

VILLAGE OF NEWCOMERSTOWN

ORDINANCE NO. 06-2023

PASSED: April 17, 2023

AN ORDINANCE AMENDING ORDINANCE 19-2021, AN ORDINANCE ESTABLISHING A POLICY FOR ZONING FOR THE VILLAGE OF NEWCOMERSTOWN AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

Whereas, this AMENDMENT is necessary to add clarification to the existing policy.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NEWCOMERSTOWN, COUNTY OF TUSCARAWAS, AND STATE OF OHIO, AS FOLLOWS:

SECTION 1: The Village of Newcomerstown, Ohio, amending **Section 500. Basic Setback, Area and Height Requirements for dwellings.** Adding “R-4” in the chart as:

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 2: Amending **Section 501. Residential Floor Area Requirements for Village of Newcomerstown.** Adding “R-4” in the chart as:

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 3: Amending **Section 503. Basic Setback, Area, Lot Coverage and Height Requirements for All Buildings Other Than Dwellings for the Village of Newcomerstown.** Adding “R-4” in the chart as:

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

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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

SECTION 5: Amending Section 1701.4, Zoning Code as:

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.

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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.

SECTION 6: Adding, Section 1701.5, Planning Commission Powers and Duties as:

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

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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 therefore 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.

SECTION 7: Amending “SPECIAL FLOOD HAZARD AREA DEVELOPMENT PERMIT APPLICATION P2, for the Village of Newcomerstown”, #7 as:

The applicant must provide certified as-built elevation plan of the structures lowest floor is “**AT/ OR**” above msl.

SECTION 8: All provisions of Ordinances and Resolutions in conflict with the provisions and terms of this ordinance shall be and is herewith amended in accordance with this ordinance.

First Reading: March 20, 2023

Second Reading: April 3, 2023

Third Reading: April 17, 2023

PASSED this 17th day of April, 2023

Patrick M. Cadle Mayor

Attest:

Lisa M. Spillman -Fiscal Officer

Approved as to form:

Mark Perlaky/ Village Solicitor