

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

ORDINANCE NO. K-10-01-1

AN ORDINANCE TO AMEND ORDINANCES K-4-01-1, K-6-00-1, K-8-99-2, K-3-97-3, K-3-96-1 AND K-5-94-1 FOR THE PURPOSE OF AMENDING THE ZONING CODE LANGUAGE.

WHEREAS, it is periodically necessary to amend the zoning code to reflect the character of the Village; and

WHEREAS, the Planning Commission has recommended the adoption of this ordinance.

NOW, THEREFORE, be it ordained by the Council of the Village of New Concord, Ohio that:

Section 200. Definitions shall be amended to read as follows:

Section 200. Definitions

Dwelling, Multi-Family: A building or portion thereof used for occupancy by two or more families living independently of each other and containing two or more dwelling units.

Dwelling, Single-Family: A building consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling: A building or portion thereof used exclusively for residential purposes, including single-family and multi-family dwellings. The term "dwelling" shall include those involving industrialized units, but not including, mobile homes, manufactured homes, recreational vehicles, hotels, motels, bed and breakfasts, boarding houses, rooming houses, dormitories, congregate housing, group homes for the handicapped or halfway houses.

Family: One or more persons related by blood, adoption, or marriage, guardianship or foster parent contract living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.

Rooming House: A building that is the primary residence of the owner and in which rooms are provided by the owner, for compensation, to three or more adult persons not related by blood, marriage or adoption guardianship or foster parent contract to the owner. A building that is the residence of three or more persons not related by blood, adoption, or marriage guardianship or foster parent contract containing one or more rooms intended for use for living or sleeping in which space is let for compensation in any form by the owner. A rooming house may include common cooking, bathroom, toilet, laundry and/or eating facilities not located within the rooming unit. Rooming house may include housing for students and fraternity and sorority houses, but shall not include a hotel, motel, bed and breakfast, boarding house, congregate housing, group home for the handicapped, or dormitory.

Section 300. General Provisions shall be amended to read as follows:

SECTION 300. Establishment of Districts

The municipality is hereby divided into zoning district which regulate the general location of structures and use of land. These zoning districts are:

S-1	Open Space and Conservation District
R-1	Suburban Single Family Residential District
R-2	Medium Density Single Family Residential District
R-3	Multi-Family Residential District
O-I	Office-Institutional District
B-1	Local Business District
B-2	Central Business District
B-3	Highway Business District
I-1	General Industrial District
PUD	Planned Unit Development District

In addition to these zoning districts, there are two overlay zoning districts which impose additional zoning requirements in unique area to the Village. These overlay districts are:

ARD	Architectural Review District
TC	Transportation Corridor District

Section 401. shall be amended to read as follows:

SECTION 401. R-1 Suburban Single Family Residential District

401.1 Purpose

The suburban single family residential district is hereby established to provide areas for very low density residential development to provide a quiet place for families where yards are wide, spaces open, people few, and motor vehicles restricted. To provide an atmosphere where family values, youth values and the blessings of quiet seclusions and clean air make the area a sanctuary for people and safe for children. To preserve and protect the character of single family neighborhoods in order to keep these residential protect areas free of overcrowding, disturbing noises, increased traffic, the hazard of moving and parked automobiles, to provide children quiet and open spaces for play and to promote overall quality of life within city boundaries.

401.5 Required Gross Floor Area for Dwellings

All residential dwellings in the R-1 District shall have a minimum gross floor area of 1,500 square feet.

(Existing Code, but note, definition of dwelling exclusions - currently and as revised - what about e.g. SF of Bed and Breakfast?)

Section 402. shall be amended to read as follows:

SECTION 402. R-2 Medium Density Single Family Residential District

402.1 Purpose

The suburban single family residential district is hereby established to provide areas for medium density residential development to provide a quiet place for families where there are yards, open spaces, few people, and motor vehicles are restricted. To provide an atmosphere where family values, youth values and the blessings of quiet seclusions and clean air make the area a sanctuary for people and safe for children. To preserve and protect the character of single family neighborhoods in order to keep these residential protect areas free of overcrowding, disturbing noises, increased traffic, the hazard of moving and parked automobiles, to provide children quiet and open spaces for play and to promote overall quality of life within city boundaries.

402.5 Required Gross Floor Area for Dwellings

All residential dwellings in the R-2 District shall have a minimum gross floor area of 1,000 square feet.

(Existing Code, but note, definition of dwelling exclusions - currently and as revised - what about e.g. SF of Bed and Breakfast, Accessory Apartment?)

Section 403. shall be amended to read as follows:

SECTION 403. R-3 Multi-Family Residential District

403.1 Purpose

The multi-family residential district is hereby established to provide areas for higher density multi-family residential development and more intense residential uses. The objective is to provide for multi-family developments in areas best equipped to accommodate higher density developments, more vehicles and higher traffic volumes and locate them in areas with adequate access to community services and main thoroughfares, and effectively integrate them into the area and transition them into lower density neighborhoods with less intense residential uses by location and function consistent with those existing in the area.

403.2 Principal Permitted Uses

- Accessory Use
- Boarding House
- Rooming House
- Congregate Housing
- Home Occupation (See Section 500.11)
- Multi-Family Dwelling
- Off-Street Parking, as required by Article VI
- Public Service Facility
- Public Park, Playground or Playing Field

403.3 Conditional Uses Requiring Planning Commission Approval

Bed and Breakfast
Child Care Facility
Church or place of Religious worship
Group Home for the Handicapped
Manufactured Home Park
Dormitory

403.5 Required Gross Floor Area for Dwellings

All residential dwellings in the R-3 District shall have a minimum gross floor area of 750 square feet.

(Existing Code, but note, definition of dwelling exclusions - currently and as revised - what about e.g. SF of Bed and Breakfast, Group Home for the Handicapped, Dormitory, Manufactured Home Park?)

Section 500. shall be amended to read as follows:

SECTION 500.20 Conversion of Dwellings

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Zoning Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district, with respect to minimum lot size, lot area per dwelling unit, dimensions of yard and other open spaces, percentage of lot coverage, building height, and off-street parking. When an existing single-family dwelling is converted contain more than one dwelling unit, the converted dwelling shall retain the appearance of a single-family dwelling with no significant or noticeable change and shall have no major structural alterations to the exterior of the building, other than to provide required means of ingress and egress from dwelling units. All fire escapes or stairways leading to a second floor must be completely enclosed within the converted building. Each conversion shall be subject also to such further requirements that apply to such district or use.

800.3 Discontinuation of Nonconforming Uses

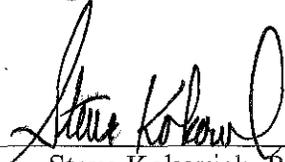
A nonconforming use which is discontinued for a period of one (1) year shall not again be used except in conformity with the regulations of the district in which it is located.

900.1 Zoning Certificates Required

It shall be unlawful for an owner to use or permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate is issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that the structure, building or premises and the proposed use thereof conform with all the requirements of this ordinance. No permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this ordinance.

- a) Construction or structural alteration of any building, including accessory buildings.
- b) Change in use of an existing building or accessory building to a use of a different classification.
- c) Conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families.
- d) Occupancy and use of vacant land.
- e) Change in the use of land to a use of a different classification.
- f) Any change in the use of a nonconforming use.
- g) All lawful nonconforming uses of land or buildings created by adoption of this ordinance or any amendment thereto.
- h) Construction/establishment of a parking area.

PASSED: October 8, 2001



Steve Kokovich, President of Council

APPROVED: October 8, 2001

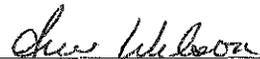


R. Gregory Adams, Mayor

ATTEST: 

Sue Wilson, Clerk/Treasurer

I hereby certify that the above ordinance was posted per Ordinance No. L-1-84-1.



Sue Wilson, Clerk/Treasurer