structure, building or premises and the proposed use thereof conform with all the requirements of this Ordinance. No such permits shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Ordinance.

1601.4 Zoning Inspector Issues Zoning Compliance Inspection for an Existing Use and Structure.

A property owner, tenant or lessee may make application to the Zoning Inspector for a determination of the legal and conforming status of a structure or use. After reviewing the application and inspecting the premises, the Zoning Inspector shall document the extent and kind of use made of the building or premises and issue a written determination. If the use or structure is determined to be legal, the Zoning Inspector shall issue a Zoning Compliance Inspection.

- (a) **Illegal Use or Structure Must Be Corrected.** If the structure or use is determined to be illegal, the Zoning Inspector shall inform the applicant that, if the use of structure is not brought into conformance with this Ordinance within six (6) months after the determination, the Zoning Inspector shall issue a Notice of Violation.

1601.5 Projects Requiring a Zoning Certificate

A Zoning Certificate shall be required for any of the following, except as provided in this Ordinance:

- (a) **Construction or Alteration of Any Structure.** Construction or structural alteration of any building or structure.
- (b) **Construction or Alteration of Any Accessory Structure.** Construction or structural alteration of accessory structures, including, for example, garages, barns, gardening sheds, gazebos, storage buildings, swimming pools and landscaping structures. (See Definitions, Article 3.)

- (c) **Change in Use of a Structure.** Change in use of an existing structure or accessory structure to a use of a different classification, as defined in Article 3.
- (d) **Change in Use of Vacant Land.** Occupancy and use of vacant land.
- (e) **Change in Use of Land.** Change in the use of land to a use of a different classification, as defined in Article 3.
- (f) **Change in a Nonconforming Use.** Any change in the use of a legal, nonconforming use.
- (g) **Change in a Nonconforming Structure.** Any change in use of a legal, nonconforming structure, as defined in Article 3.
- (h) **Restoration of a Nonconforming Use or Structure After Catastrophe.** Restoration of a legal, nonconforming use or structure to repair damage done by a catastrophe as described in Article 14.

1601.6 Projects Requiring Approval by the Council, Commission or BZA Prior to Issuance of Zoning Certificate:

The Zoning Inspector shall not issue a Zoning Certificate for any application requiring review and approval by the Village Council, Planning Commission or Board of Zoning Appeals or East Central Ohio Building Authority or any other agencies having jurisdiction.

Section 1602. Application for Zoning Certificate

An application for a Zoning Certificate shall contain eleven (11) collated sets of the information listed below. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal."

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- A site and building plan as described in this section.
- A fee as required in this Ordinance.

1602.1 Contents of Site and Building Plan in Zoning Certificate Application.

The site and building plan shall show the information listed below. The scale of plans shall be sufficient to adequately evaluate whether the proposed site and building plan complies with the regulations of this Ordinance. All plans shall be of a sufficient scale to determine compliance with the provisions of this Ordinance.

- Project name, location, and address, if available.
- Applicant's name.
- Scale and north arrow.
- Map showing the general location of the project.
- Location and names of street(s) providing access to the project, and exact location of the project in relation to the nearest cross street.
- Lot and parcel numbers of the project and all adjacent properties, including across streets.
- Dimensions of the lot(s), and location and use of existing structures (including ponds).
- Required setback lines.

- Location, height, size and use of proposed and existing structures and yards, according to all dimensions that are regulated in this Ordinance.
- Plan of structures and/or portions thereof where the proposed use will be conducted, or alterations will be constructed, including entrances, exits, and other details which are relevant to the application.
- Foundation plan for manufactured homes.
- Zoning district of project and adjacent properties, including across streets.
- Location, width and names of existing streets, railroad rights-of-way, and casements.
- Existing sewers, water lines, culverts and other underground structures, and power transmission poles and lines, within and adjacent to the site.
- Location and sites of proposed easements and municipal utilities.
- Location and dimensions of all vehicular and pedestrian facilities within and without the site.
- Location and dimensions of all off-street parking areas, including entrance driveways, maneuvering lanes, service lanes, loading areas, and similar areas.
- Location, dimensions and proposed uses of all on-site recreation areas.
- Location of fire lanes.
- Location of refuse disposal, storage, and removal areas.
- Location, type and size of plant material or fences for any required buffers.
- Statement that no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
- Statistical data on all relevant characteristics of the proposed development, including number and size of dwelling units, percentage of lot coverage, total gross and net acreage, numbers and dimensions of parking spaces including handicapped accessible spaces.
- Survey by a registered engineer or surveyor.
- Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Ordinance.

1602.2 Zoning Inspector May Require Additional Data or Waive Some Data for the Application.

The Zoning Inspector shall have the authority to require additional data in an application if they determine that it is necessary to determine if the proposed project conforms to the requirements of this Ordinance. The cost of additional information shall be borne by the applicant. Additionally, the Zoning Inspector shall have the authority to waive some data required in the application if they determine that it is not needed to evaluate whether the application complies with the provisions of this Ordinance. The intent of this provision is to provide sufficient data and to avoid unnecessary delay or expense to the applicant and Village in the preparation and review of applications for Zoning Certificates. It is not the intent of this section to waive all requirements for a site and building plan, because such documentation is necessary to verify conformance with, for example, setbacks, buffers, use of primary and accessory structures, and parking requirements.

Section 1603. Process for Review of Application for a Zoning Certificate, Sign Permit or Seasonal Sales Permit

An application for a Zoning Certificate, Sign Permit, or Seasonal Sales Permit shall be processed as follows:

- The applicant shall submit the application for a Zoning Certificate or Permit to the Zoning Inspector. The

- Zoning Inspector shall determine whether the application is complete within three (3) business days.
- If the application is determined to be complete, the Zoning Inspector shall determine if the proposed project is in conformance with this Ordinance within seven (7) business days. If the application is deemed to be incomplete, it shall be the responsibility of the applicant to request a refund of the application fee from the Zoning Inspector.
- If the proposed project is determined to be in conformance, the Zoning Inspector shall issue a Zoning Certificate or Permit. If the proposed project is determined to be not in conformance with this Ordinance, the Zoning Inspector shall inform the applicant in writing of the refusal and the reasons for the determination.
- The Zoning Inspector shall mark all sets of the application and plans as "approved" or "disapproved" and shall sign the documents. The Zoning Inspector shall maintain one set of the approved or disapproved application, and the approved Zoning Certificate or Permit if applicable, on file in the Village offices. One set of approved documents shall be transmitted to the applicant.

1603.1 Zoning Certificate is Issued After Project Receives All Approvals:

The Zoning Inspector shall not issue a Zoning Certificate for any application requiring review and approval by the Village Council, Planning Commission, Board of Zoning Appeals, East Central Ohio Building Authority or other agencies having jurisdiction.

- (a) If No Revised Plans are Required, Certificate is Issued Within 3 Days.** When such approvals are final, and the applicant has not been required to submit revised plans, the Zoning Inspector shall issue the Zoning Certificate within three (3) business days.
- (b) Revised Plans Must be Checked.** When all necessary approvals by the Council, Planning Commission or BZA are final, and the applicant has been required to submit revised plans, the Zoning Inspector shall determine whether the revised plans are in conformance with the approval by such authorities. If the Zoning Inspector determines that the revised plans are in conformance, they shall issue the Zoning Certificate within three (3) business days. If the Zoning Inspector determines that the revised plans are not in conformance, the Zoning Inspector shall notify the applicant in writing, and state the reasons for the refusal of the Zoning Certificate. Further revised plans may be submitted by the applicant for determination of compliance by the Zoning Inspector.
- (c) If Applicant Fails to Submit Conforming Revised Plans in 60 Days, Planning Commission and/or Council Approval Expires.** If revised plans are a condition of approval of the Planning Commission and/or Council, the approval of the Village Council, Planning Commission or BZA shall expire in sixty (60) days after such final approval if the applicant fails to submit revised plans which are determined to be in conformance by the Zoning Inspector.

1603.2 Expiration of Zoning Certificate.

The Zoning Certificate shall expire if the use, as approved, has not been conducted, or if the structure, as approved, has not been occupied after two (2) years of the date of approval.

Section 1604. Zoning Compliance Inspection

Approval of a Zoning Certificate shall not be final until the premises have been inspected by the Zoning Inspector and issued a Zoning Compliance Inspection. A Zoning Compliance Inspection shall be issued if the Zoning Inspector determines that the structure and/or use permitted in the Zoning Certificate has been constructed and/or operated in compliance with the Zoning Certificate.

1604.1 Application for Zoning Compliance Inspection

An application for a Zoning Compliance Inspection shall contain two (2) original sets of the information listed below. The applicant shall provide access to all areas of the property as needed to make a complete check of all features regulated by the provisions of this Zoning Ordinance. The applicant is encouraged, but not required, to contact the Zoning Inspector to review the requirements for application prior to submittal.

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- A fee as required in this Ordinance.

1604.2 Process for Review of Applications for a Zoning Compliance Inspection.

An application for a Zoning Compliance Inspection shall be processed as follows:

- The applicant shall submit the application for a Zoning Compliance Inspection to the Zoning Inspector.
- Within three (3) business days of submittal of the application, the Zoning Inspector shall determine whether the application is complete and shall contact the applicant. If the application is determined to be complete, the Zoning Inspector shall make an appointment for an inspection of the premises. The inspection shall be conducted within ten (10) business days of the determination of completeness. If the applicant declines to make the premises available for inspection according to the provisions of this section, the application shall be deemed incomplete.
- If the application is deemed to be incomplete, it shall be the responsibility of the applicant to request a refund of the application fee from the Zoning Inspector.
- The Zoning Inspector shall make a physical inspection of the premises. It is required that the applicant or the applicant's representative attend the inspection.
- The Zoning Inspector shall determine if the premises is in conformance with this ordinance within three (3) business days of the inspection. If the premises is determined to be in conformance, the Zoning Inspector shall issue a Zoning Compliance Inspection document.
- The Zoning Inspector shall mark the application materials as "approved" or "disapproved" and shall sign the documents. The Zoning Inspector shall maintain one set of the approved or disapproved application, and the approved Zoning Certificate if applicable, on file in the Village offices. One set of approved documents shall be transmitted to the applicant.

1604.3 Expiration of Zoning Compliance Inspection.

The Zoning Compliance Inspection shall expire in sixty (60) days if the structure or use is not occupied or conducted as approved.

Section 1605. Contents of Zoning Certificate and Zoning Compliance Inspection

An approved Zoning Certificate shall state that the proposed structure or the proposed use of a structure or land complies with all provisions of this Ordinance. An approved Zoning Compliance

Inspection shall state that the structure or premises has been inspected and found to be in compliance with all provisions of this Ordinance and conditions of approval. A record of all Zoning Certificates and zoning compliance inspections, including applications, plans, conditions of approval, approvals by Village authorities and all other pertinent information shall be kept on file in the office of the Zoning Inspector or his agent.

Section 1606. Agricultural Structure/Use Exemption Certificate

An Agricultural Structure/Use Exemption Certificate shall be filed by the property owner, tenant, or lessee with the Zoning Inspector prior to the construction of any such buildings or structures, including two (2) copies with original signatures. The filing of such Certificate shall not require a fee. See Article 2, Agricultural Structure/Use Exemption and Article 3, Definitions, Agriculture.

1606.1 Inspection for Exemption Certificate.

Within ten (10) business days after the submittal of the certificate, the Zoning Inspector shall inspect the land or structure described in the certificate and determine whether it is eligible for the Agricultural Structure/Use Exemption according to the provisions of this Ordinance. If the premises is determined to be eligible, the Zoning Inspector shall grant an acceptance of the certificate within three (3) business days after the inspection, If the premises is determined to be ineligible, the Zoning Inspector shall notify the applicant in writing within three (3) business days, and shall include the reason for the determination. The Zoning Inspector will forward one (1) set of the determination to the applicant and retain one (1) set in the Village files.

Section 1607. Permits, Certificates and Similar Documents Shall Immediately be Displayed on the Premises

All forms issued by the Village which confer permission according to this Ordinance shall be immediately and permanently displayed on the premises where they are visible to the public. Attachments such as applications forms, approved plans, etc., are not required to be displayed. If the document pertains to a temporary use, structure, or other object, it must be displayed until such use, structure or object is discontinued or removed. It is acceptable to display either the original document or a legible copy thereof.

Section 1608. Violations and Penalties

1608.1. Fines for Violations.

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any structure or land in violation of any regulation in or any provisions of this Ordinance or any amendment or supplement thereto adopted by the Council. Any person, firm or corporation violating any regulation thereto shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

1608.2 Zoning Certificate or Zoning Compliance Inspection Based on False Statements Are Void.

Any Zoning Certificate or Zoning Compliance Inspection, including approvals and permissions by any authority of the Village, issued upon a false statement of fact by the applicant, property owner or their representative, which is material to the issuance thereof, shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Council, the certificate shall be revoked.

1608.3 Filing A Complaint About a Violation.

Any person may file a complaint in regard to an alleged violation of this Ordinance. All such complaints shall be in writing and shall be filed with the Zoning Inspector, who shall promptly record and investigate such complaint.

(a) Costs of Investigation of Disproved Violations May be Charged to Complainant. If the Village investigates an alleged violation, and the premises are found to be in compliance with the Zoning Ordinance, the Village Council may, but is not required to, charge reasonable costs of investigation to the complainant. Such charge may be made if, for example:

- An individual or entity makes repeated complaints of alleged and disproved violations of the same type, or against the same or different premises; or
- There is no obvious or reasonable observation of a violation, or Similar circumstances.

It is the intent of this provision that the cost of reasonable complaints shall be borne by the Village, whether or not a violation is found to exist. Further, the intent of this provision is to discourage harassment of occupants and property owners who are in compliance with the Zoning Ordinance, and abuse of Village resources.

1608.4 Notice of Violation.

If the Zoning Inspector finds that any provisions of this Ordinance are being violated, he/she shall proceed as follows:

- (a) Notification to Property Owner.** The Zoning Inspector shall notify in writing the owner of record or authorized agent in violation. The notice shall indicate the nature of the violation, order the action necessary to correct the violation, and advise that the order may be appealed to the Board of Zoning Appeals.
- (b) Serving Notice of Violation.** Such notice shall be served by the Zoning Inspector to the property owner and the occupant of such premises by certified mail. Further, the Zoning Inspector shall post such notice in a conspicuous place upon the premises of the violation. Such notice shall remain as posted until removed by the Zoning Inspector who shall do so only when all corrections are complete.
- (c) No Further Work Shall be Done in Violation of the Ordinance.** After such an order is served or posted on the premises, no work, except to secure the property or correct such violation and comply with this Ordinance, shall be permitted on any building or tract of land included in the violation. Corrections shall be made only after all necessary permits have been approved.
- (d) Failure to Comply with Order for Correction.** If the owner or authorized agent fails to comply with such order within sixty (60) days after notice has been served, the Village Solicitor may be authorized to institute appropriate action to prevent enjoin, abate, or eliminate such violation.

1608.5 Legal Action Against Violators.

In any case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the Zoning Inspector, Solicitor, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

ARTICLE 17 Planning Commission

1700. General Powers and Duties:

The general powers and duties of this Commission to be performed and exercised are provided for and in the general accord with the ordinances and Charter of the Village.

(a) The Planning Commission shall have any other powers that may be granted or conferred upon it by Council or with such other powers as may be prescribed to carry out the duties of this Planning Commission in accordance with the Ohio Revised Code.

(b) The Planning Commission shall have all powers now or hereafter conferred upon it, to perform all duties which may be imposed upon the Planning Commission, or Commissions in Villages under Sections 713.01 to 713.15 inclusive of the Revised Code of Ohio.

(c) Before the Village Planning Commission shall recommend to Council the zoning or rezoning of lands, or amendments or changes to the "Zoning Ordinance", it shall hold a public hearing on the question. The Village Planning Commission shall cause to be published a notice of the public hearing. Such notice shall be published at least ten (10) days prior to the Public Hearing and shall contain a summary of the question, and the time and place of the public hearing.

1700.1 Administrative Board (Board of Zoning Appeals):

The Village Planning Commission, as provided in Section 713.11 of the Revised Code of Ohio shall serve as the Administrative Board. The Commission shall perform the duties and have the powers provided for therein and in Section 23 of the "Zoning Ordinance". The existing Board of Zoning Appeals shall immediately transfer all public records and property to the City Planning Commission, and the Board of Zoning Appeals is hereby abolished.

1700.2 Appeals to the Council:

Any person, firm or corporation, or any officer, department, board or agency of the Municipality, or any interested elector of the Municipality who has been aggrieved or affected by any decision of the Planning Commission may appeal from such decision to the Council by filing notice of intent to appeal with five (5) days and filing a petition with the Clerk of Council within fifteen days from the date of the decision and setting forth the facts of the case. The Clerk of Council shall immediately inform the City Manager of receipt of such notice and petition.

(a) The Council shall hold a public hearing on such appeal not later than forty-five (45) days after such appeal has been filed with its Clerk. The Council vote by affirmative vote of five (5) of its members shall decide the matter and their decision shall be final.

- (b)** All existing ordinances or parts of ordinances in conflict are repealed. For the reasons stated in the preamble hereof, this ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

Section 1701. Applications to Planning Commission

Any person, firm or corporation owning or leasing land and/or a structure or portion of a structure may submit an application to the Planning Commission.

1701.1 Contents of Application to Commission:

An application to the Planning Commission, for all types of projects shall contain eleven (11) collated sets of the information listed below, including two sets with original signatures. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal.

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- A site plan and building plan as described in this section.
- Names and addresses of property owners and occupants of properties within two hundred (200) feet of the subject property.
- A fee as required in this Ordinance.

1701.2 Contents of Site and Building Plan.

The site plan shall show the information listed below. The scale of plans shall be sufficient to adequately evaluate whether the proposed site and building plan complies with the regulations of this Ordinance. All plans shall be of a sufficient scale to determine compliance with the provisions of this Ordinance.

- Project name; location and address.
- Applicant's name.
- Scale and north arrow.
- Map showing the general location of the project.
- Location and names of street(s) providing access to the project, and exact location of the project in relation to the nearest cross street.
- Lot and parcel numbers of the project and all adjacent properties, including across streets.
- Dimensions of the lot(s), and location and use of existing structures (including ponds and driveways).
- Required setback lines.
- Location, height, size and use of proposed and existing structures and yards, according to all dimensions that are regulated in this Ordinance.
- Plan of structures and/or portions thereof where the proposed use will be conducted, including entrances, exits, and other details which are relevant to the use.
- Foundation plan for manufactured homes.
- Zoning district of project and adjacent properties, including across streets.
- Location, width and names of existing streets, railroad rights-of-way, and easements.
- Existing sewers, water lines, culverts and other underground structures, and power transmission poles and lines, within and adjacent to the site.
- Location and sites of proposed easements and municipal utilities.
- Location and dimensions of all vehicular and pedestrian facilities within and without the site.
- Location and dimensions of all off-street parking areas, including entrance driveways, maneuvering lanes, service lanes, loading areas, and similar areas.

- Location, dimensions and proposed uses of all on-site recreation areas.
- Location of fire lanes.
- Location of refuse disposal, storage and removal areas.
- Location, type and size of plant material or fences for any required buffers.
- Statement that no part of the land involved in the application has been previously used to provide required setback space or lot area for another structure.
- Statistical data on all relevant characteristics of the proposed development, including number and size of dwelling units, percentage of lot coverage, total gross and net acreage, numbers and dimensions of parking spaces including handicapped accessible spaces.
- Survey by a registered engineer or surveyor.
- Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Ordinance.

1701.3 Zoning Inspector May Waive Some Data for the Site and Building Plan.

The Zoning Inspector shall have the authority to require additional data in the application if they determine that it is necessary to determine if the proposed project conforms to the requirements of this Ordinance. The cost of additional information shall be borne by the applicant. Additionally, the Zoning Inspector shall have the authority to waive some data required in the application if they determine that it is not needed to evaluate whether the application complies with the provisions of this Ordinance. Such waivers and/or requirements shall be made in writing by the Zoning Inspector. The intent of this provision is to provide sufficient data and to avoid unnecessary delay or expense to the applicant and Village in the preparation and review of applications for Zoning Certificates. It is not the intent of this section to waive all requirements for a site and building plan, because such documentation is necessary to verify conformance with, for example, setbacks, buffers, use of primary and accessory structures, and parking requirements.

1701.4 Establishment of Planning Commissions

The legislative authority of each village may establish a commission of five members, consisting of the mayor, one member of the legislative authority to be elected thereby for the remainder of the individual's term as such member of the legislative authority, two citizens of the village, and one public member to be appointed by the mayor for terms of six years each, except that the term of one of the members of the first commission shall be for four years and one for two years. All members shall serve without compensation.

The public members appointed under this section need not be residents of the municipal corporation but shall be residents of the county in which the municipal corporation is located or a township that is adjacent to the county. For purposes of this section, all members of a planning commission are subject to section 2921.42 of the Revised Code.

Whenever a planning commission is appointed under this section, it shall have all the powers conferred in section 735.15 of the Revised Code.

Except as otherwise provided in its charter, the commission of a charter municipal corporation created in the manner and by virtue of authority granted by its charter, shall have the powers of and the plans

made by it shall have the effect of a planning commission or city plan created under sections 713.01 to 713.15 of the Revised Code.

Any member of a city or village planning commission established under this section or by charter, except as otherwise provided in its charter, may hold any other public office and may serve as a member of a county, and a regional planning commission. (Ord. 03-2021 Amend Passed 04-24-23)

1701.5 Planning Commission Powers and Duties

The planning commission established under section 713.01 of the Revised Code shall make plans and maps of the whole or any portion of the municipal corporation, and of any land outside thereof, which, in the opinion of the commission, is related to the planning of the municipal corporation, and make changes in such plans or maps when it deems it advisable. Such maps or plans shall show the commission's recommendations for the general location, character, and extent of streets, alleys, ways, viaducts, bridges, waterways, waterfronts, subways, boulevards, parkways, parks, playgrounds, aviation fields and other public grounds, ways, and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use of or extension of such public ways, grounds, open spaces, buildings, property, utilities, or terminals. With a view to the systematic planning of the municipal corporation, the commission may make recommendations to public officials concerning the general location, character, and extent of any such public ways, grounds, open spaces, buildings, property, utilities, or terminals. As the work of making the whole plan progresses, the commission may from time to time adopt and publish any part thereof, and such part shall cover one or more major sections or divisions of the municipal corporation or one or more of the functional matters to be included in the plan. The commission may from time to time amend, extend, or add to the plan. This section does not confer any powers on the commission with respect to the construction, maintenance, use, or enlargement of improvements by any public utility or railroad on its own property if such utility is owned or operated by an individual, partnership, association, or a corporation for profit.

The planning commission may accept, receive, and expend funds, grants, and services from the federal government or its agencies, from departments, agencies, and instrumentalities of this state or any adjoining state or from one or more counties of this state or any adjoining state or from any municipal corporation or political subdivision of this or any adjoining state, including county, regional, and municipal planning commissions of this or any adjoining state, or from civic sources, and contract with respect thereto, either separately or jointly or cooperatively, and provide such information and reports as may be necessary to secure such financial aid.

The commission may control, preserve, and care for historical landmarks; control, in the manner provided by ordinance, the design and location of statuary and other works of art, which are the property of the municipal corporation; control the removal, relocation, and alteration of any such works; and control the design of harbors, bridges, viaducts, street fixtures, and other public structures and appurtenances.

Whenever the commission makes a plan of the municipal corporation, or any portion thereof, no public building or structure, street, boulevard, parkway, park, playground, public ground, canal, river front,

harbor, dock, wharf, bridge, viaduct, tunnel, or other public way, ground, works, or utility, whether publicly or privately owned, or a part thereof, shall be constructed or authorized to be constructed in the municipal corporation or planned portion thereof unless the location, character, and extent thereof is approved by the commission. In case of disapproval the commission shall communicate its reasons therefor to the legislative authority of the municipal corporation and to the head of the department which has control of the construction of the proposed improvement or utility. The legislative authority, by a vote of not less than two-thirds of its members and of such department head, together may overrule such disapproval. If such public way, ground, works, building, structure, or utility is one the authorization or financing of which does not, under the law or charter provisions governing it, fall within the province of a municipal legislative authority or other municipal body or official, the submission to the commission shall be by the state, school, county, district, or township official, board, commission, or body having such jurisdiction, and the commission's disapproval may be overruled by such official, board, commission, or body by a vote of not less than two-thirds of its membership. The narrowing, ornamentation, vacation, or change in the use of streets and other public ways, grounds, and places shall be subject to similar approval, and disapproval may be similarly overruled. The commission may make recommendations to any public authorities or to any corporations or individuals in such municipal corporation or the territory contiguous thereto, concerning the location of any buildings, structures, or works to be erected or constructed by them. (Ord 03-2021 Amend Passed 04-24-23)

Section 1702. Process for Application Review.

Applications to the Planning Commission shall be processed as follows:

- The application shall be submitted to the Zoning Inspector. The Zoning Inspector shall determine whether the application is complete within three (3) business days.
- If the application is determined to be complete, the Planning Commission shall schedule the hearing and shall give at least ten (10) days public notice thereof in a newspaper of general circulation in the municipality and at least ten (10) days notice to property owners and occupants of land within two hundred (200) feet of the premises in the application.
- If the application is deemed to be incomplete, it shall be the responsibility of the applicant to request a refund of the application fee from the Zoning Inspector.
- The Planning Commission shall decide to approve or disapprove the application. As part of the review process, the Planning Commission may require modifications, request additional information, and/or submit the application to the Tuscarawas Regional County Planning Commission for recommendation. It is recommended but not required that modifications, revisions, and conditions should be recorded in the form of a list as a convenience in reviewing further submittals and inspections.
- The Planning Commission shall decide to approve or disapprove the application within sixty (60) days of the date of determination that the application is complete.
- Approval of the Application shall not be final until any revised plans required by Commission have been submitted by the applicant and approved by the Zoning Inspector for conformance with the approval by Commission.
- The Zoning Inspector shall issue a Zoning Certificate, as appropriate, for an application which has been approved.
- The Zoning Inspector shall transmit one copy of the approved application and Zoning Certificate to the applicant and shall maintain one copy in the Village files. Alternatively, the Zoning Inspector shall transmit documentation of any application which is disapproved,

along with the reasons for the disapproval, to the applicant and shall maintain one copy in the Village files.

Section 1703. Interpretation of Zoning District Map

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the Planning Commission shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance. In case of any questions as to the location of any boundary line between zoning districts, a request for interpretation of the zoning district map may be made to the BZA and a determination shall be made by the Planning Commission.

Section 1704. Planning Commission Decisions are Binding

Decisions of the Planning Commission shall be binding upon the Zoning Inspector and observed by them, and they shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Planning Commission.

Section 1705. Planning Commission Decisions May be Appealed to the Court of Common Pleas

The Planning Commission may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirements, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all powers of the Zoning Inspector from whom the appeal is taken. Any party adversely affected by a decision of the Planning Commission may appeal to the Court of Common Pleas of the county on the ground that the decision was unreasonable or unlawful.

ARTICLE 18 BOARD OF ZONING APPEALS (BZA)

Section 1800. Purpose of the Board of Zoning Appeals

The purpose of the Board of Zoning Appeals (BZA) is to hear appeals of decisions made by the Zoning Inspector; and to review and authorize projects where there are practical difficulties or unnecessary physical hardships in carrying out the strict interpretation of this Ordinance, providing such exception is in harmony with the general purpose and intent of the Ordinance and in accordance with the procedures and provisions specified in this Article; and to perform other duties as determined by the Village Council. The BZA shall have the powers and duties as described in this Ordinance.

Section 1801. Organization and Procedures of the BZA

1801.1 Appointment of BZA Members:

There is hereby established a Board of Zoning Appeals (BZA) which shall consist of five (5) voting members appointed by the Council. The Council shall choose a successor to fill any vacancy. The five (5) voting members first appointed shall serve for terms of one (1), two (2), three (3), four (4) and five (5) years, respectively; thereafter appointments shall be for five (5) year terms, beginning January 1st. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Council and shall be for the respective unexpired term. The members of the Board of Zoning Appeals may receive such compensation as the Council provides.

1801.2 Officers and Rules of the BZA:

The BZA shall organize annually and elect a President, Vice-president and Secretary. The BZA shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance, provided, however, that such rules are not consistent with any other Ordinance of the municipality.

1801.3 Quorum of the BZA.

Three members of the BZA shall constitute a quorum. The concurring vote of three members of the BZA shall be necessary to reverse any order or determination of the Zoning Inspector, to decide in favor of an application in any matter in which the BZA has original jurisdiction under this zoning Ordinance, or to grant any variance from the requirements stipulated in this Ordinance.

1801.4 Meetings of the BZA:

Meetings shall be held at the call of the chairman and at such other times as the BZA may determine. All meetings of the Board of Zoning Appeals shall be public. However, the BZA may go into executive session for discussion but not for vote on any case before it. The BZA shall hear testimony from any member of the public.

1801.5 Minutes and Records of the BZA:

The BZA shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Clerk and shall be a public record.

1801.6 BZA Authority for Witnesses, Oaths, etc.:

The BZA shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents under such regulations as it may establish.

1801.7 Officials and Employees Shall Assist the BZA:

The BZA may call upon the various officials and employees of the municipality for assistance in the performance of its duties and it shall be the duty of the various Departments to render such assistance to the BZA as may reasonably be required.

Section 1802. Appeal of Decision of the Zoning Inspector to the BZA

An appeal of a final, formal decision of the Zoning Inspector may be made to the Board of Zoning Appeals on the grounds that the decision is contrary to the laws and policies of the Village of NEWCOMERSTOWN.

1802.1 Submittal of Appeal to BZA.

An appeal to the BZA may be made by any person who is harmed or by an officer of the municipality affected by any formal decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the BZA a notice of appeal specifying the grounds thereof. The Zoning Inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed was taken. The appeal shall include:

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant or appellant. It shall also be signed by the property owner(s) if the appeal is initiated by the lessee or tenant of the premises.
- Names and addresses of all property owners and occupants of properties within two hundred (200) feet of the subject property.
- A fee as stated in this Ordinance.

1802.2 Urgent Stays of Further Action on a Project.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector shall state in writing to the BZA after the notice of appeal shall have been filed with it that by reason of facts stated, a stay would, in his/her opinion, cause imminent peril to life or property in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the BZA or by a court of equity after notice to the officer from whom the appeal is taken and on due cause shown. Documentation of the stay shall be transmitted to the applicant and owner of the property which is the subject of the appeal within one (1) business day.

1802.3 Process for Consideration of Appeal by BZA.

An appeal shall be processed as follows:

- The appellant shall submit the appeal to the Zoning Inspector. The Zoning Inspector shall determine whether the appeal is complete within one (1) business day. If the application is deemed to be incomplete, it shall be the responsibility of the applicant to request a refund of the application fee from the Zoning Inspector.
- The BZA shall schedule the public hearing and shall give at least ten (10) days public notice thereof in a newspaper of general circulation in the municipality, and at least ten (10) days notice to property owners and occupants of land within two hundred (200) feet of the premises in the appeal, and at least ten (10) days notice to the appellant, and to the applicant and owner of the property which is the subject of the appeal.
- The BZA shall conduct a public hearing and decide to affirm or reverse the appeal within (thirty) 30 days of the determination that the appeal is complete.
- The Zoning Inspector shall transmit documentation of the BZA's affirmation or reversal to the appellant(s), and to the applicant and owner of the property which was the subject of the appeal.

1802.4 Appeal of Decision of Zoning Inspector Regarding Environmental Impact Certification.

In such case that the Zoning Inspector issues a decision to refer an application for an Environmental Impact Certification to the Planning Commission, and the decision is appealed to the BZA, the BZA shall determine whether or not the application should be referred to the Planning Commission. It shall not be the responsibility of the BZA to review the application and determine whether to grant the Environmental Impact Certification.

Section 1803. Application for a Determination by the BZA

An application, in cases in which the BZA has original jurisdiction under the provisions of this Ordinance, may be submitted by the property owner, lessee or tenant of a premises.

1803.1 Contents of Application for BZA Determination:

An application to the BZA shall contain eight (8) collated sets of the information listed below, including two (2) sets with original signatures. One additional copy shall be included if there is a parking agreement which is required to be reviewed by the Village Solicitor. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal.

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- A site and building plan as described in this section.
- Names and addresses of property owners and occupants of properties within two hundred (200) feet of the subject property.
- A fee as required in this Ordinance.

1803.2 · Contents of Site and Building Plan in Application to BZA.

The site and building plan shall show the information listed below. The scale of plans shall be sufficient to adequately evaluate whether the proposed plan complies with the regulations of this Ordinance. All plans shall be of a sufficient scale to determine compliance with the provisions of this Ordinance.

- Project name, location and address.
- Applicant's name.
- Scale and north arrow.
- Map showing the general location of the project.
- Location and names of street(s) providing access to the project, and exact location of the project in relation to the nearest cross street.
- Lot and parcel numbers of the project and all adjacent properties, including across streets.
- Dimensions of the lot(s), and location and use of existing structures (including ponds).
- Required setback lines.
- Location, height, size and use of proposed and existing structures and yards, according to all dimensions that are regulated in this Ordinance.
- Foundation plan for manufactured homes.
- Zoning district of project and adjacent properties, including across streets.
- Location, width and names of existing streets, railroad rights-of-way, and easements.
- Existing sewers, water lines, culverts and other underground structures, and power transmission poles and lines, within and adjacent to the site.
- Location and sites of proposed easements and municipal utilities.
- Location and dimensions of all vehicular and pedestrian facilities within and without the site.
- Location and dimensions of all off-street parking areas, including entrance driveways, maneuvering lanes, service lanes, loading areas, and similar areas.
- Location, dimensions and proposed uses of all on-site recreation areas.

- Location of fire lanes.
- Location of refuse disposal, storage, and removal areas.
- Location, type and size of plant material or fences for any required buffers.
- Statement that no part of the land involved in the application has been previously used to provide required setback space or lot area for another structure.
- Statistical data on all relevant characteristics of the proposed development, including number and size of dwelling units, percentage of lot coverage, total gross and net acreage, numbers and dimensions of parking spaces including handicapped accessible spaces.
- Survey by a registered engineer or surveyor.
- Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Ordinance.

1803.3 Zoning Inspector May Waive Data for the Site and Building Plan.

The Zoning Inspector shall have the authority to require additional data in the application if they determine that it is necessary to determine if the proposed project conforms to the requirements of this Ordinance. The cost of additional information shall be borne by the applicant. Additionally, the Zoning Inspector shall have the authority to waive some data required in the application if they determine that it is not needed to evaluate whether the application complies with the provisions of this Ordinance. The intent of this provision is to provide sufficient data and to avoid unnecessary delay or expense to the applicant and Village in the preparation and review of applications for Zoning Certificates. It is not the intent of this section to waive all requirements for a site and building plan, because such documentation is necessary to verify conformance with, for example, setbacks, buffers, use of primary and accessory structures, and parking requirements.

Section 1804. Process for BZA Application Review

Applications to the BZA shall be processed as follows:

- The application shall be submitted to the Zoning Inspector. The Zoning Inspector shall determine whether the application is complete within three (3) business days.
- The Zoning Inspector shall transmit the proposed application to the BZA.
- If the application is determined to be complete, the BZA shall schedule the hearing and shall give at least ten (10) days public notice thereof in a newspaper of general circulation in the municipality and at least ten (10) days notice to property owners and occupants of land within two hundred (200) feet of the premises in the application.
- The BZA shall conduct the public hearing and decide to approve or disapprove the application. As part of the review process, the BZA may require modifications, request additional information, and/or submit the application to the Tuscarawas County Regional Planning Commission for recommendation. It is recommended but not required that modifications, revisions, and conditions-should be recorded in the form of a list as a convenience in reviewing farther submittals and inspections.
- The BZA shall decide to approve or disapprove the application within sixty (60) days of the date of determination that the application is complete.
- Approval of the application shall not be final until any revised plans required by BZA have been submitted by the applicant and approved by the Zoning Inspector for conformance with the approval by BZA.

- The Zoning Inspector shall issue a Zoning Certificate, as appropriate, for an application which has been approved. The Zoning Inspector shall transmit one copy of the approved application and Zoning Certificate to the applicant and shall maintain one copy in the Village files. Alternatively, the Zoning Inspector shall transmit documentation of any application which is disapproved, along with the reasons for the disapproval, to the applicant and shall maintain one copy in the Village files.

Section 1805. BZA Decisions are Binding

Decisions of the BZA shall be binding upon the Zoning inspector and observed by them, and they shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the BZA.

Section 1806. BZA Decisions May be Appealed to the Court of Common Pleas

The BZA may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirements, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all powers of the Zoning Inspector from whom the appeal is taken. Any party adversely affected by a decision of the BZA may appeal to the Court of Common Pleas of the county on the ground that the decision was unreasonable or unlawful.

ARTICLE 19 AMENDMENTS TO THE ZONING ORDINANCE AND DISTRICT MAP

Section 1900. Council May Amend the Zoning Ordinance.

The Village Council may amend the Zoning Ordinance. Such change shall be in the interest of public necessity, convenience, general welfare and/or good zoning practice. Prior to such amendment, the Planning Commission shall make recommendations on all proposed amendments according to the provisions of this Ordinance and other applicable regulations of the Village. Such changes may include amendments, supplements, changes in regulations and/or district boundaries and/or classification of property as now or hereafter established by the Zoning Ordinance and amendments thereof.

Section 1901. Criteria for Amendments to the Zoning District Map

- The amendment is consistent with the purpose of the district.
- The property to be rezoned is similar in character to other areas of the community which are in the same zoning district.
- The amendment will not create a case of "spot zoning", i.e., assign a property to a zoning district where it does not conform to the purpose.
- Will not change the legal, conforming status of uses and structures that are acceptable and appropriate in the community and in their present location.

Section 1902. Procedure for Change in Zoning Ordinance

1902.1 Initiation of Zoning Amendment:

A proposed amendment to this Zoning Ordinance may be initiated in one of the following ways:

- By adoption of a motion of the Planning Commission;
- By passage of a motion or Ordinance by Council;
- By the filing of an application by at least one owner, agent, or lessee of property within the area proposed to be changed or affected by such amendment.

Additionally, any resident, property owner or official of the community may suggest an amendment to the Zoning Ordinance, which the Council and/or the Planning Commission may decide to study.

1902.2 Application for Zoning Amendment:

An application for a Zoning Amendment shall be submitted to the Zoning Inspector and shall contain eight (8) collated sets of the information listed below, including two (2) sets with original signatures. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal.

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- A sketch map of the proposed zone change, if applicable, as described in this section.
- The text of the existing sections of the Ordinance, and the proposed new text, including section numbers, if applicable.
- Names and addresses of property owners and occupants of properties within two hundred (200) feet of the subject property.
- A fee as required in this Ordinance.

1902.3 Sketch Map of Zoning Amendment.

The purpose of the sketch map is to illustrate the area of the proposed zoning amendment if the amendment involves an amendment of the map. The sketch map shall contain the following information:

- A copy of all or a portion of the Village Zoning District map, in the same scale as the official map and on a page of at least 8, 1/2 x 11" in size, including the subject area and surrounding areas, and with notations describing the proposed change.
- Present zoning district;
- Proposed use of the property;
- Proposed zoning district;
- A vicinity map showing property lines, thoroughfares, existing and proposed zoning of adjacent parcels and those across the street;

1902.4 Action of the Commission.

The proposed amendment shall be considered by the Planning Commission by the following process:

- The proposed amendment shall be submitted to the Zoning Inspector. In the case of an application, the Zoning Inspector shall determine whether the application is complete within three (3) business days. If the application is determined to be complete, the Planning Commission shall schedule the hearing as provided below.
- If the application is deemed to be incomplete, it shall be the responsibility of the applicant to request a refund of the application fee from the Zoning Inspector.

- The Planning Commission shall schedule the hearing and shall provide public notice as provided in this Article.
- The Commission shall make a recommendation on the proposed amendment to the Village Council. The Commission may recommend that the application be approved as requested, it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted.
- The Planning Commission shall make its recommendation within thirty (30) days of the date of adoption of the Planning Commission motion, or Village Council Ordinance, or determination of completeness of the application.

1902.5 Public Hearing by the Council:

The proposed amendment shall be considered by the Village Council according to the following process:

- The recommendation of the Commission along with any necessary supporting documents shall be forwarded to City Council for their review.
- After receiving the recommendation of the Planning Commission and before the adoption of any such amendments, Council shall hold a public hearing thereon.
- The Village Clerk shall provide notices for the public and property owners as described in this Ordinance.
- The Council may decide to approve the proposed amendment as submitted, or with any further changes, or to reject the whole or any part of the amendment.
- The Council shall take action on the proposed amendment within sixty days of the date of adoption of the Planning Commission motion, or Village Council Ordinance, or determination of completeness of the application.
- If the Council approves an amendment of the Zoning District Map, the Zoning Inspector shall revise the map within ten (10) business days of the Council action.

1902.6 Notice to the Public and Property Owners:

Public notice of public hearings related to proposed zoning amendments shall be published in a newspaper of general, local circulation or by social media at least ten (10) business days beforehand. If the proposed amendment intends to rezone ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by first class mail at least ten days before the date of the public hearing, to all occupants and owners of property within, contiguous to and directly across the street from such area proposed to be rezoned. The notice shall state the place or places and times at which the proposed amendment to the Ordinance including text and maps may be examined and other notices as required by state statutes. The names and addresses shall be obtained from the County auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the legislative authority. The failure to notify individual property owners and occupants as provided in this section shall not invalidate any recommendation adopted hereunder, it being the intent of this section to provide so far as is reasonably possible, due notice to the persons substantially interested in the proposed change that an application is pending.

1902.7 Resubmittal of Application for Amendment:

In the event the proposed amendment has been disapproved by Council, no application for a proposed identical amendment shall be resubmitted for a period of six (6) months following such disapproval.

Section 1903. Zoning Amendments Shall Not be Approved with Conditions

Zoning amendments shall not be approved with conditions, and shall not be contingent, for example, upon the completion of a proposed structure or initiation of a proposed use.

ARTICLE 20 FEES

Section 2000. Fee for Applications and Services

Section 1: That a fee shall be charged by the Village and collected by the Mayor for each building permit issued by the Village. The amount shall be as follows:

- New single-family or multiple family dwelling: \$35.00
- Additions, alterations, improvements, siding, garages, sheds, etc., including to but not limited to sidewalks, patios, slabs, and driveways: \$20.00
- Commercial, industrial, and institutional additions: \$100.00
- Commercial, industrial and institutional new construction: \$200.00
- Erection of a fence: \$10.00
- Certificate of occupancy: \$15.00
- Demolition Permit: \$15.00
- In-ground swimming pool, tennis court, or other outdoor recreational facility: \$20.00
- Curbing, public sidewalks, and driveways in the street right-of-way: \$0
- Curb cuts, sidewalks, plus \$1 per foot over 15 feet: \$10.00
- Lot splits: \$25.00
- Mobile Home permits (SDMH): \$100.00
- Dumpster: \$35.00
- Food Truck: \$10.00/day \$25.00/week \$50.00/month, \$200.00/year
- **Shelter Rental:** **(Depends on size)**

Shelter, 2,3,4,7-\$35.00

Shelter 6-\$50.00

Shelter 5,8-\$100.00

- **Zoning Appeals** \$20.00
- **Solicitation Permit:** \$5/day, \$10/week, \$25 month, \$50/year
- **Street Grinding:** \$20/scoop

Section 2: That any worked performed, subject to these building permit regulations, within the Village of Newcomerstown, without prior issuance of a permit, will charged a minimum additional fee of 20%of the required fee or \$10.00 whichever is greater.

ARTICLE 21 ADOPTION OF REVISED ORDINANCE

Section 2100. Effective Date

This Ordinance shall become effective immediately from and after the date of its approval and adoption, as provided by law. This Ordinance was passed as an emergency Ordinance by the Council of the Village of NEWCOMERSTOWN.

Section 2101. Repeal of Previous Zoning Ordinance

It is the intent of this Ordinance to repeal in its entirety the previously existing Zoning Ordinance know as Ordinance YYY. Enactment of this Ordinance and repeal of Zoning Ordinance Number XXX will occur

simultaneously. If it is found that this Ordinance is for any reason ineffective, then the previously existing Ordinance YYY shall remain in effect.

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

Passed (Date)

APPLICATIONS

APPLICATION FOR ZONING CERTIFICATE FOR USE OR STRUCTURE
Village of NEWCOMERSTOWN, Ohio

- Refer to requirements in the Zoning Ordinance of the Village of NEWCOMERSTOWN, available from the Zoning Inspector.
 - See Zoning Ordinance for requirements for complete application including application form, plans, fees and other materials. Incomplete applications may be rejected after submittal.
 - Each structure is required to have a separate Zoning Certificate.
 - Submit complete application to Zoning Inspector.
 - For more information contact Zoning Inspector, [address of Village office, telephone number]. PLEASE PRINT OR TYPE. FILL IN ALL BLANKS. ATTACH ADDITIONAL PAGES AS NEEDED.
-

Instructions: Submit 2 collated sets of application with original signatures.

Materials attached to this application:

- Site and building plan
 - Fee. Make check payable to Village of NEWCOMERSTOWN
 - Submit this application with applications for all other required permits.
-

Location of Project:

Street Address _____

Subdivision Name _____

Section _____

Township _____

Range _____

Block _____

Parcel Number _____

If Multiple Buildings in Project: Building Number on Plan _____

Applicant (Owner or tenant)

Contact Person _____

Phone _____

Property Owner

Name _____

Mailing Address _____

Describe the Proposed Use(s) and/or Structures(s). Describe all, using Article 4 of the Zoning Ordinance:

Anticipated dates of construction and removal of temporary structure (12 months maximum)

For Determination of Status of Existing Use or Structure: date of completion of existing structure, date of initiation of current use, including most recent alterations. Attach previously issued permits for existing use or structure.

APPLICATION FOR ZONING CERTIFICATE FOR USE OR STRUCTURE, page 2

Project type. Check all that apply:

- | | |
|--|---|
| <input type="checkbox"/> Dwelling (number of units) | <input type="checkbox"/> Limited Home Occupation |
| <input type="checkbox"/> Residential Design Manufactured Home (RDMH) | <input type="checkbox"/> Temporary Structure |
| <input type="checkbox"/> Standard Design Manufactured Home (SDMH) | <input type="checkbox"/> Portable Structure |
| <input type="checkbox"/> Number of Dwelling Units in Building | <input type="checkbox"/> Fence, landscaping wall |
| <input type="checkbox"/> Business-Retail, Office, etc. | <input type="checkbox"/> Change in use, not structures |
| <input type="checkbox"/> Industrial, Manufacturing, Warehousing | <input type="checkbox"/> Determination of Status of Legal, Nonconforming Use or Structure |
| <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Other (describe) |
| <input type="checkbox"/> Expanded Home Occupation | |

-
- | | |
|--|---|
| <input type="checkbox"/> New Use | <input type="checkbox"/> Construction of New Structure |
| <input type="checkbox"/> Altered, Additional Use | <input type="checkbox"/> Alteration of Existing Structure |
-

Existing Uses and Structures on the Property:

Property is Currently Zoned As: _____

Type of Sewage Disposal (Individual, Group, Municipal): _____

Type of Water (Individual, Group, Municipal): _____

-
- The undersigned requests a Zoning Certificate for the premises as described in this application.
 The undersigned requests a Determination of the Status of a Legal, Nonconforming Use as described in this application.

All information provided in all materials in this application is true, correct, and complete to the best of my knowledge. No part of the land involved in the application has been previously used to provide required setback space or lot area for another structure.

Applicant (Please sign and print name) _____ Date _____

This undersigned is the owner of the premises described herein and grants permission to the applicant for the submission of this application.

Owner (Please sign and print name) _____ Date _____

Zoning Inspector Notes

Date of Submittal: _____

Date of Determination of Completeness: _____ Complete Incomplete

Reason application is incomplete: _____

Signature of Zoning Inspector _____ Date _____

**APPLICATION FOR ZONING COMPLIANCE INSPECTION
VILLAGE OF NEWCOMERSTOWN, OHIO**

- Refer to the requirements in the Zoning Ordinance of the Village of NEWCOMERSTOWN, available from the Zoning Inspector.
- Submit completed application To Zoning Inspector, [address of Village office, telephone number].
- See Zoning Ordinance for application requirements. Incomplete applications may be rejected after submittal.
- The Zoning Inspector will inspect the premises prior to approval of the Zoning Compliance Inspection.
- For more information, contact the Village Zoning Inspector at (telephone number).

PLEASE PRINT OR TYPE. FILL IN ALL BLANKS. ATTACH ADDITIONAL PAGES AS NEEDED.

INSTRUCTIONS:

- Attach copy (not original) of approved Zoning Certificate and other permit forms containing signature of Zoning Inspector. It is not necessary to attach plans, other applications, or other approvals.
- Submit a fee as required in the Zoning Ordinance.
- Be prepared to schedule an inspection within 10 business days after submittal of this application. It is strongly recommended, but not required, that the applicant or their representative attend the inspection.
- For a Determination of Legal, Nonconforming Use or Structure, submit a completed Application of Zoning Certificate for Use or Structure.

Location of Project:

Street Address

Subdivision Name

Section

Township

Range

Block

Parcel Number

If Multiple Buildings in Project: Building on Number Plan

Applicant (Property owner or tenant)

Name of Applicant

Mailing Address

Contact Person

Phone

Property Owner

Name

Mailing Address

The undersigned requests a Zoning Compliance Inspection by the Zoning Inspector for the project referenced herein, as provided in the Zoning Ordinance. All information provided in this application is true, correct and complete the best of my knowledge. I grant permission to the Zoning Inspector to inspect the premises by appointment, to determine approval or denial of this application.

Applicant (Please sign and print)

Date

The undersigned is the owner of the premises described herein and grants permission to the applicant for the submission of this certificate.

Owner (Please sign and print)

Date

APPLICATION FOR ZONING COMPLIANCE INSPECTION, page 2

Zoning Inspector Notes

Approved Zoning Certificate or Sign Permit (attach)

Approvals by Council, Planning Commission, Board of Zoning Appeals (attach)

Approved plans (attach)

Approved Use or Structure:

Date of Submittal

Date of Inspection

Determination:

Approved

Denied

Zoning Compliance Inspection

is denied because:

Signature of Zoning Inspector

Date

APPLICATION FOR SIGN PERMIT
VILLAGE OF NEWCOMERSTOWN, OHIO page 1

- Refer to requirements in the Zoning Ordinance of the Village of NEWCOMERSTOWN, available from the Zoning Inspector.
 - See Zoning Ordinance for requirements for complete application. Incomplete applications may be rejected after submittal.
 - Submit complete application to Zoning Inspector, [address of Village office, telephone number].
 - For more information, contact the Village Zoning Inspector at (telephone number).
- PLEASE PRINT OR TYPE. FILL IN ALL BLANKS. ATTACH ADDITIONAL PAGES AS NEEDED.
-

INSTRUCTIONS

Submit 8 collated sets of this application, including 2 sets containing original signatures. Materials attached to this application:

- __ Drawings of the proposed sign Plot plan.
 - __ Names and addresses of property owners and occupants of properties within two hundred (200) feet of the subject property.
 - __ Fee. Make check payable to Village of NEWCOMERSTOWN.
 - __ Submit with application for Zoning Certificate and all other requirements permits.
-

Location of Project:

Street Address _____

Subdivision Name _____	Section _____
Township _____	Range _____
Block _____	Parcel Number _____

Applicant (Property Owner or tenant)

Name of Applicant _____

Mailing Address _____

Contact Person _____	Phone _____
----------------------	-------------

Property Owner

Name _____

Mailing Address _____

Type of Sign:

(Refer to Zoning Ordinance) _____

Describe the sign, including materials and illumination:

Type of proposed sign (Refer to Article 12)

Is the activity described on the sign conducted on the proposed site?

Proposed dates of display for temporary-type signs.

APPLICATION FOR SIGN PERMIT, page 2

Total area of signs permitted for premises (provide all calculations)

Total area of other signs on premises

Total area of proposed sign

Temporary Signs: Where will signs be posted?

The undersigned requests a determination by the Zoning Inspector for the sign as described in the application. All information provided in all materials in this application is true, correct, and complete to the best of my knowledge.

Applicant (Please sign and print name)

Date

The undersigned is the owner of the premises described herein and grants permission to the applicant for the submission of this application.

Owner (Please sign and print name)

Date

Zoning Inspector Notes

Date of Submittal

Date of Determination of Completeness

Complete

Incomplete

Approved Dates of Display of temporary-type signs:

Signature of Zoning Inspector

Date

**APPLICATION FOR SEASONAL SALE PERMIT
VILLAGE OF NEWCOMERSTOWN, OHIO**

- Refer to requirements in the Zoning Ordinance of the Village of NEWCOMERSTOWN, available from the Zoning Inspector.
 - Incomplete applications may be rejected after submittal.
 - Submit complete application to Zoning Inspector, [address of Village office, telephone number].
 - For more information, contact the Village Zoning Inspector at (telephone number).
- PLEASE PRINT OR TYPE. FILL IN ALL BLANKS. ATTACH ADDITIONAL PAGES AS NEEDED.

INSTRUCTIONS Submit 2 sets of application containing original signatures. Materials attached to this application:

__ Sketch map.

__ Fee. Make check payable to Village of NEWCOMERSTOWN.

Location of Project:

Street Address

Subdivision Name

Section

Township

Range

Block

Parcel Number

Operator of Seasonal Sale

Name of Operator

Mailing Address

Contact Person

Phone

Operator of Permitted Non-residential Use

Name of Operator

Mailing Address

Contact Person

Phone

Property Owner

Name

Mailing Address

What is the use of the property? Is this a permitted use, or a conditionally permitted use? See Zoning Ordinance, Article 4.

List all types of goods to be offered for sale:

Describe how and where goods will be displayed (example: on tables, back of a truck, under a canopy, etc.)

Describe how traffic and parking will be controlled.

Proposed dates of the sale:

APPLICATION FOR SEASONAL SALE PERMIT page 2

The undersigned requests a determination by the Zoning Inspector for the seasonal sale as described in the application. All information provided in all materials in this application is true, correct and complete to the best of my knowledge.

Operator of the Seasonal Sale (Please sign and print name)

Date

Operator of the Permitted Non-residential Use

Date

The undersigned is the owner of the premises described herein and grants permission for the submission of this application.

Owner (Please sign and print name)

Date

Zoning Inspector Notes

Date of Submittal

Date of Determination of Completeness

Complete

Incomplete

Signature of Zoning Inspector

Date

AGRICULTURAL STRUCTURE/USE EXEMPTION CERTIFICATE

Village of NEWCOMERSTOWN, Ohio

- Refer to requirements in the Zoning Ordinance of the Village of NEWCOMERSTOWN, available from the Zoning Inspector.
 - Submit completed certificate to Zoning Inspector, [address of Village office, telephone number].
 - The Zoning Inspector will inspect the premises prior to the determination of the acceptance of the certificate.
 - There is no fee for submittal of this certificate, inspection of the premises or issuance of an acceptance.
- PLEASE PRINT OR TYPE. FILL IN ALL BLANKS. ATTACH ADDITIONAL PAGES AS NEEDED.
-

Location of Project:

Street Address

Subdivision Name

Section

Township

Range

Block

Parcel Number

Applicant (Property owner or tenant)

Name of Applicant

Mailing Address

Contact Person

Phone

Property Owner

Name

Mailing Address

Describe Use of Land and/or Structure. Use a separate form for the land and each structure.

I certify that the use of the land or structure is solely confined to agriculture, forestry or plant cultivation as defined in the Zoning Ordinance. All information in this certificate is true, correct and complete to my knowledge. I request a Zoning Compliance Inspection by the Zoning Inspector, and grant permission to the Zoning Inspector to inspect the premises, by appointment, to verify the eligibility of the use of land or structure described herein.

Applicant (Please sign and print name)

Date

The undersigned is the property owner and grants permission to the applicant for the submission of this certificate.

Owner (Please sign and print name)

Date

Zoning Inspector Notes

Date of Submittal

Date of Inspection

Certificate is Accepted

Certificate is Denied

Use/structure is not eligible for Certificate because:

Signature of Zoning Inspector

Date

APPLICATION FOR PLANNING COMMISSION REVIEW

Village of NEWCOMERSTOWN, OHIO

- Refer to requirements in the Zoning Ordinance of the Village of PORT WASHINGTON, available from the Zoning Inspector.
 - Incomplete applications may be rejected after submittal.
 - Submit complete application to Zoning Inspector, [address of Village office, telephone number].
 - For more information, contact the Village Zoning Inspector at (telephone number).
- PLEASE PRINT OR TYPE. FILL IN ALL BLANKS. ATTACH ADDITIONAL PAGES AS NEEDED.

INSTRUCTIONS: Submit 8 collated sets of this application, including 2 sets containing original signatures. Include with form:

Site and building plan

Names and address of property owners and occupants of properties within two hundred (200) feet of the subject property.

Fee. Make check payable to the Village of NEWCOMERSTOWN

Submit this application with applications for Zoning Certificate and all other required permits

Location of Project:

Street Address

Subdivision Name

Section

Township

Range

Block

Parcel Number

Applicant (Property owner or tenant)

Name of Applicant

Mailing Address

Contact Person

Phone

Property Owner

Name

Mailing Address

Describe type of proposed structure or use. **Project type. Check all that apply:**

Conditional Use Permit

Environmental Impact Certification (Attach certificate from professional engineer.)

Expanded Home Occupation (Attach description of use, equipment, employees, and structures to be used.)

Interpretation of Zoning District Map (Attach sketch map and statement as described in Section 1702.4)

Zoning Amendment (Attach sketch map, existing text and proposed text as described in Section 1902.2.)

Replacement Manufactured Home Permit (Attach completed fom1)

Legal, Nonconforming Structure

Legal, Nonconforming Use

Mineral Extraction, Storage and Processing

Oil and Gas Extraction, Storage and Processing Portable structure

Site Plan Review

Temporary Structure

Other (Describe)

APPLICATION FOR PLANNING COMMISSION REVIEW, page 2

The undersigned requests a determination by the Planning Commission for the premises as described in the application. All information provided in all materials in this application is true, correct, and complete to the best of my knowledge. No part of the land involved in the application has been previously used to provide required setback space or lot area for another structure.

Applicant (Please sign and print name)

Date

The undersigned is the owner of the premises described herein and grants permission to the applicant for the submission of this application.

Owner (Please sign and print name)

Date

Zoning Inspector Notes

Date of Submittal

Date of Determination of
Completeness:

Complete

Incomplete

Zoning Inspector Signature

Date

REPLACEMENT MANUFACTURED HOME PERMIT FORM
Village of NEWCOMERSTOWN

- Refer to requirements in the Zoning Ordinance of the Village of NEWCOMERSTOWN, available from the Zoning Inspector.
- Applicants are recommended to contact the Village Zoning Inspector and the Tuscarawas County GeneralHealth District for more information about requirements for manufactured homes.
- See the Village Zoning Ordinance for requirements for complete application including application form, plans, fees and other materials. Incomplete applications may be rejected after submittal.
- Submit complete application to Zoning Inspector, [address of Village office, telephone number].
PLEASE PRINT OR TYPE. FILL IN ALL BLANKS. ATTACH ADDITIONAL PAGES AS NEEDED

INSTRUCTIONS: Submit 8 collated sets of this application, including 2 sets containing original signatures. Materials attached to this application:

- Site and building plan
- Names and addresses of property owners and occupants of properties within two hundred (200) feet of the subject property.
- Fee. Make check payable to Village of NEWCOMERSTOWN.
- Submit this application with applications for Zoning Certificate, Planning Commission Review and all other required permits.

Location of Project:

Street Address

Subdivision Name Section

Township Range

Block Parcel Number

Is the unit in a mobile home park? Name the park.

Applicant (Property owner or tenant)

Name of Applicant

Mailing Address

Contact Person Phone

Property Owner

Name

Mailing Address

List the type of permit, agency, and date of previous permission for existing legal, nonconforming unit (attach copy).

Date that the legal, nonconforming unit was/will be removed. (Attach proof of date.)

Replacement unit conforms to standards, as described in Zoning Ordinance, for: **RDMH** **SDMH**

REPLACEMENT MANUFACTURED HOME PERMIT FORM, page 2

The undersigned requests approval for a Replacement Manufactured Home by the Planning Commission for the premises as described in the application. All information provided in all materials in this application is true, correct and complete to the best of my knowledge. No part of the land involved in the application has been previously used to provide required setback space or lot area for another structure.

Applicant (Please sign and print name)

Date

The undersigned is the owner of the premises described herein and grants permission to the applicant for the submission of this application.

Owner (Please sign and print name)

Date

Zoning Inspector Notes

Date of Submittal

Date of Determination of Completeness

Complete

Incomplete

Zoning Inspector Signature

Date

APPLICATION FOR ENVIRONMENTAL IMPACT CERTIFICATE
Village of NEWCOMERSTOWN

- Refer to requirements in the Zoning Ordinance of the Village of NEWCOMERSTOWN, available from the Zoning Inspector.
- Incomplete applications may be rejected after submittal.
- Submit complete application to Zoning Inspector, [address of Village office, telephone number].
- For more information, contact the Village Zoning Inspector at (telephone number).

PLEASE PRINT OR TYPE. FILL IN ALL BLANKS. ATTACH ADDITIONAL PAGES AS NEEDED.

INSTRUCTIONS Submit 8 collated sets of this application, including 2 sets containing original signatures.

Submit with this form:

- Report prepared by professional engineer.
- Names and addresses of property owners and occupants of properties within two hundred (200) feet of the subject property.
- Fee. Make check payable to Village of NEWCOEMRSTOWN.
- Submit this application with applications for Zoning Certificate and all other required permits.

Location of Project:

Street Address _____

Subdivision Name _____

Section _____

Township _____

Range _____

Block _____

Parcel Number _____

Is the unit in a mobile home park? Name the park. _____

Applicant (Property owner or tenant)

Name of Applicant _____

Mailing Address _____

Contact Person _____

Phone _____

Property Owner

Name _____

Mailing Address _____

Professional Engineer

Name _____

Phone _____

Certification or License _____

Mailing Address _____

APPLICATION FOR ENVIRONMENTAL IMPACT CERTIFICATE

Refer to Article 11 of the Zoning Ordinance for requirements for Environmental Impact Certification. The report by the professional engineer must address the following impacts:

- Fire Hazard
- Radioactivity or Electrical Disturbance
- Noise and Vibration
- Smoke and Air Pollution
- Odor
- Glare
- Erosion
- Water Pollution
- Other hazards

The engineering report must describe the impacts with respect to:

- Anticipated levels of impact.
- Means proposed to bring the project into conformance with the requirements of the Zoning Ordinance with regard to environmental impacts.

The undersigned requests approval of the Environmental Impact Certification by the Planning Commission for the project as described in the application. All information provided in all materials in this application is true, correct and complete to the best of my knowledge. No part of the land involved in the application has been previously used to provide required setback space or lot area for another structure.

Applicant (Please sign and print name) Date

The undersigned is the owner of the premises described herein and grants permission to the applicant for the submission of this application.

Owner (Please sign and print name) Date

Zoning Inspector Notes

Date of Submittal

Date of Determination of Completeness Complete
Incomplete

Findings and determination of need for Planning Commission review:

Zoning Inspector Signature Date

APPEAL TO BOARD OF ZONING APPEALS

Village of NEWCOMERSTOWN, OHIO

- Refer to requirements in the Zoning Ordinance of the Village of NEWCOMERSTOWN, available from the Zoning Inspector.
 - See Zoning Ordinance for requirements for complete appeal materials. Incomplete appeals may be rejected after submittal.
 - Submit complete applications to Zoning Inspector. (address of Village office, telephone number).
 - It is recommended that the applicants representative attend the public hearing of the Board of Zoning Appeals regarding this application to provide further information and answer questions.
- PLEASE PRINT OR TYPE. FILL IN ALL BLANKS. ATTACH ADDITIONAL PAGES AS NEEDED.
-

INSTRUCTIONS: Submit with this form:

- Names and addresses of all property owners and occupants of properties within two hundred (200) feet of the subject property.
 - Fee. Make check payable to Village of NEWCOMERSTOWN.
-

Name and Address of project (Use same name and title on document of Zoning Inspector's decision.)

Name of Applicant (not Appellant)

Type of Project. (Refer to the document of the Zoning Inspector's Decision)

Type of decision and date: Describe the decision, or portion of the decision, which is being appealed.

Reason for appeal. State the reasons that the decision was contrary to the regulations of the Village (cite specific rules, policies, documents, maps, etc.)

Primary Appellant (person who will receive and respond to official communications from the Village. Not owner, Lessee or Tenant of Premises.

Name of Primary Appellant

Mailing Address

Phone

Own or occupy property at

Explain how the Primary Appellant is harmed by the decision which is the subject of this appeal:

APPEAL TO BOARD OF ZONING APPEALS, page 2

This appeal is submitted by the Primary Appellant and the undersigned person(s). All information provided in all materials in this appeal is true, correct and complete to the best of my knowledge. (Attach additional pages as needed, including more appellants.)

Signature of Primary Appellant

Date

Appellant A

Signature

Date

Print Name

Mailing Address

Own or occupy property at

Explain how the appellant is harmed by the decision which is the subject of this appeal:

Appellant B

Signature

Date

Print Name

Mailing Address

Own or occupy property at

Explain how the appellant is harmed by the decision which is the subject of this appeal:

Appellant C

Signature

Date

Print Name

Mailing Address

Own or occupy property at

Explain how the appellant is harmed by the decision which is the subject of this appeal:

Complete if applicant is the tenant or lessee of the property which is the subject of the decision which is appealed in this application. The undersigned is the owner of the premises described herein and gives permission for the submission of this appeal.

Owner (Sign and print name)

Date

APPEAL TO BOARD OF ZONING APPEALS, page 3

Zoning Inspector Notes

Date of Submittal

Date of Determination of Completeness

Complete

Incomplete

Signature of Zoning Inspector

**APPLICATION TO BOARD OF ZONING APPEALS FOR MODIFICATION OF PARKING
REQUIREMENTS/JOINT PARKING AGREEMENT**

Village of NEWCOMERSTOWN, Ohio

- Refer to requirements in the Zoning Ordinance of the Village of Newcomerstown, available from the Zoning Inspector.
 - See Zoning Ordinance for requirements for complete application. Incomplete applications may be rejected after submittal.
 - Submit complete application to Zoning Inspector, [address of Villag office, telephone number].
 - It is recommended that the applicant and the operators of all properties involved in the parking agreement attend the hearing of the BZA to provide additional information and answer questions.
 - For more information, contact the Village Zoning Inspector at (telephone number).
- PLEASE PRINT OR TYPE. FILL IN ALL BLANKS. ATTACH ADDITIONAL PAGES AS NEEDED.
-

INSTRUCTIONS Submit 9 collated sets of this application, including 2 sets containing original signatures. Submit with this form:

- Parking plan
 - Names and addresses of property owners and occupants of properties within two hundred (200) feet of the subject property.
 - Fee. Make check payable to Village of NEWCOMERSTOWN.
 - Submit with applications for Zoning Certificate and all other required permits.
-

Location of Project:

Street Address

Subdivision Name

Section

Township

Range

Block

Parcel Number

Location of Parking on another Site (if applicable):

Street Address

Subdivision Name

Section

Township

Range

Block

Parcel Number

Standard parking requirements: Required parking spaces and required loading spaces.

Requested parking modification: Describe off-site parking, dual parking, etc.

Describe use of parking area of another site without the joint parking agreement (if applicable)

Explain how joint parking agreement is expected to adequately serve all uses.

Reasons for modified parking: Describe how the proposed parking modification meets the criteria provided in the Zoning Ordinance

APPLICATION TO BOARD OF ZONING APPEALS
FOR MODIFICATION OF PARKING REQUIREMENTS, page 2

Property Owner of Parking Area on Another Site (if applicable)

Name

Mailing Address

Applicant A (Property owner or tenant)

Name of Applicant

Mailing Address

Contact Person

Phone

Property Owner of Applicant A's Premises

Name

Mailing Address

Applicant B (Property owner or tenant)

Name of Applicant

Mailing Address

Contact Person

Phone

Property Owner of Applicant B's Premises

Name

Mailing Address

Applicant C (Property owner or tenant)

Name of Applicant

Mailing Address

Contact Person

Phone

Property Owner of Applicant C's Premises

Name

Mailing Address

Applicant D (Property owner or tenant)

Name of Applicant

Mailing Address

Contact Person

Phone

Property Owner of Applicant D's Premises

Name

Mailing Address

APPLICATION TO BOARD OF ZONING APPEALS
FOR MODIFICATION OF PARKING REQUIREMENTS, page3

The undersigned requests a determination by the Board of Zoning Appeals for the premises as described in the application. All information provided in all materials in this application is true, correct and complete to the best of my knowledge. No part of the land involved in the application has been previously used to provide required setback space or lot area for another structure.

Applicant (Please sign and print name)

Date

The undersigned is the owner of the premises described herein and grants permission to the applicant for the submission of this application.

Owner (Please sign and print name)

Date

The undersigned is the owner of the property where the proposed 'another parking site' is located, as described herein, and grants permission to the applicant for the submission of this application.

Owner (Please sign and print name)

Date

Zoning Inspector Notes

Date of Submittal

Date of Determination of Completeness

Complete Incomplete

Signature of Zoning Inspector

Date

APPLICATION TO BOARD OF ZONING APPEALS FOR ZONING VARIANCE

Village of NEWCOMERSTOWN, Ohio

- Refer to the requirements in the Zoning Ordinance of the Village of NEWCOMERSTOWN, available from the Zoning Inspector.
 - See Zoning Ordinance for requirements for complete application. Incomplete applications may be rejected after submittal.
 - Submit complete application to Zoning Inspector, [address of Village office, telephone number].
 - For more information, contact the Village Zoning Inspector at (telephone number).
- PLEASE PRINT OR TYPE. FILL IN ALL BLANKS. ATTACH ADDITIONAL PAGES AS NEEDED.
-

INSTRUCTIONS Submit 8 collated sets of this application, including 2 sets containing original signatures. Materials attached to this application:

- Site and building plan
 - Names and addresses of property owners and occupants of properties within two hundred (200) feet of the subject property.
 - Fee. Make check payable to Village of NEWCOMERSTOWN.
 - Submit this application with application for Zoning Certificate and all other required approvals.
-

Location of Project:

Street Address _____

Subdivision Name _____

Section _____

Township _____

Range _____

Block _____

Parcel Number _____

Applicant (Property owner or tenant)

Name of Applicant _____

Mailing Address _____

Contact Person _____

Phone _____

Property Owner

Name _____

Mailing Address _____

Reasons for Variance: Describe the physical characteristics which are unique to the property and explain why such characteristics provide no possibility that the property can be used or developed in strict conformity with the provisions of the Zoning Ordinance. Cite the specific sections of the Zoning Ordinance to which the variance refers.

APPLICATION TO BOARD OF ZONING APPEALS FOR ZONING VARIANCE, page 2

The undersigned requests a determination by the Board of Zoning Appeals for the premises as described in the application. All information provided in all materials in this application is true, correct and complete to the best of my knowledge. No part of the land involved in the application has been previously used to provide required setback space or lot area for another structure.

Applicant (Please sign and print name)

Date

The undersigned is the owner of the premises described herein and grants permission to the applicant for the submission of this application.

Owner (Please sign and print name)

Date

Zoning Inspector Notes

Date of Submittal

Date of Determination of Completeness

Complete Incomplete

Signature of Zoning Inspector

Date

**APPLICATION FOR RELEASE OF BOND
FOR MINERAL EXTRACTION, OR OIL AND GAS EXTRACTION
Village of NEWCOMERSTOWN, Ohio**

- Refer to requirements in the Zoning Ordinance of the Village of NEWCOMERSTOWN, available from the Zoning inspector.
- See Zoning Ordinance for requirements for complete application including application form, plans, fees and other materials. Incomplete applications may be rejected after submittal.
- Each structure is required to have a separate Zoning Certificate.
- Submit complete application to Zoning Inspector, [address of Village office, telephone number]. PLEASE PRINT OR TYPE. FILL IN ALL BLANKS. ATTACH ADDITIONAL PAGES AS NEEDED.

Submit 2 collated sets of application with original signatures. Materials attached to this application:

- Approved restoration plan.
- Certification by registered engineer.
- Names and addresses of property owners and occupants of properties within two hundred (200) feet of the subject property.
- Fee. Make check payable to Village of PORT WASHINGTON.
- Submit this application with application for Zoning Certificate and all other required permits.

Location of Project:

Street Address _____

Subdivision Name _____

Section _____

Township _____

Range _____

Block _____

Parcel Number _____

Applicant (Person or Entity That Paid Bond)

Name of Applicant _____

Mailing Address _____

Contact Person _____

Phone _____

- Attach copy of approved restoration plan (including dates and signatures of Village officials).
- Attach original report by a professional engineer, who registered in the state of Ohio, certifying that all requirements of the restoration plan have been completed.

Amount of Bond:

The undersigned requests that the Council release the **Performance Bond For Mineral Extraction, Storage and Processing, and Oil and Gas Extraction submitted** for the premises as described in this application. All information provided in all materials in this application is true, correct to the best of my knowledge.

Applicant (Please sign and print) _____

Date _____

Zoning Inspector Notes

Date of Submittal _____

Date of Determination _____

Complete Incomplete

Reason application is incomplete: _____

Signature of Zoning Inspector _____

Date _____

**SPECIAL FLOOD HAZARD AREA DEVELOPMENT PERMIT APPLICATION
VILLAGE OF NEWCOMERSTOWN, TUSCARAWAS COUNTY, OHIO**

Permit Application Number: _____ Date: _____
\$25 Filing Fee due with this application payable to: Village of Newcomerstown

Application is hereby for a DEVELOPMENT PERMIT as required by the Newcomerstown Floodplain Regulations for development in an identified flood hazard area. All activities shall be completed in accordance with the requirements of said Regulations. The development to be performed below and in attachments hereto. The applicant understands and agrees that:

- ❖ The Flood Plain Development Permit is issued on the conditions and facts described;
- ❖ The Permit may be repealed if conditions of facts change;
- ❖ The Permit is void if the activity has not begun within 180 days of the issuance date;
- ❖ Work must be completed within one year of the issuance date.

Owner's Name: _____ Builder's Name: _____
Address: _____ Address: _____
Phone: _____ Phone: _____
e-mail: _____ e-mail: _____
fax: _____ fax: _____

NOTE: In addition to completion of this form the applicant agrees to submit any additional information required by the administrator in order to determine that the proposed development is compliant with the local and federal flood damage prevention criteria of the National Flood Insurance Program. Additional information may include but is not limited to: site specific plans to scale showing the nature, location, dimensions and elevations of the area and structure(s) in question.

DESCRIPTION OF PROPOSED DEVELOPMENT WORK

1. Address of proposed development site: _____
Parcel #: _____ Property Deed Volume: _____ Page _____
2. Type of Development Proposed:
 - A. ___ New Structure ___ Residential ___ Nonresidential ___ Manufactured Home Installation
 - B. ___ Existing Structure ___ Alteration ___ Addition ___ Detached Accessory Structure
 - C. ___ Filling/Grading ___ Watercourse Alteration ___ Other (describe) _____
3. Does structure contain: ___ basement? ___ enclosed area other than basement below lowest floor?
4. For structures located in approximate A zones (no BFE available) the structures lowest floor is _____ Above the highest grade adjacent to the structure. The applicant must provide certified elevation. (OMB No. 1660-0008)
5. If the proposed construction is an alteration, addition or improvement to an existing structure, indicate the cost of proposed construction \$_____. What is the estimated market value of the existing structure? \$_____

Continued on next page.

SPECIAL FLOOD HAZARD AREA DEVELOPMENT PERMIT APPLICATION P2
VILLAGE OF NEWCOMERSTOWN, TUSCARAWAS COUNTY, OHIO

NOTE: An existing structure must comply with the flood protection standard if it is substantially improved (an improvement equal to or greater than 50% of the market value of the structure). FEMA maintains that the substantial improvement definition applies to existing structures only and that once a structure meets the definition of “new construction” any further improvements to that structure must meet “start of construction” requirements. For floodplain management purposes “new construction” means structures for which “start of construction” began on or after the effective date of the initial Flood Insurance Rate Map issued by FEMA for the community

6. Does proposed development involve a subdivision or other development containing at least 50 lots or 5 acres (whichever is less)?
 Yes No If yes, base flood elevation data is required from applicant if it has not been provided by FEMA.

7. The applicant must provide certified as-built elevation plan of the structures lowest floor is at/or above msl.
NOTE: Applicant must provide certification by registered engineer or land surveyor documenting elevations. All references to elevations are in feet above mean sea level (msl)

BFE = base flood elevation =100/year flood elevation.

The property Owner/ Developer is required to procure, and make available to the public, an inspection document that certifies the Floodplain development project applied for herein is installed according to the approved development plan.

All information submitted in support of this application is correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code Section 1001 and the Village of Newcomerstown Flood plain Regulations

Applicant's Name: _____

Applicant's Signature: _____ Date: _____

THE VILLAGE WILL COMPLETE THE FOLLOWING LINES

8. Is the proposed development located in:
 an identified floodway
 a flood hazard area where base flood elevations exist with no identified floodway
 an area within the floodplain fringe
 an approximate flood hazard area (Zone A). If yes, complete only 9a in the following question. See No. 4

NOTE: Floodway development must demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice that no increase in base flood elevation will result during occurrence of the base flood discharge. If base flood elevation exists with no floodway delineation, hydrologic and hydraulic analysis is required to demonstrate not more than one-foot increase at any point to the water surface elevation of the base flood.

9.A Does proposed development meet NFIP and local Use and Development Standards for Flood Hazard Reduction Regulations at Section 4.0? (complete on next page)

- _____ 4.1A Permitted Uses
- _____ 4.1B Prohibited Uses
- _____ 4.2 Water and Wastewater Systems
- _____ 4.3 Subdivisions and Large Developments
- _____ 4.4 Residential Structures
- _____ 4.5 Nonresidential Structures
- _____ 4.6 Accessory Structures
- _____ 4.7 Recreational Vehicles
- _____ 4.8 Above Ground Gas or Liquid Storage Tanks

9.b Does proposed development meet FNIP at Assurance of Flood Carrying Capacity Section 4.9?

- _____ 4.9A Development in Floodways
- _____ 4.9B Development in Riverine Areas With Base Flood Elevations but No Floodways (4.9B)
- _____ 4.9C Alteration of a Watercourse

10. Base Flood Elevation (100 year) at proposed site _____ feet mean sea level,
Data Source: FIRM
Community Parcel Number: _____ Effective Date: _____

- The proposed development is in compliance with applicable floodplain standards and thereby qualifies for the issuance of a Flood Plain Development Permit
- The proposed development is not in compliance with applicable floodplain standards.
PERMIT DENIED ON _____ Reason(s) _____
- The proposed development is EXEMPT from the floodplain standards per Section _____ of the flood Regulations. Reason: _____
- The proposed development is in compliance with applicable floodplain standards. No Flood Plain Development Permit is required per ORC1521.13D.

Reviewed by: _____
Name Title Signature Date

Instructions

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question, the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation of the lowest floor, including basement, of all proposed structures.
- D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with and provide enforcement of these regulations.
- E. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - 1. Floodproofing certification for non-residential floodproofed structure as required.
 - 2. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements are designed to automatically equalize hydrostatic flood forces.
 - 3. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances.
 - 4. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway.
 - 5. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway
 - 6. Generation of base flood elevation(s) for subdivision and large-scale developments.

Permits

ZONING CERTIFICATE FOR STRUCTURE OR USE

VILLAGE OF NEWCOMERSTOWN, OHIO

For more information, contact the Zoning Inspector, address, telephone number.

This permit shall be immediately and permanently displayed on the premises where it is visible to the public.

Location of Project:

Street Address

Subdivision

Name Section

Township

Range

Block

Parcel Number

If Multiple Buildings in Project, Building Number on Plan

Application for Zoning Certificate (attach)

Approval(s) by Planning Commission (attach)

Approval by Board of Zoning Appeals (attach)

Approval by Council (attach)

Approved plans (attach)

Approved Use or Structure:

Zoning Certificate is

Approved

Denied

Zoning Certificate

is denied because:

Expiration Date of Zoning Certificate (if not Zoning compliance inspection approved.)

The proposed use and/or structure is determined to be in compliance with the regulations of the Zoning Ordinance of the Village of NEWCOMERSTOWN.

Signature of Zoning Inspector

Date

SIGN PERMIT

Village of NEWCOMERSTOWN, Ohio

For more information, contact the Zoning Inspector, address, telephone number.

This permit shall be immediately and permanently displayed on the premises where it is visible to the public.

Location of Project:

Street Address

Subdivision Name

Section

Township

Range

Block

Parcel Number

Application for Sign Permit (attach)

Approved Plans (attach)

Approval by Planning Commission

Date of Approval of Sign Permit

Date of Expiration of Sign Permit or Dates of
Approved Display of Temporary-type Signs:

This Sign Permit is hereby approved by the Village of NEWCOMERSTOWN, subject to the regulations of the Zoning Ordinance.

Signature of Zoning Inspector

Date

SEASONAL SALE PERMIT

Village of NEWCOMERSTOWN, Ohio

For more information, contact the Zoning Inspector, address, telephone number.

This permit shall be immediately and permanently displayed on the premises where it is visible to the public.

Location of Project:

Street Address

Subdivision Name

Section

Township

Range

Block

Parcel Number

Application for Seasonal Sale Permit (attach).

Approved Sketch Map (attach):

Approved Dates of Seasonal Sale:

This Seasonal Sale Permit is hereby approved by the Village of NEWCOMERSTOWN, subject to the regulations of the Zoning Ordinance.

Signature of Zoning Inspector

Date

ZONING COMPLIANCE INSPECTION

Village of NEWCOMERSTOWN, Ohio

For more information, contact the Zoning Inspector, address, telephone number.

This permit shall be immediately and permanently displayed on the premises where it is visible to the public.

Location of Project:

Applicant

If Multiple Buildings in Project, Building Number on Plan

Application for Zoning Certificate (attach)

Approval(s) by Planning Commission (attach)

Approval by Board of Zoning Appeals (attach)

Approval by Council (attach)

Approved plans (attach)

Approved Use or Structure:

Date of Inspection

Zoning Compliance Inspection is:

Approved

Denied

Zoning Compliance Inspection

is denied because:

The premises described in this permit have been inspected and determined to be constructed and occupied in compliance with the Zoning Ordinance of the Village of NEWCOMERSTOWN.

Signature of Zoning Inspector

Date

VIOLATIONS

COMPLAINT OF ALLEGED ZONING VIOLATION

Village of NEWCOMERSTOWN, Ohio

For more information, contact the Zoning Inspector, address, telephone number.

Complaints must be submitted in writing to the Village Zoning Inspector. Complaints will be investigated by the Village Zoning Inspector. Village laws regarding use of property are contained in the Zoning Ordinance. Attach additional pages as needed. **Reasonable costs of investigation of zoning complaints are paid by the Village of NEWCOMERSTOWN. However, the Village may charge investigation costs to the complainant if there are repeated complaints or no obvious violations, and no violation is found.**

Location of
Alleged Violation

Date

Complainant
Name

Phone

Mailing Address

Own or occupy property at

Describe the alleged violation in detail:

List the rules in the Zoning Code or zoning permit which is allegedly being violated:

Zoning Inspector Notes

Date of submittal

Date of inspection

No violation was found.

It is determined that violations exist on the premises of the following sections of the Zoning Ordinance or condition of approval of a zoning-related permit:

Attach inspection notes.

Signature of Zoning Inspector

Date

NOTICE OF ZONING VIOLATION

Village of NEWCOMERSTOWN

For more information, contact the Zoning Inspector, address, telephone number.

This notice shall remain as posted on the premises until it is removed by the Village Zoning Inspector.

The premises described in this notice is in violation of the Zoning Ordinance of the Village of NEWCOMERSTOWN.

Location

Date

Owner of Record or Authorized Occupant

NATURE OF ZONING VIOLATION:

THE OWNER OF RECORDS OR AUTHORIZED OCCUPANT IS HEREBY ORDERED TO PERFORM THE ACTION NECESSARY TO CORRECT THE VIOLATION:

No further change shall be made to the use of the property or to the physical improvements in violation of the Ordinance. No work, except to secure the property or correct such violation to comply with the Ordinance, shall be permitted on any structure or tract of land included in the violation. Corrections shall be made only after all necessary permits have been approved.

FINES FOR VIOLATIONS. Any person, firm or coporation violating any regulation thereto shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such illegal location, erection, construction, reconstruction, change, maintenance, or use continues may be deemed a separate offense.

APPEAL. This order may be appealed to the Board of Zoning Appeals. To submit an appeal, contact the Village Zoning Inspector.

FAILURE TO COMPLY WITH ORDER FOR CORRECTION. If the owner or authorized agent fails to comply with this order within sixty (60) days after notice has been served, the Village Solicitor may be authorized to institute appropriate action to prevent, enjoin, abate or eliminate such violation.

Zoning Inspector

Date

CHECKLISTS

CHECKLIST FOR PLAN CHECKS AND INSPECTIONS - Part I

Village of NEWCOMERSTOWN

Date of Application

Date of Inspection/Review

Type of Review:

Applicant:

Location:

Property

Structure

Current Use

Proposed Use

Accessory use permitted?

Current Zoning

Proposed Zoning

Number of Dwelling Units

Number of Bedrooms, Guest Suites, Boarder Suites

Temporary Building - dates of construction, removal

	Required	Proposed	Inspection
Density - du/ac			
Lot width			
Lot area			
Lot area per dwelling			
Front setback			
Rear setback			
Side setback:			
Side setback:			
Height: stories/feet			
Floor area per unit			
Average floor area of all units			
Percentage lot coverage			

CHECKLIST FOR PLAN CHECKS AND INSPECTIONS - Part 2

Applicant _____

Date _____

Location _____

LANDSCAPING

Plan Check

Inspection

- Plantings
- Screens
- Mounds
- Fences
- Walls

SETBACKS

Plan Check

Inspection

- Emergency access in B districts
- Setbacks adjacent to residential

PARKING

Plan Check

Inspection

- Dimensions of spaces
- Dimensions, location of handicapped spaces
- Access to spaces
- Access drives, near residential districts
- Screening, landscaping around parking
- Parking setbacks
- Buffers between parking & residential or institutions
- Parking surface
- Lighting in parking area

Uses	Required	Proposed	Inspection
Loading spaces			
Handicapped spaces			

CHECKLIST FOR PLAN CHECKS AND INSPECTIONS - Part 5

Applicant

Date

Location

**AUTOMOBILE WRECKING, RECYCLING CENTER,
OUTDOORSALES&STORAGE**

Plan Check

Inspection

- Screening
- Setbacks

MINERAL EXTRACTION, GAS AND OIL EXTRACTION

Plan Check

Inspection

- Setbacks
- Setbacks from structures
- Fencing
- Site plan
- Depth of excavations, water table,
utilities, streets & surface drainage
- Restoration plan
- Performance bond

CHECKLIST FOR PLAN CHECKS AND INSPECTIONS - Part 6

Applicant _____

Date _____

Location _____

RDMH, RDMH Subdivisions

Plan Check

Inspection

- Main body width
- Rood pitch
- Roof overhang
- Roofing material
- Exterior finish, light reflection
- Foundation
- Site orientation
- Garage, carport

SDMH Mobile Home Parks

Plan Check

Inspection

- Group water and sewers
- Minimum number of units
- Vehicular access
- Parking
- Recreation and open areas
 - area
 - Uses
 - dimensions
- Skirting
- Landscaping
- Buffers, walls, fences, plantings
 - dimensions
- Health District Regulations

CHECKLIST FOR PLAN CHECKS AND INSPECTIONS - Part 7

Applicant

Date

Location

REPLACEMENT MANUFACTURED HOME

Plan Check

Inspection

- Mobile home park or individual
- Legal, nonconforming unit
- Date of removal

- Replacement - RDMH, SDMH

SEASONAL SALES

Plan Check

- Date of previous seasonal sale on premises
- Setbacks
- Signs
- Noise
- Glare
- Litter
- Parking
- Access, flow of through traffic

CHECKLIST FOR COMPLIANCE WITH CONDITIONS OF APPROVAL

Village of NEWCOMERSTOWN

ApplicantDate

Location

Date and Type of ApprovalCommission/BZA/Council

Condition of Approval	Plan Check or Inspection

CHECKLIST FOR ZONING APPROVAL TIMELINE

Village of NEWCOMERSTOWN

Location of Project	Applicant					
Project Type	Application submitted	Completeness	Decision Deadline	Hearing Date	Final Action Date	Approved/Denied
Zoning Certificate						
Conditional Use						
Environmental Impact						
Legal, Nonconforming Use/Structure						
Modified Parking						
Portable structure						
Sign Permit						
Seasonal Sale Permit						
Site Plan Review						
Temporary Structure						
Appeal						
Variance						
Zoning Amendment						
Revised Plans						
Zoning Compliance Inspection						

MODEL NOTE: If desired, refer to review and approval of subdivisions in the timeline for

