Village of New London, Ohio

Zoning Code Update

November 17, 2014

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CODIFIED ORDINANCES OF NEW LONDON

PART ELEVEN - PLANNING AND ZONING CODE

CHAPTER 1101 TITLE, INTERPRETATION AND ENACTMENT

1101.01	TITLE
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1101.01 TITLE.
This Part Eleven of the Codified Ordinances shall be known and may be cited as the "Zoning Ordinance" of the Village of New London, Ohio. This Part Eleven and zoning map which accompanies Village Ordinance 88-30 (dated 1-17-89) amending the original Zoning Ordinance for the Village (dated 7-19-83) shall hereafter be a part of the Zoning Ordinance. (Ord. 90-01. Passed 3-6-90.)

1101.02 PURPOSE.
This Part Eleven is enacted for the purpose of promoting the public health, safety, convenience, comfort, prosperity and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; to regulate the density of population and facilitate adequate and economical provisions for public improvements for the desirable future development of New London; to provide a method of administration and prescribe penalties for the violations of the provisions hereafter described: all as authorized by Ohio R.C. Chapter 713. (Ord. 90-01. Passed 3-6-90.)

1101.03 PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS.
In their interpretation and application, the provisions of this Part Eleven shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this Zoning Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern. (Ord. 90-01. Passed 3-6-90.)

1101.04 SEPARABILITY CLAUSE.
Should any section or provision of this Zoning Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Zoning Ordinance as a whole, or any part thereof (other than the part so declared to be unconstitutional or invalid). (Ord. 90-01. Passed 3-6-90.)

1101.05 REPEAL OF CONFLICTING ORDINANCE.

All ordinances in conflict with this ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

1101.06 COMPLIANCE REQUIRED.

(a) Except as may be hereinafter provided: No building or structure shall hereafter be constructed, reconstructed, enlarged, converted, moved, or structurally altered, nor shall any building, structure, or land be hereafter used except for a purpose permitted in the use district in which the building, structure or land is located.

(b) No building or structure shall hereafter be constructed, enlarged, converted, reconstructed, moved, or structurally altered, nor shall any building, structure or land be hereafter used except in conformity with the bulk and area regulations, minimum yard and lot area requirements, location, and maximum height requirements, minimum off-street parking and loading requirements, and any and all other applicable provisions and regulations of this Ordinance.

(c) No part of a minimum yard, parking space or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall hereafter be included as a part of the yard, parking space or other open space similarly required for another building.

(d) In any "R", "C", "DBD" or "M" District there shall hereafter be not more than one main building on the lot unless otherwise provided for in this Ordinance.

(e) Any lot or parcel of land, with or without any building, shall not hereafter be reduced or subdivided below the minimum lot width, width to depth ration, and lot area required by this Ordinance.

1101.07 ZONING ANNEXED AREAS.

All land annexed to the Village subsequent to the adoption of this Ordinance shall remain subject to the previous Township zoning district regulations, until such time as the Official Zoning Map is amended according to the provisions of Chapter 1103.08. All land annexed to the Village which prior to annexation is not subject to County or Township Zoning, shall be classified into whichever district established by this Ordinance most closely resembles the existing uses at the time of the annexation.

1101.08 AREA OF JURISDICTION.

The provisions of this Ordinance apply to all the incorporated areas of the Village of New London, Ohio.

1101.09 EFFECTIVE DATE.

This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law. (Ord. 90-01. Passed 3-6-90.)

CHAPTER 1102 DEFINITIONS

1102.01	INTERPRETATION OF TERMS OR WORDS
1102.02	DEFINITIONS

1102.01 INTERPRETATION OF TERMS OR WORDS.

For the purpose of this Zoning Ordinance certain terms or words used herein shall be interpreted as follows:

(1) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

(3) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

(4) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".

(5) The word "lot" includes the words "plot" or "parcel". (Ord. 90-01. Passed 3-6-90.)

1102.02 DEFINITIONS.

(1) "Accessory use (or structure)" means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things "Accessory Use" includes anything of a subordinate nature attached to or unattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Notwithstanding the foregoing, neither a manufactured home (whether or not permanently sited), nor a mobile home, nor a trailer shall be used as an accessory use. Except as otherwise required in this Zoning Ordinance, an accessory use shall be a permitted use. (Ord. 04-07. Passed 5-20-04.)

(2) "Agriculture" means the use of land for farming, dairying, pasturage, apiculture (bee keeping), horticulture, floriculture, viticulture (grape cultivation), and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however that:

(a) The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and

(b) The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feedyard.

(3) "Alterations, structural" means any change in the supporting members of a building such as bearing walls, columns, beams, or girder, including razing of a structure.

(4) "Automotive repair" means the repair, rebuilding or reconditioning of motor

vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

(5) "Automotive wrecking" means the dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale of dumping of dismantled, obsolete or wrecked vehicles or their parts.

(6) "Basement" means a story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

(7) "Bed and Breakfast establishment" means a private residence where lodging and breakfast is provided by a resident family for compensation. Such a facility is generally used by tourists and out of town guests/travelers.

(8) "Board" means the New London Board of Zoning Appeals.

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

(10) "Building accessory" means a subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

(11) "Building height" means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

(12) "Building principal" means a building in which is conducted the main or principal use of the lot on which said building is situated.

(13) "Business/Commercial use" means Business/Commercial uses which shall include any profit making activity which renders goods or services and which generally require location on or near main thoroughfares and/or their intersections. Separate buildings that serve as institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

(14) "Business/Office" means quasi-commercial uses which may often be transitional between retail businesses and/or manufacturing and residential uses. Office business generally accommodates administrative, executive, professional, institutional and other quasi-public operations.

(15) "Cemetery" means land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

(16) "Child daycare center"- any place in which child daycare is provided with or without compensation. In Ohio, the Ohio Department of Jobs and Family Services (ODJFS) licenses, certifies, and regulates child care centers, family child care homes and

school age programs. Licenses are required for:

(a) Child care centers that are full or part-time in a non-residential setting for 7-12 children or in any place in which child care is provided for 13 or more children.

(b) Family child care homes (Type A) that are full or part-time in a residence for 7-12 children when no more than 3 children are under 2 years old, or for 4 to 12 children if 4 or more are under 2 years old including related children under 6 years old.

Certification is required by the County DJFS for the following child care centers

(c) Family child care homes that receive public funds. Full or part-time care in a residence for between 1 and 6 children, including related children under 6 years old, with no more than 3 children under 2 years old, and

(d) Family child care homes that receive public funds in a residence for eligible children all of whom have the same caretaker parents.

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

(18) "Commission" means the New London Planning and Zoning Commission.

(19) "Commissioner" means the New London Zoning Commissioner.

(20) "Comprehensive Plan" means a plan, or any portion thereof, which establishes the general goals, objectives, and policies of the community, is recommended and approved by the Planning and Zoning Commission and adopted by the village council. The plan shows the general location and extent of the present and proposed physical facilities and open spaces including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities.

(21) "Conditional Use" means a use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

(22) "Conditional Use Permit" means a permit issued by the Zoning Commissioner upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

(23) "Corner lot" (see Lot Types).

(24) "Density" means a unit of measurement expressing the number of dwelling units per acre of land.

(a) Gross Density: the number of dwelling units per acre of the total land to be developed.

(b) Net Density: the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

(25) "District" means a part, zone, or geographic area within the Municipality within which certain zoning or development regulations apply.

(26) "Domestic pet" means any animal normally sold in a pet store or kennel. Including but not limited to dogs, cats, rabbits, hamsters, gerbils, birds, etc. When any of these types of animals are raised for production purposes or for resale, this becomes a commercial enterprise and the Zoning Ordinance will be appropriately applied.

(27) "Downtown Business District" defined as that part of the Village generally bounded by South Railroad Street, Energy Place, Prospect Street, South Main Street, Kirk Street, Park Avenue and James Street.

(28) "Drainage ditch" or "watercourse" means a natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

(29) "Dwelling" means any building or portion thereof which is designed to provide living accommodations for one (1) or more families. An attached garage for purposes of determining the front, side, and year yards shall be considered a part of a dwelling.

(30) "Dwelling unit" means one (1) or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one (1) family with separate toilets and facilities for cooking and sleeping.

(31) "Dwelling, single family" means a building designed to provide one (1) dwelling unit for a family and separated from other dwellings by required open space.

(32) "Dwelling, two-family" means a building consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

(33) "Dwelling, multi-family" means a building consisting of three (3) or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing.

(34) "Dwelling, rooming house (boarding house, lodging house, dormitory)" means a dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

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

(36) "Essential services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings other than structures for housing the essential services named

herein or similar to those named herein.

(37) "Family" means one or more persons who live together in one dwelling unit and maintain a common household. A family may also include domestic employees and gratuitous guests.

(38) "Farm livestock" means all animals normally used in the production of food or food products such as eggs, milk, meat, etc. Specifically cattle, horses, sheep, swine, poultry, and rabbits used for production purposes; and others as determined by order of the Board of Zoning Appeals.

(39) "Feedlot/feedyard" means any pen, corral, or structure wherein livestock are maintained in close quarters for the purpose of fattening or temporarily holding for shipment to market.

(40) "Flood plain" means that land, including the flood fringe and the floodway, subject to inundation by the regional flood.

(41) "Flood, regional" means large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred year recurrence interval flood.

(42) "Floor area of a residential building" means the sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential uses.

(43) "Floor area, usable" means measurement of usable floor area which shall be the sum of the horizontal areas of the several floors of the building.

(44) "Garages, private" means a detached accessory building or portion of a principal building for the parking or temporary storage of vehicles.

(45) "Group residential facility" means a group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two (2) classes of group residential facilities.

(a) Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or pre-delinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six or more residents, exclusive of staff. A Class I Type B group residential facility contains five or less residents, exclusive of staff.

(b) Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug

abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five or less residents, exclusive of staff.

(46) "Historic area" means a district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, archaeological, or architectural motives or purposes.

(47) "Home occupation" means an accessory use which is an activity, profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood.

(48) "Hotel or motel and apartment hotel" means a building in which lodging or boarding are provided and offered to the public for compensation. As such it is open to the public as opposed to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

(49) "Junk buildings, junk shops, junk yards" means any area, lot, land, parcel, building, structure or part thereof, or open area, where waste (excluding municipal waste), discarded or salvaged material are stored, bought, sold, exchanged, abandoned, processed, baled, packed, disassembled or handled, including but not limited to: wastepaper, rags scrap metal or other scrap or discarded goods, material, machinery, auto wrecking yards, house-wrecking yards, used lumber yards and places or yards for storage and equipment, as well as any structure or buildings used in connection therewith, or where more than two junk vehicles or parts thereof are stored, even when concealed by fence or opaque hedges.

(50) "Junk motor vehicle" means a motor vehicle that is three (3) model years or older, inoperable, and extensively damaged including but not limited to missing wheels, tires, engines or transmissions (ORC.505.173).

(51) "Kennel" means any commercial enterprise in which five (5) or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained or sold.

(52) "Loading space, off-street" means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

(53) "Location map" (See Vicinity Map).

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

(a) A single lot of record;

(b) A portion of a lot of record;

(c) A combination of complete lots of record, of complete lots of record and portions of lots of records, or of portions of lots of record.

(55) "Lot coverage ratio" means the numerical value obtained through dividing the sum of the gross horizontal area of the footprint of all buildings and covered or roofed structures on a zoning lot by the area of the zoning lot on which the buildings are located or intended to be located, expressed as a percentage.

(56) "Lot frontage" means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under" Yards " in this section.

(57) "Lot, minimum area of" means the area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

(58) "Lot measurements". A lot shall be measured as follows:

(a) Depth: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear.

(b) Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

(59) "Lot of record" means a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

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

(a) Corner lot: A lot located at the intersection of two (2) or more streets.

(b) Interior lot: A lot with only one (1) frontage on a street.

(c) Through lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.

(d) Reversed frontage lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

(e) Flag lot: A lot shaped like a flag not meeting minimum frontage requirements and where access to the public road is by a narrow right-of-way driveway.

(61) "Major thoroughfare plan" means the portion of comprehensive plan adopted by the Village Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

(62) "Maintenance and storage facilities" means land, buildings, and structures devoted primarily to the maintenance and storage of equipment and material.

(63) "Manufacturing, heavy" means manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character, require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

(64) "Manufacturing, light" means manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisance.

(65) "Manufacturing, extractive" means any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing of any mineral natural resource.

(66) "Nonconformities" means lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Zoning Ordinance or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

(67) "Nuisance" means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses, including but not limited to: odor, air and water pollution, noise, vibration, dust, fumes, smoke, radiation, light glare, fire hazard, electromagnetic radiation, erosion, and congestion.

(68) "Nursing home" means a long term facility or a distinct part of a facility (exclusive of a hospital) licensed by the State that provides nursing care and related medical services on a 24 hour per day basis to four (4) or more individuals because of illness, disease, or physical or mental infirmity.

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

(70) "Open spaces" means an area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

(71) "Parking space, off-street" means an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a

public street or alley and maneuvering room, which shall be located totally outside of any street or alley right-of-way.

(72) "Performance bond or surety bond" means an agreement by a sub-divider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub-divider's agreement.

(73) "Planned Unit Development" means an area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

(74) "Primary use". The primary use of a lot shall be defined as the use or purpose which comprises more than one half of the available land and/or floor area of structures on said lot.

(75) "Professional activities" means the use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

(76) "Public service facility" means the erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures 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 sewage services.

(77) "Public uses" means public parks, schools, administrative and cultural buildings and structures, not including public and land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

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

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

(80) "Recreation camp/campgrounds" means area of land on which three or more travel trailers, campers, tents, or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

(81) "Recreation facilities" means public or private facilities that may be classified as either "extensive", or "intensive" depending upon the scope of services offered, and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally requires less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, and stadiums.

(82) "Research activities" means research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

(83) "Roadside stand" means a temporary structure designed or used for the display or sale of agricultural and related products.

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

(85) "Satellite dish" means a parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

(86) "Seat". For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four lineal inches or benches, pews, or space for loose chairs.

(87) "Setback line" means a line established by the Zoning Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in said code.

(88) "Sewers, central or group" means an approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

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

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

(91) "Sign" means any visual communication display, object, device, graphic, structure,

or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

(a) Sign, In-Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

(b) Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.

(c) Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

(d) Sign, Lighting Device: Any light; string of lights, or group of lights located or arranged so as to cast illumination on a sign.

(e) Sign, Projecting: Any sign which projects from the exterior of a building.

(f) Sign, Awning: a sign which is suspended from, attached to, supported from or forms a part of an awning.

(g) Sign, Electronic Message Center (EMC): An EMC is a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

(h) Sign, Snipe: A temporary or permanent sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

(i) Sign, Wall: A wall sign mounted on a building which is either attached to, displayed, or painted on an exterior wall in a manner parallel with the wall surface, and not projecting more than16 inches from such surface.

(j) Sign, Window: A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door.

(k) Sign, Temporary: Any sign intended to remain in use for a short period of time which is not permanently installed.

(92) "Story" means that part of a building between the surface of a floor and the ceiling immediately above, except that the topmost story shall be that habitable portion of a building included between the surface of the topmost floor and ceiling or roof above.

(93) "Structure" means anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, factory built housing, walls, fences and billboards.

(94) "Subdivision" means the division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease.

(95) "Swimming pool" means a pool or open tank obtaining at least 1.5 feet of water at any point and maintained by the owner or manager.

(a) Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the

patrons of a motel or hotel; an accessory use.

(b) Community: Operated with a charge for admission; a primary use.

(96) "Thoroughfare, street, or road" means the full width within the right-of-way bounding every public way, with a part thereof to be used for vehicular traffic designated as follows:

(a) Alley: A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

(b) Arterial street: A general term denoting major thoroughfares designed to carry traffic between municipalities and other activity centers and to provide connections with major state and interstate highways. Typically, existing state routes will be classified as arterial.

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

(d) Cul-de-sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

(e) Dead-end street: A street having only one common ingress and egress for vehicular traffic and perhaps intended to be extended or continued in the future.

(f) Local street: A street primarily for providing access to residential or other abutting property.

(97) "Through Lot" (See Lot Types).

(98) "Transportation, Director of" means the Director of the Ohio Department of Transportation.

(99) "Use" means the specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

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

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

(102) "Vicinity map" means a drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby lots, developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

(103) "Walkway" means a public way, four feet or more in width, for pedestrian use only,

whether along the side of a road or not. (See Sidewalk)

(104) "Yard" means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

(a) Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

(b) Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

(c) Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

(105) "Zoning Commissioner" means the person designated by Council to administer and enforce zoning regulations and related ordinances. This person may also be known as the Zoning Inspector.

(106) "Zoning permit" means a document issued by the Zoning Commissioner authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses. (Ord. 90-01. Passed 3-6-90.)

(107) "Zoning map" means the official Zoning Map of the Village of New London.

CHAPTER 1103 PLANNING AND ZONING COMMISSION

1103.01	ESTABLISHED
1103.02	COMPOSITION & APPOINTMENT
1103.03	ORGANIZATION
1103.04	QUORUM
1103.05	MEETINGS
1103.06	WITNESSES
1103.07	POWERS & DUTIES
1103.08	ZONING UPON ANNEXATION

1103.01 ESTABLISHED.

A Planning and Zoning Commission for the Village is hereby created and shall have all the powers and duties prescribed by this Zoning Ordinance. (Ord. 90-01. Passed 3-6-90.)

1103.02 COMPOSITION AND APPOINTMENT.

The Commission shall consist of five members and include the Mayor, one member of Council and three Village citizen representatives, each appointed by the Mayor as authorized by Ohio R.C. 713.01. (Ord. 90-01. Passed 3-6-90.)

1103.03 ORGANIZATION.

The Commission shall elect a Chairman and a Vice Chairman from its membership at the first meeting held after January 1 of each year and shall prescribe rules for the conduct of its affairs. A secretary shall be appointed and keep minutes of meeting actions and votes and provide a copy of said minutes to the Village Clerk. Members shall be subject to removal if their attendance falls below 50% of the regularly scheduled meetings. Members of the Commission shall serve no more than two (2) consecutive terms at any one time after which they must sit out for one (1) full term before serving again. (Ord. 90-01. Passed 3-6-90.)

1103.04 QUORUM.

The Commission shall require a quorum of three members at all of the public meetings and the concurring vote of three members shall be necessary to affect an order. (Ord. 90-01. Passed 3-6-90.)

1103.05 MEETINGS.

The Planning and Zoning Commission shall meet at the call of the Zoning Commissioner, its Chairman, or two other members, and at such other regular times as may by resolution be determined, but in no case less than once each year. The person(s) requesting the meeting may request the Fiscal Officer to coordinate the scheduling thereof, give notice of the meeting, and publish or distribute any notices legally required. The Zoning Commissioner and the Village Solicitor shall attend meetings of the Commission if so requested. (Ord. 2012-35. Passed 9-24-12.)

1103.06 WITNESSES.

The Planning and Zoning Commission Chairman, acting Chairman, or Village Solicitor may administer oaths and compel the attendance of witnesses in any matter coming within the review of the Zoning Ordinance. (Ord. 90-01. Passed 3-6-90.)

1103.07 POWERS AND DUTIES.

The Commission shall submit a plan, including texts and maps representing their recommendation to

Village Council for carrying out the powers, purposes and provisions set forth in Ohio R.C. 713.01 through 713.10 inclusive.

(a) The Commission may within the limits of the monies appropriated by Council for the purpose, employ or contract with such planning consultants and executive and clerical assistance as it deems necessary.

(b) The Commission shall make use of such information and counsel as is available from appropriate public officials, departments and agencies.

(c) The Commission may initiate amendments to the Zoning Ordinance.

(d) The Commission may hold a public hearing on proposed amendments and shall review and make recommendations on amendments to the Village Council.

(e) The Commission shall review and make recommendations regarding Residential Parks for Mobile Homes proposals to the Village Council.

(f) Comprehensive Plan. (Ord. 90-01 Passed 3-6-90.)

1103.08 ZONING UPON ANNEXATION.

The following regulations shall apply to any areas annexed to the Village:

(a) If any lots, tracts, or lands are not subject to zoning at the time of their annexation, they shall be classified into whichever districts established by this Zoning Ordinance most closely resembles the existing uses at the time of the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council resolution.

(b) Any lots, tracts, or areas which are subject to zoning at the time of their annexation shall be classified as being in whichever district established by this Zoning Ordinance most closely resembles the zoning district that existed in the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council resolution.

(c) With respect to any annexation, the Planning Commission shall within ninety days conduct a public hearing on the matter of permanent zoning classification. (Ord. 90-01 Passed 3-6-90.)

CHAPTER 1104 BOARD OF ZONING APPEALS

1104.01	CREATION OF BOARD OF ZONING APPEALS
1104.02	COMPOSITION AND APPOINTMENT
1104.03	ORGANIZATION
1104.04	QUORUM
1104.05	MEETINGS
1104.06	WITNESSES
1104.07	POWERS AND DUTIES
1104.08	APPEAL PROCEDURES
1104.09	INTERPRETATION OF DISTRICT MAP
1104.10	PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; ACCESSORY USES

1104.01 CREATION OF BOARD OF ZONING APPEALS.

A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by Ohio R.C. 713.11 and this Zoning Ordinance. (Ord. 90-01. Passed 3-6-90.)

1104.02 COMPOSITION AND APPOINTMENT.

The Board of Zoning Appeals shall consist of five members appointed by the Council. (Ord. 90-01. Passed 3-6-90.)

1104.03 ORGANIZATION.

The Board of Zoning Appeals shall elect a Chairman, and Vice Chairman, prescribe rules for the conduct of its affairs and appoint a Secretary who shall record Board action and votes and provide a copy of the minutes of each meeting to the Village Clerk. Members shall be subject to removal if their attendance falls below 50% of the regularly scheduled meetings. Members of the Board of Zoning Appeals shall serve no more than two (2) consecutive terms at any one time after which they must sit out for one (1) full term before serving again. (Ord. 90-01. Passed 3-6-90.)

1104.04 QUORUM.

The Board of Zoning Appeals shall require a quorum of three members at all of its meetings which shall be public, and the concurring vote of three members shall be necessary to affect any order. (Ord. 90-01. Passed 3-6-90.)

1104.05 MEETINGS.

The Board of Zoning Appeals shall meet at times prior to and coinciding with Village Council meetings with a ten day public notice. Other meetings may be convened at the call of the Zoning Commissioner, its Chairman or two other members, but in no case less than once each year. The person(s) requesting the meeting may request the Fiscal Officer to coordinate the scheduling thereof, give notice of the meeting, and publish or distribute any notices legally required. The Village Solicitor and Zoning Commissioner shall attend a meeting of the Board if requested to do so. (Ord. 2012-35. Passed 9-24-12.)

1104.06 WITNESSES.

The Board of Zoning Appeals chairman, acting chairman or Village Solicitor may administer oaths and compel the attendance of witnesses in any matter coming within the review of this Zoning Ordinance.

(a) Attendance of Applicant Required. An applicant, the applicant's attorney, or agent of the applicant shall attend the meeting. The Board will dismiss, without hearing, an application if the applicant, his attorney, or his agent does not attend. If the applicant, his attorney or agent is not in attendance, the Board may move to consider the case in those circumstances where a dismissal without hearing would constitute a hardship for the surrounding property owners or other interested individuals. (Ord. 90-01. Passed 3-6-90.)

1104.07 POWERS AND DUTIES.

(a) Appeals shall be heard and decided where it is alleged there is error in any order, requirements, decision or determination made by the Zoning Commissioner in the enforcement of this Zoning Ordinance.

(b) Appeals may be taken by any person, firm or corporation, or by any officer or board of the Village of New London, deeming himself or those to be adversely effected by the decision of the Zoning Commissioner respecting the interpretation of the Zoning Ordinance. Appeal shall be made no later than twenty calendar days after the date of the grievance.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Commissioner, whose decision is being appealed, shall certify to the Board of Zoning Appeals after the notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in his opinion, cause "imminent" peril to life or property. In such case, proceeding shall not be stayed by other than a restraining order granted by the Board of Appeals or by a Court having lawful jurisdiction.

(d) The Board of Zoning Appeals may authorize upon appeal in specific cases, such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owning to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structure, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Zoning Ordinance would result in unnecessary hardship.

(e) Except as otherwise permitted in this Zoning Ordinance, no variance in the strict application of the provisions of this Zoning Ordinance shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

1. Name, address, and phone number of applicant(s);
2. Legal description of property;
3. Description or nature of variance requested;
4. A fee as established by ordinance;
5. Narrative statements establishing and substantiating that the variance conforms to the following standards:
   A. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Zoning

Ordinance on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.

B. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.

C. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Zoning Ordinance would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.

D. There must be proof of hardship created by the strict application of this Zoning Ordinance. It is not sufficient proof of hardship to show that greater profit would result in the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Zoning Ordinance; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.

E. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

F. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public street, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

G. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

(f) In addition the Board of Zoning Appeals may permit such modification as may be necessary to secure the appropriate improvement of a parcel of land that is too small to be appropriately improved without such modification provided the parcel was separately owned at the time of passage of this Zoning Ordinance or is adjacent to buildings that do not conform to the general restrictions applicable to their location. Requirements of subsection (e)(5)A. to C. must be applied.

(g) In granting variances, exceptions or conditional uses, the Board may impose such conditions as it may deem necessary to protect the public health, safety and welfare and to further the purpose and intent of this Zoning Ordinance. Those conditions shall be made a part of and be attached to the required Zoning Permit.

(h) The Board shall hear and determine all conditional use applications which possess unique or special characteristics relating to location, design, size, traffic generation and methods of operation, except for Industrial Districts which are provided for in Section Chapters 1114 and 1115. Conditional uses although often desirable, will more intensely affect the surrounding area in which they are located, than the permitted uses of such districts. Since this is the case, the Board shall approve an

application for a Conditional Use only when the following conditions are met:

1. The Conditional Use is in general accord with the New London Village Comprehensive Zoning Plan.
2. The proposed development will be in keeping with the existing land use character and physical development potential of the area and will not be of substantial detriment to the public interest, to the property, to other property values or improvements.
3. If necessary, to accommodate certain projects, special conditions may require a greater amount of open space, entrance or exit drives, special lighting, noise control requirements, and fencing and landscaping. (Ord. 90-01. Passed 3-6-90.)

1104.08 APPEAL PROCEDURES.

Recommended action regarding Appeals, Variances/Exceptions and Conditional Uses in the proper order.

(a) Applicant files correct form along with applicable fee with the Zoning Commissioner. For purposes of this subsection, the applicant shall pay the necessary fees to the Fiscal Officer, and submit the completed form to either the Fiscal Officer or to the Zoning Inspector personally. An application which is submitted to the Fiscal Officer shall then be faxed or sent electronically to the Zoning Commissioner on receipt by the Fiscal Officer.

(b) Zoning Commissioner transmits all relevant information to the Board of Zoning Appeals.

(c) The Board of Zoning Appeals schedules a public hearing within twenty days of filing of appeal.

(d) Written notice shall be sent at least ten days before the hearing to all parties affected by the Fiscal Officer.

(e) Notice shall be published in a newspaper of general circulation at least ten days before the hearing.

(f) The Board of Zoning Appeals holds public hearing; hearing may be recessed and continued if necessary, by public announcement at the hearing.

(g) The Board of Zoning Appeals shall render a decision within twenty days of hearing.

(h) In the event either party to the appeal is not in agreement with the "Board" decision, they may file a further appeal, in writing to Council, with the Fiscal Officer.

(i) Council shall schedule a public hearing within twenty days of receipt of appeal. Council shall render their decision within twenty days of the public hearing.

(j) In the event either party to the appeal is not in agreement of the Council's decision, they may pursue further appeal to the court system. Any notices to the Village which may be legally required shall be filed with the Fiscal Officer. (Ord. 2012-35. Passed 9-24-12.)

(k) A stay of all proceedings shall be in effect during the appeal process thru subsection (j) hereof. However, a further stay shall only be granted by a court order, of the appeal proceeds to subsection (k) hereof.

(l) No order of the Board of Zoning Appeals granting a variance shall be valid for a period longer than twelve months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

(m) Variances from the regulations of this Zoning Ordinance shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions

imposed in Section 1104.07(e), if applicable, have been met by the applicant. Variances may be granted as guided by the following:

1. To permit any yard or setback less than yard or setback required by the applicable regulations.
2. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty percent (80%) of the required area and width.
3. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
4. To reduce the applicable off-street parking or loading facilities require, but generally by not more than thirty percent (30%) of the required facilities.
5. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
6. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty percent (40%).
7. To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five percent (25 %).
8. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five percent (25 %). (Ord. 90-01. Passed 3-6-90.)

1104.09 INTERPRETATION OF DISTRICT MAP.

Where the street or by layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board of Zoning Appeals, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this Zoning 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 may be made to the Board of Zoning Appeals and a determination shall be made by said Board. (Ord. 90-01. Passed 3-6-90.)

1104.10 PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; ACCESSORY USES.

(a) Regulation of Conditional Uses. The provisions of subsections (a) to (j) inclusive of this Zoning Ordinance apply to the location and maintenance of any and all conditional uses.

(b) Purpose. In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Towards these ends, it is recognized that this Zoning Ordinance should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of subsections (c) to (j) hereof.

(c) Contents of Conditional Use Permit Application. Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Commissioner, who shall within seven days, transmit it to the Board of Zoning Appeals. For purposes of this subsection, the applicant shall pay the necessary fees to the Fiscal Officer, and submit the completed form to either the Fiscal Officer or to the Zoning Inspector personally. An application which is submitted to the Fiscal Officer shall then be faxed or sent electronically to the Zoning Commissioner on receipt by the Fiscal Officer. Such application at a minimum shall contain the following information: (Ord. 2012-35. Passed 9-24-12.)

1. Name, address and phone number of the applicant;
2. Legal description of the property;
3. Zoning district;
4. Description of existing use;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic access, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board of Zoning Appeals may require;
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
8. A list containing the names and mailing addresses of all owners of property within five hundred feet of the property in question;
9. A fee as established by ordinance;
10. A narrative addressing each of the applicable criteria contained in subsection (d) hereof.

(d) General Standards For All Conditional Uses. In addition to the specific requirements for conditionally permitted uses, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Chapters 1108 through 1115 and appears on the Schedule of District Regulations adopted for the zoning district involved;
2. Will be in accordance with the general objectives, or with any specific objective, of the Village's comprehensive plan and/or the Zoning Ordinance;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare

of the community;

7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(e) Specific Criteria For Conditional Uses. The following are specific conditional use criteria and requirements for those uses conditionally permitted in this Zoning Ordinance as provided for in Section 1104.10 (e). Nothing in this section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with Section 1104.07(g).

(f) Procedure and Requirements to Determine That A Use Is Substantially Similar.

1. Where a specific use is proposed that is not listed or provided for in this Zoning Ordinance, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this Zoning Ordinance. If the Board finds that a use is substantially similar to a specific use listed in this Zoning Ordinance, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

2. In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in Sections 1104.07 and 1104.08. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Council of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within thirty days of its receipt by the Council, such substantially similar use determination by the Board shall become effective.

(g) Remedy By Application For Amendment. If the Board of Zoning Appeals determines that a proposed use is not substantially similar, such determination shall not be appealed to the Council, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in Chapter 1105.

(h) Standards For Consideration Of Substantially Similar Uses. The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

1. The compatibility of the proposed use with the general use classification system as specified in this Zoning Ordinance.

2. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Zoning Ordinance as being permitted, or in the case of a conditional use, conditionally permitted, in that district.

3. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Zoning Ordinance.

(i) Effect of Determination That A Use Is Substantially Similar. Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Zoning Ordinance, it shall then be permitted in the same manner under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

(j) Record of Substantially Similar Uses. The Zoning Commissioner shall maintain as a public record a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in the Zoning Ordinance, the use unlisted in the Zoning Ordinance about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals or the Council. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Commissioner shall consult this record in the process of issuing future permits. (Ord. 90-01. Passed 3-6-90.)

CHAPTER 1105 AMENDMENTS

1105.01	PROCEDURES BY LAW
1105.02	INITIATION OF AMENDMENT
1105.03	SUBMISSION TO STATE TRANSPORTATION DIRECTOR
1105.04	COMMISSION PUBLIC HEARING
1105.05	NOTICE TO PROPERTY OWNERS
1105.06	COMMISSION RECOMMENDATIONS
1105.07	COUNCIL PUBLIC HEARING
1105.08	ACTION BY COUNCIL
1105.09	REFERENDUM
1105.10	EFFECTIVE DATE
1105.11	FEES

1105.01 PROCEDURE BY LAW.

The procedure and regulations for amending this Ordinance and make District changes on the Zoning Map shall be in accordance with Ohio R.C. 713.12. (Ord. 90-01. Passed 3-6-90.)

1105.02 INITIATION OF AMENDMENT.

Amendments or Supplements to the Zoning Ordinance may be initiated by:

(a) Motion of Planning and Zoning Commission.

(b) By application of one or more owners or lessees of property within the area to be changed.

(c) By passage of a Resolution by the Village Council, which resolution shall be certified to the Planning and Zoning Commission (Ord. 90-01. Passed 3-6-90.)

1105.03 SUBMISSION TO STATE TRANSPORTATION DIRECTOR.

Before any Amendment is approved effecting any land within three hundred feet of a center line of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Transportation Director, or any land within a radius of five hundred feet from the point of intersection of said centerline within a public road or highway, the Zoning Commissioner shall give notice by registered or certified mail to the Transportation Director as required in the Ohio R.C. 5511.01. (Ord. 90-01. Passed 3-6-90.)

1105.04 COMMISSION PUBLIC HEARING.

The Commission may schedule a public hearing not less than thirty days or more than sixty days from the date of receipt. Notice of such hearing shall be published once at least thirty days before the hearing date. (Ord. 91-04. Passed 3-4-91)

1105.05 NOTICE TO PROPERTY OWNERS.

If the amendment will rezone ten or less parcels of land, written notice of the hearing shall be mailed by the Commission by first class mail at least twenty days before the hearing to all owners of property within and contiguous to and directly across the street or road from such area proposed to be rezoned or redistricted, to such addresses as appear on the County Auditor's current tax list. Notices set forth time and place of hearing, the nature of the proposed amendment or supplement, and a statement that the matter will be referred to Council. The written notice described herein for the meeting of the Planning Commission shall be by postcard; the written notice referenced in

Section 1105.07 of the Codified Ordinances shall be by letter. (Ord. 91-04. Passed 3-4-91; Ord. 00-05. Passed 3-14-00.)

1105.06 COMMISSION RECOMMENDATIONS.

Within fifteen days after the public hearing provided for in Section 1105.04 the Commission shall transmit its recommendations to Council granting, modifying or denying the amendment request. (Ord. 90-01. Passed 3-6-90; Ord. 00-05. Passed 3-14-00.)

1105.07 COUNCIL PUBLIC HEARING.

Upon receipt of the recommendation from the Commission, Council shall schedule a public hearing within forty-five days, give thirty days public notice by newspaper and inform affected property owners as outlined in Section 1105.05. (Ord. 90-01. Passed 3-6-90; Ord. 00-05. Passed 3-14-00.)

1105.08 ACTION BY COUNCIL.

Within sixty days after the hearing required by Section 1105.07, the Village Council shall either adopt, modify, or deny the recommendation of the Commission. In the event the Village Council denies or modifies the recommendation of the Commission, it must do so by not less than three-fourths of the full membership of Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days, except that such ordinance may become an emergency legislation if three-fourths of the members of Council vote to dispense with this rule. (Ord. 90-01. Passed 3-6-90; Ord. 00-05. Passed 3-14-00.)

1105.09 REFERENDUM.

Such amendment adopted by Council shall become effective thirty days after the date of such adoption unless within thirty days there is presented to the Village Clerk a petition signed by a number of qualified voters residing in the Village equal to not less than ten percent (10%) of the total vote cast in the Village at the last preceding general election at which a Governor was elected, requesting the Council to submit the zoning amendment to the electors of the Village for approval or rejection at the next election. (Ord. 90-01. Passed 3-6-90.)

1105.10 EFFECTIVE DATE.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect. (Ord. 90-01. Passed 3-6-90.)

1105.11 FEES.

Whenever a zoning change is requested by the owner, lessee, or occupant of a property, a fee shall be assessed which is reasonably calculated to cover the out of pocket expenses to be incurred by the Village for investigation, legal notices, postage, etc., attendant to the request. Ordinarily, a nonrefundable fee of fifty dollars ($50.00) per lot shall be assessed; provided that, where circumstances of the request warrant, that summary be adjusted and provided further that, if actual expenses exceed the amount already on deposit with the Village, the applicant shall be required to pay, reimburse the balance to the Village. (Ord. 00-05. Passed 3-14-00.)

CHAPTER 1106 ENFORCEMENT

1106.01	ZONING COMMISSIONER
1106.02	ZONING PERMITS REQUIRED
1106.03	SUBMISSION TO STATE TRANSPORTATION DIRECTOR
1106.04	CERTIFICATE OF OCCUPANCY (REPEALED)
1106.05	TEMPORARY CERTIFICATE OF OCCUPANCY (REPEALED)
1106.06	FEE FOR ZONING PERMITS
1106.07	VIOLATIONS
1106.08	INSPECTION
1106.09	CORRECTION PERIOD
1106.10	PENALTY

1106.01 ZONING COMMISSIONER.

(a) The position of Zoning Commissioner is hereby created. A person shall be appointed and serve at the pleasure of the Council of the Village of New London, under the general supervision and direction of the Village Administrator, and shall receive such compensation as the Council may provide.

(b) The Zoning Commissioner shall:

1. Issue Zoning Permits when this Zoning Ordinance has been followed, or, refuse same in the event of noncompliance. Applications for zoning permits shall be made available at the Fiscal Officer's office.
2. Determine the designated fees for Zoning Permits, Amendments, Appeals, Conditional Uses, and Exceptions; provided, however, that all such fees shall be collected by the Fiscal Officer's office.
3. Make and keep records on all applications, issuance and denial of all permits, and on complaints of violations. All such documents shall be maintained by the Fiscal Officer.
4. Enforce this Zoning Ordinance and take all necessary steps to remedy any condition found in violation by ordering in writing, the discontinuance of illegal uses or illegal work in progress, and request the Police Chief or Solicitor to commence appropriate legal action when necessary. All correspondence, citations, notices of violations, and other documents and records pertaining to the enforcement of the Zoning Ordinance shall be generated and maintained by the Zoning Commissioner, provided, however, that he may provide fully completed documents to the Fiscal Officer's office for copying and/or mailing.
5. Keep the Planning and Zoning Commission advised and make recommendations regarding all matters other than routine duties pertaining to the enforcement of this Zoning Ordinance and to transmit all applications and records pertaining thereto.
6. Keep the Board of Zoning Appeals advised of all matters pertaining to and make recommendations regarding Appeals, Variances, Conditional Uses and Exceptions and transmit all applications and records pertaining thereto.
7. Provide a monthly report to the Council of the Village of New London regarding activities of this position.

8. Refer permits along waterways to the Planning and Zoning Commission.
9. Issue Certificate of Occupancy. (Ord. 2012-35. Passed 9-24-12.)

1106.02 ZONING PERMITS REQUIRED.

(a) Buildings. Before constructing, changing the use of, changing the physical shape of, or structurally altering any building, including accessory buildings, or changing the use of any premises, application shall be made to the Zoning Commissioner for a Zoning Permit. The Zoning Permit requirements shall not include interior remodeling if the type of use is not changed and shall not include the non-structural installation or replacement of a roof covering, the nonstructural installation or replacement of siding, or general exterior upkeep and maintenance. The application shall include the following information:

1. A plot plan drawn to scale showing the exact dimensions of the lot to be built upon;
2. The location, dimensions, height and bulk of structures to be erected;
3. The intended use;
4. The yard, open area and parking dimensions;
5. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Zoning Ordinance.

(b) Signs. Before construction or altering any sign or outdoor advertising device requiring a Zoning Permit, a Zoning Permit shall be secured.

(c) Swimming Pools. As described in Section 1117 must secure a Zoning Permit.

(d) Time Limitation. Within ten days after receipt of application, the Zoning Commissioner shall issue a Zoning Permit if the application complies with the requirements of this Zoning Ordinance and the application is accompanied by the proper fee. For purposes of this subsection, the ten-day limitation shall begin from the time that the applicant has both (A) paid the necessary fees to the Fiscal Officer and (B) submitted a completed application to the Fiscal Officer or to the Zoning Inspector personally. An application which is submitted to the Fiscal Officer shall then be faxed or sent electronically to the Zoning Commissioner on receipt by the Fiscal Officer.

(e) Void Permits. The Zoning Permit shall become void six months after date of issuance unless construction is started. If no construction is started or use changed within six months of date of Permit, a new Permit is required upon application. Once a zoning permit has been issued and outstanding for a period of six months, if, at any time there, is no substantial progress being made in the completion of the project, the Zoning Commissioner may give written notice to the permit holder, whereupon, if thirty days passes without additional substantial progress in connection with the work, the Zoning Commissioner may declare the permit to have expired. A zoning permit shall automatically expire twelve months after any portion of the construction actually commences. (Ord. 2012-35. Passed 9-24-12.)

1106.03 SUBMISSION TO STATE TRANSPORTATION DIRECTOR.

Before any Zoning Permit is issued effecting any land within three hundred feet of a center line of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Transportation Director, or any land within a radius of five hundred feet from the point of intersection of said center line within a public road or highway, the Zoning Commissioner shall give notice by registered or certified mail to the Transportation Director as required in the Ohio R.C. 5511.01. (Ord. 90-01. Passed 3-6-90.)

1106.04 CERTIFICATE OF OCCUPANCY. (REPEALED)

(EDITOR'S NOTE: This section was repealed by Ordinance 03-01, passed September 23, 2003.)

1106.05 TEMPORARY CERTIFICATE OF OCCUPANCY. (REPEALED)

(EDITOR'S NOTE: This section was repealed by Ordinance 03-01, passed September 23, 2003.)

1106.06 FEE FOR ZONING PERMITS.

(a) A fee, in accordance with a fee schedule adopted by the New London Village Council, shall accompany each application for a Zoning Permit and shall be deposited with the Fiscal Officer to the credit of the General Fund of the Village of New London. Said fee schedule may be adjusted as necessary by action of Council.

(b) Every Zoning Permit shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all zoning certificates shall be kept on file in the office of the Zoning Commissioner or his agent, and copies shall be furnished upon request to any person having proprietary or tenant's interest in the building or land affected. (Ord. 2012-35. Passed 9-24-12.)

1106.07 VIOLATIONS.

Buildings or signs erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this Zoning Ordinance are declared to be a nuisance per se and shall be subject to the penalties stated in this Zoning Ordinance. Any building or land use activities considered possible violations of the provisions of this ordinance which are observed by the residents of the Village of New London shall be reported to the Zoning Commissioner. (Ord. 90-01. Passed 3-6-90.)

1106.08 INSPECTION.

The Zoning Commissioner shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Zoning Ordinance. (Ord. 90-01. Passed 3-6-90.)

1106.09 CORRECTION PERIOD.

All violations shall be corrected within a period of ten days after the written order is issued or for a longer period of time if deemed reasonably appropriate in the judgment of the Zoning Commissioner. Any violations not corrected within the specified time period shall be reported to the Solicitor who shall initiate appropriate legal proceedings. (Ord. 00-05. Passed 3-14-00.)

1106.10 PENALTY.

The owner or owners of any building or premises or part thereof where anything in violation of this Zoning Ordinance shall be placed or shall exist, and any tenant or occupant of such building or premises, and any architect, builder or contractor, or any other person who shall violate any of the provisions of this Zoning Ordinance or fail to comply therewith may for each violation or non-compliance be fined not more than one hundred dollars ($100.00). Each day, such violation or failure to comply shall exist, shall constitute a separate offense. (Ord. 90-01. Passed 3-6-90.)

CHAPTER 1107 DISTRICTS ESTABLISHED; PURPOSE; ZONING MAP

1107.01	PURPOSE, ESTABLISHMENT
1107.02	INTENT OF DISTRICT REGULATIONS
1107.03	ZONING MAP
1107.04	INTERPRETATION OF DISTRICT BOUNDARIES
1107.05	AMENDMENTS

1107.01 PURPOSE, ESTABLISHMENT.

This Zoning Code is adopted to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare by regulating and limiting the use of land areas and buildings and the erection, restoration and alteration of buildings and the use thereof for residential, business and industrial purposes; to regulate the area and dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers; to lessen or avoid congestion in the public streets; to regulate and restrict bulk, height, design, percent of lot occupancy and the location of buildings, to protect the character of the existing agricultural, residential, business, industrial, and institutional areas and to assure their orderly and beneficial development; to provide for the orderly growth and development of lands, and for such purposes, the Village of New London has divided the Village into the following zoning districts.

R-1	Single Family Residential District
R-2	Two Family Residential District
R-3	Multi-Family Residential District
MHP	Manufactured Home Park Residential District
DBD	Downtown Business District
C-3	General Commercial District
M-1	Light Industrial District
M-2	Heavy Industrial District
PPOS	Public Parks and Open Space

1107.02 INTENT OF DISTRICT REGULATIONS.

It is the intent of this Chapter and Chapters 1108 through 1116 to set forth regulations within each district concerning permitted uses, the conditionally permitted uses, and the general requirements of the district. Matters that involve uses not specifically defined or stated which cannot reasonably be interpreted by the Zoning Commissioner shall be referred to the Planning and Zoning Commission.

1107.03 ZONING MAP.

(a) The districts established under Sections 1108 through 1116 along with their respective boundary lines are shown on the zoning map and herein established together with all explanatory matter thereon, are hereby adopted by reference and declared to be part of the New London Zoning Ordinance. (Ord. 90-01. Passed 3-6-90.)

(b) The Official Zoning Map shall be drawn on a permanent, reproducible material and identified by the signatures of the President of Council and mayor of the Village of New London, Ohio. (Ord. 90-01. Passed 3-6-90.)

1107.04 AMENDMENTS.

If in accordance with the provisions of this Zoning Ordinance and Ohio R.C. Chapter 713, changes are made in district boundaries or other matters shown on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendments lawful effective date with an entry indicating the ordinance number and date. (Ord. 90-01. Passed 3-6-90.)

1107.05 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundary of any of the Zoning Districts shown on the Official Zoning Map, the following rules shall apply:

(a) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such lines shall be construed to be said boundaries.

(b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(c) Where district boundaries are so indicated that they are approximately parallel to the center lines of streets or the center of right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map.

(d) Where a boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line. (Ord. 90-01. Passed 3-6-90.)

CHAPTER 1108 SINGLE-FAMILY RESIDENTIAL DISTRICT

1108.01	PURPOSE
1108.02	SHORT NAME
1108.03	PERMITTED USES
1108.04	CONDITIONAL PERMITTED USES
1108.05	GENERAL REQUIREMENTS OF THE R-1 DISTRICT

CROSS REFERENCES

1108.01 PURPOSE.

The purpose of the single-family residential district is to provide low density single-family dwellings erected on permanent foundations along collector, local and cul-de-sac streets.

1108.02 SHORT NAME.

The short name and map symbol of the Single-Family Residential District is R-1.

1108.03 PERMITTED USE.

(a) Single-family detached dwellings
(b) Public parks and playgrounds
(c) Home occupations
(d) Accessory buildings and structures and their related uses
(e) Dishes or other similar devices for the reception or transmission of electromagnetic signals provided such device is for the sole use of the occupants of the principal use of property on which the device is located
(f) Roof mounted solar panels

1108.04 CONDITIONALLY PERMITTED USES.

A conditional use permit may be issued in accordance with the provisions of Chapter 1104.10 of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in 1104.10 (d), (e) and (f) or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

(a) Public and private schools for academic instruction either state accredited or approved by the Board of Zoning Appeals
(b) Religious institutions
(c) Public uses
(d) Adult care facilities
(e) Ground mounted solar panels installed on side or rear yards
(f) Bed and breakfast facilities

1108.05 GENERAL REQUIREMENTS OF THE R-1 SINGLE FAMILY DISTRICT.

(a) Maximum building height: No building shall be erected or enlarged to exceed thirty-five feet (35').
(b) Lot area and width: Every lot shall have a minimum width of 60 feet and a minimum lot area of not less than 6,000 square feet exclusive of road right-of-way.
(c) Setbacks and yards (principal structure): for all lots of record see Chapter 1117.
1. Front yard: There shall be a front yard of not less than 40'.

2. Side yard: Side yards shall be not less than 5' on each side.
3. Rear yard: There shall be a rear yard of not less than 10'.
4. Corner lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

(d) Maximum lot occupancy: The maximum percentage of the total lot area which may be occupied by both the principal and accessory buildings shall be 30%.

(e) Parking requirements: Parking Requirements shall be as regulated in Chapter 1118.

(f) Signs: Signs shall be as regulated in Chapter 1119.

(g) Dwelling area: Dwellings or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages, and cellars or basements as herein specified.

1. Single family dwellings with basement 1,100 square feet
2. Single family dwelling without basement: 1,200 square feet
3. Basements are not required for any single-family dwelling. If a basement is included as part of the house plans, at the time of permitting, then a minimum square footage of 600 square feet of floor area shall be required. Single family dwellings shall not be less than 24 feet in width and depth.

(h) The single-family dwelling unit shall meet the requirements of the Board of Health with jurisdiction in the Village and/or those other authorities before being issued zoning permits.

(i) Accessory uses or structures:

1. Location: all accessory uses or structures shall be located even with or behind the front of the principal structure within any side or rear yard, no closer than ten (10) feet from any side or rear lot line.
2. Permitted Area: The total area of all accessory uses or structures may not occupy more than 30% of the total rear yard in a residential district, except for swimming pools which shall be exempted from these area regulations.
3. The maximum permitted size of an accessory building that is accessory to a residential use shall be determined by the provisions outlined in Chapter 1117.

CHAPTER 1109 TWO -FAMILY RESIDENTIAL DISTRICT

1109.01	PURPOSE
1109.02	SHORT NAME
1109.03	PERMITTED USES
1109.04	CONDITIONAL PERMITTED USES
1109.05	GENERAL REQUIREMENTS OF THE R-2 DISTRICT

CROSS REFERENCES

1109.01 PURPOSE.

The purpose of the two-family residential district is to provide medium density residential dwelling units (single and two family dwellings) and to serve as a transition district between lower density and higher density districts erected on permanent foundations along collector, local and cul-de-sac streets.

1109.02 SHORT NAME.

The short name and map symbol of the Two-Family Residential District is R-2.

1109.03 PERMITTED USES.

(a) Single and two-family detached dwellings
(b) Public parks and playgrounds
(c) Accessory buildings and structures and their related uses
(d) Home occupations
(e) Dishes or other similar devices for the reception or transmission of electromagnetic signals, provided such device is for the sole use of the occupants of the principal use of property on which the device is located
(f) Roof mounted solar panels

1109.04 CONDITIONALLY PERMITTED USES.

A conditional use permit may be issued in accordance with the provisions of Chapter 1104.10 of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in 1104.10 (d), (e) and (f) or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

(a) Public and private schools for academic instruction either state accredited or approved by the Board of Zoning Appeals
(b) Religious institutions
(c) Child and day care facilities
(d) Nursing homes
(e) Funeral homes
(f) Public uses
(g) Ground mounted solar panels installed on side or rear yards
(h) Bed and breakfast facilities

1109.05 GENERAL REQUIREMENTS OF THE R-2 TWO- FAMILY RESIDENTIAL DISTRICT.

(a) Maximum building height: No building shall be erected or enlarged to exceed thirty-five feet (35')
(b) Lot area and width: Every lot shall have a minimum width of 60 feet and a minimum lot area of not less than 10,000 square feet exclusive of road right-of-way.

(c) Setbacks and yards (principal structure): for all lots of record see Chapter 1117.

1. Front yard: There shall be a front yard of not less than 40'.
2. Side yard: Side yards shall be not less than 5' on each side.
3. Rear yard: There shall be a rear yard of not less than 10'.
4. Corner lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

(d) Maximum lot occupancy: The maximum percentage of the total lot area which may be occupied by both the principal and accessory buildings shall be 30%.

(e) Parking Requirements: Parking Requirements shall be as regulated in Chapter 1118.

(f) Signs: Signs shall be as regulated in Chapter 1119.

(g) Dwelling area: Dwellings or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages, and cellars or basements as herein specified.

1. Single family dwellings with basement 1,200 square feet
2. Single family dwelling without basement: 1,300 square feet
3. Two family dwelling with basement 1,000 sq ft per unit
4. Two family dwelling without basement 1,100 sq ft per unit
5. Basements are not required for any single or two family dwelling. If a basement is included as part of the house plans, at the time of permitting, then a minimum square footage of 600 square feet of floor area shall be required for single family dwellings and 375 sq ft of floor area shall be required for each unit of a two family dwelling. Single and two family dwellings shall not be less than 24 feet in width and depth.

(h) The single and/or two family dwelling unit shall meet the requirements of the Board of Health with jurisdiction in the Village and/or those other authorities before being issued zoning permits.

(i) Accessory uses or structures:

1. Location: all accessory uses or structures shall be located even with or behind the front of the principal structure within any side or rear yard, no closer than ten (10) feet from any side or rear lot line.
2. Permitted Area: The total area of all accessory uses or structures may not occupy more than 30% of the total rear yard area in residential districts, except for swimming pools which shall be exempted from these area regulations.
3. The maximum permitted size of an accessory building that is accessory to a residential use shall be determined by the provisions outlined in Chapter 1117.

(j) Conversion of dwelling to more units: a residence may not be converted to accommodate an increased number of dwelling units unless all of the following criteria are met:

1. The yard dimensions still meet the yard dimensions required for new structures in the zoning district;
2. The lot area per family equals the lot area requirements for new structures in this zoning district;
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in this zoning district; and
4. The conversion is in compliance with all other relevant codes for such structures.

CHAPTER 1110 MULTI-FAMILY RESIDENTIAL DISTRICT

1110.01	PURPOSE
1110.02	SHORT NAME
1110.03	PERMITTED USES
1110.04	CONDITIONAL PERMITTED USES
1110.05	GENERAL REQUIREMENTS OF THE R-3 DISTRICT

CROSS REFERENCES

1110.01 PURPOSE.

The purpose of the multi-family residential district is to provide high density multi and two family residential dwelling units and to serve as a transition district between medium density residential uses and commercial districts. Structures shall be erected on permanent foundations along minor arterials, collector, and local streets.

1110.02 SHORT NAME.

The short name and map symbol of the Multi-Family Residential District is R-3.

1110.03 PERMITTED USES.

(a) Two-family and multi-family detached dwellings
(b) Public parks and playgrounds
(c) Accessory buildings and structures and their related uses
(d) Home occupations
(e) Adult care facilities
(f) Dishes or other similar devices for the reception or transmission of electromagnetic signals, provided such device is for the sole use of the occupants of the principal use of property on which the device is located
(g) Roof mounted solar panels

1110.04 CONDITIONALLY PERMITTED USES.

A conditional use permit may be issued in accordance with the provisions of Chapter 1104.10 of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in 1104.10 (d), (e) and (f) or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

(a) Public and private schools for academic instruction either state accredited or approved by the Board of Zoning Appeals
(b) Religious institutions
(c) Nursing homes
(d) Funeral homes
(e) Country clubs
(f) Child/daycare facilities
(g) Health/recreation facility
(h) Public uses
(i) Ground mounted solar panels in side or rear yards
(j) Bed and breakfast facilities

1110.05 **GENERAL REQUIREMENTS OF THE R-3 MULTI - FAMILY RESIDENTIAL DISTRICT.**

(a) Maximum building height: No building shall be erected or enlarged to exceed thirty-five feet (35')

(b) Lot area and width: Every lot shall have a minimum width of 60 feet and a minimum lot area of not less than 10,000 square feet exclusive of road right-of-way. An additional 1,000 square feet of lot area must be added per family for dwellings having more than 2 dwelling units.

(c) Setbacks and yards (principal structure): for all lots of record see Chapter 1117.

1. Front yard: There shall be a front yard of not less than 40'.
2. Side yard: Side yards shall be not less than 10' on each side.
3. Rear yard: There shall be a rear yard of not less than 25'.
4. Corner lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

(d) Maximum lot occupancy: The maximum percentage of the total lot area which may be occupied shall be 60%.

(e) Parking requirements: Parking Requirements shall be as regulated in Chapter 1118.

(f) Signs: Signs shall be as regulated in Chapter 1119.

(g) Dwelling area: Dwellings or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages, and cellars or basements as herein specified.

1. Single multi family and/or two family dwellings with
   - A. One bedroom- 900 square feet
   - B. Two Bedroom- 1,100 square feet
   - C. Three Bedroom- 1,300 square feet
2. All buildings shall not be less than 24 feet in width and depth.

(h) The multi-family dwelling unit shall meet the requirements of the Board of Health with jurisdiction in the Village and/or those other authorities before being issued zoning permits.

(i) Accessory uses or structures:

1. Location: all accessory uses or structures shall be located even with or behind the front of the principal structure within any side or rear yard, no closer than fifteen (15) feet from any side or rear lot line.
2. Permitted Area: The total area of all accessory uses or structures may not occupy more than 30% of the total rear yard in a residential district, except for swimming pools which shall be exempted from these area regulations.
3. The maximum permitted size of an accessory building that is accessory to a residential use shall be determined by the provisions outlined in Chapter 1117.

(j) Conversion of dwelling to more units: a residence may not be converted to accommodate an increased number of dwelling units unless all of the following criteria are met:

1. The yard dimensions still meet the yard dimensions required for new structures in the zoning district;
2. The lot area per family equals the lot area requirements for new structures in this zoning district;
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in this zoning district; and
4. The conversion is in compliance with all other relevant codes for such structures.

(k) Required trash areas: Required trash areas shall be as regulated in Chapter 1120.

(l) Lighting: lighting shall be regulated as stated in Chapter 1118.

(m) Landscaping screening: Landscaping/screening shall be regulated as stated in Chapter 1120.

CHAPTER 1111 MANUFACTURED HOME PARK RESIDENTIAL DISTRICT

1111.01	PURPOSE
1111.02	SHORT NAME
1111.03	JURISDICTION
1111.04	PLATS
1111.05	STREET ACCESS
1111.06	PARK AREA AND SIZE STANDARDS
1111.07	ACCESSORY USES
1111.08	PROHIBITED USES
1111.09	REQUIRED OUTDOOR LIVING AREA
1111.10	STORM SHELTER
1111.11	PARKING
1111.12	COMMON RECREATION FACILITIES
1111.13	SITE PLAN REVIEW
1111.14	MANAGEMENT

CROSS REFERENCES

1111.01 PURPOSE.

The purpose of the manufactured Home Park Residential District is to provide areas for manufactured home parks which will be located, designed and improved so as to provide a desirable residential environment, access for vehicular traffic without undue traversing of minor streets in adjoining areas, and overall accessibility equivalent to that of other forms of permitted residential development.

1111.02 SHORT NAME.

The short name and map symbol of the Manufactured Home Residential District is MHP.

1111.03 JURISDICTION.

Where other regulations exist, such as the Ohio Revised Code Chapter 3733, the more stringent regulations shall apply. Plan approvals issued under ORC 3733 do not exempt a manufacturing/mobile home park from land use and building requirements of the Village.

1111.04 PLATS.

No permits or approvals will be issued for manufacturing home parks that are not platted. Unplatted manufactured home parks must be platted as a single lot plat.

1111.05 STREET ACCESS.

Manufactured home parks must have direct access to and be located on a principal arterial, minor arterial or major collector street.

1111.06 PARK AREA AND SIZE STANDARDS.

(a) Manufactured home park districts that are established solely for the development of a single owner manufactured home park must have a minimum area of five (5) acres, with a minimum width of sixty feet (60) on those portions of the site used for general vehicular entrances and exits.

(b) At least twenty-five (25) manufactured home lots must be completed and ready for occupancy before the first occupancy is permitted.

(c) Manufactured home parks must be developed on a single parcel except where the site is divided by public streets or alleys.

(d) The above limitations in 1111.06 do not apply to expansions of existing manufactured home parks.

1111.07 ACCESSORY USES.

The following are allowed as accessory uses in manufactured home parks:

(a) Parks, playgrounds, community buildings and non-commercial recreational facilities such as golf courses, shuffleboard courts, swimming pools, tennis courts and the like.

(b) Structures and uses required for the operation of a public utility, performance of a governmental function, or performance of any function necessary for the construction, operation, or maintenance of manufactured home parks.

1111.08 PROHIBITED USES.

(a) Recreational vehicles may not be occupied as living quarters.

(b) Sales lots are not permitted, but manufactured home units for re-sale on lots within the park may be sold.

1111.09 REQUIRED OUTDOOR LIVING AREA.

In manufactured home parks, an outdoor living area containing not less than four hundred eighty square feet (480 sf) must be provided on each lot. Such outdoor living area must be properly drained and located for convenience and optimum use and may not include required setbacks or parking areas.

1111.10 STORM SHELTER.

A manufactured home park must provide one or more storm shelters, with fifteen square feet (15 sf) of floor space for each lot. An existing building that complies with these provisions may serve as a storm shelter. A storm shelter must:

(a) Be a building complying with the Association Standards for the Design, Construction, and Performance of Storm Shelters produced by the National Storm Shelter Association,

(b) Be clearly marked with a sign at or near its entrance, and

(c) Be accessible at all times, either by being kept unlocked or by a person with access being present at the manufactured home park at all times.

1111.11 PARKING.

In manufactured home parks, at least one of the required residential parking spaces must be located on the lot occupied by the manufactured home unit served, but not in the front setback. Additional required spaces may be located within a common parking area provided within the manufactured home park. The off-street requirement will be construed to be met if the parking within the common parking areas is so arranged that there is no vehicle maneuvering incidental to such parking on travel lanes of streets or places.

1111.12 COMMON RECREATIONAL FACILITIES.

Common recreational facilities within a manufactured home park must be provided at the rate of not less than ½ acre per fifty (50) manufactured home units, and no less than one (1) acre in the development for fewer than one-hundred (100) manufactured home units.

(a) Roadways, bikeways and parking, easement or setback areas may not be included in the recreational space computations.

(b) Recreational areas must be located to serve best the recreational needs of the residents of the development.

(c) The space allocated for recreational use must be contiguous, unless the applicant demonstrates to the satisfaction of the Planning and Zoning Commission that two (2) or more separate areas would be preferable.

(d) The recreational area or areas must be closed to automotive traffic except for maintenance and service vehicles, and must be improved and maintained for the use intended.

1111.13 SITE PLAN REVIEW.

Manufactured home parks are subject to Site Plan Review procedures of Chapter 1122 of this Ordinance. General site planning for manufactured home parks must be carried out in accordance with Chapters 3701-27 of the Ohio Administrative Code.

1111.14 MANAGEMENT.

Each manufactured home park must be managed by an operator licensed in accordance with Chapter 3701-27 of the Ohio Administrative Code. The operator must establish rules governing the operations and maintenance of the manufactured home park and assume responsibility for enforcement of those rules. These rules must be conspicuously posted or provided to each occupant as they initially enter the park.

CHAPTER 1112 DOWNTOWN BUSINESS DISTRICT

1112.01	PURPOSE
1112.02	SHORT NAME
1112.03	PERMITTED USES
1112.04	CONDITIONAL PERMITTED USES
1112.05	GENERAL REQUIREMENTS OF THE DOWNTOWN BUSINESS DISTRICT - DBD

CROSS REFERENCES

1112.01 PURPOSE.

The purpose of the Downtown Business District is to protect, preserve and enhance the downtown of the Village of New London providing a mix of government, institutional, commercial and retail goods and services that are within a walking distance of adjacent residential neighborhood areas.

1112.02 SHORT NAME.

The short name and map symbol of the Downtown Business District- DBD

1112.03 PERMITTED USES.

(a) Specialized retail uses and shops including women's or men's apparel, shoes, antique shops, jewelry stores, gift shops, studios of art, dance, photography or music, bookstores (other than adult book stores) and coffee shops
(b) Sit down restaurants
(c) Business, union, charitable, finance, professional, and consulting offices, medical clinics and doctors/dental offices
(d) Laundromats/dry cleaning services
(e) Government offices
(f) Personal service establishments such as barber shops, beauty/nail shops and tanning facilities
(g) Florists
(h) Ice cream shops
(i) Baked goods
(j) Churches and places of religions worship
(k) Funeral homes
(l) Banks and financial institutions
(m) Accessory buildings and uses customarily incidental to any permitted uses
(n) Off-street parking lots
(o) Mixed-use buildings (commercial on first floor, residential on upper floors)
(p) Multi-family dwellings/apartments

1112.04 CONDITIONALLY PERMITTED USES.

A conditional use permit may be issued in accordance with the provisions of Chapter 1104.10 of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principals outlined in 1104.10 (d), (e) and (f) or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

(a) Private or non-profit clubs and lodges

(b) Non-commercial recreation facilities
(c) Child care facilities
(d) Gasoline stations
(e) Theaters and concert halls
(f) Convenience food stores

1112.05 GENERAL REQUIREMENTS OF THE DOWNTOWN BUSINESS DISTRICT.

(a) Maximum building height: No building shall be erected or enlarged to exceed sixty-five feet (65').

(b) Lot area and width: There is no minimum lot width or minimum lot size for uses in the DBD.

(c) Setbacks and yards (principal structure): For all lots of record see Chapter 1117.

1. Front yard: No front yards are required
2. Side yard: No side yards are required
3. Rear yard: No rear yards are required
4. Corner lots: The principal building and accessory structures shall have the same minimum setback distance from all street right-of-way lines as other existing structure possess within the DBD.

(d) Maximum lot occupancy.

(e) Parking requirements: Parking Requirements shall be as regulated as stipulated in Chapter 1118.

(f) Signs: Signs shall be as regulated in Chapter 1119.

(g) Accessory uses or structures: Accessory structures may not be located closer to the public right-of-way than the principal structure.

CHAPTER 1113 GENERAL COMMERCIAL DISTRICT

1113.01	PURPOSE
1113.02	SHORT NAME
1113.03	PERMITTED USES
1113.04	CONDITIONAL PERMITTED USES
1113.05	GENERAL REQUIREMENTS OF THE GENERAL COMMERCIAL DISTRICT – C3

CROSS REFERENCES

1113.01 PURPOSE.

The purpose of the general commercial zoning district is to provide a mix of commercial and retail goods and services to accommodate the needs of the transient motoring public. This district will be closely associated with major arterials and higher traffic intersections and thoroughfares in the Village.

1113.02 SHORT NAME.

The short name and map symbol of the General Commercial District is C-3.

1113.03 PERMITTED USES.

(a) Retail sales for medicine, food, carryout, clothing, discount and variety goods
(b) Restaurants with or without drive-up or drive through facilities
(c) Business, union, charitable, finance, professional, and consulting offices, medical clinics and doctors/dental offices
(d) Laundromats/dry cleaning services
(e) Public uses
(f) Funeral homes
(g) Personal service establishments such as barber shops, beauty/nail shops and tanning facilities
(h) Florists
(i) Antique sales
(j) Churches and places of religions worship
(k) Accessory buildings and uses customarily incidental to any permitted uses
(l) Off-street parking lots
(m) Private or non-profit clubs and lodges
(n) Studios of art, dance, photography, or music
(o) Outdoor vending machines
(p) Hotels and motels
(q) Car washes
(r) Supermarkets, shopping centers
(s) Theaters and concert halls
(t) Printing shops having a retail office on the premises
(u) Animal hospitals and veterinary offices where there are no outside runs or kennels
(v) Banks and similar financial institutions
(w) Nursing homes/congregate housing
(x) Gasoline stations and automobile repair shops

(y) Automotive, boat, manufactured/mobile home, or recreational vehicle sales and service

(z) Multi-family residential apartments and/or mixed-use buildings (commercial on first floor and residential on upper floors)

1113.04 CONDITIONALLY PERMITTED USES.

A conditional use permit may be issued in accordance with the provisions of Chapter 1104.10 of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principals outlined in 1104.10 (d), (e) and (f) or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

(a) Child care facilities
(b) Amusement arcades
(c) Self-service storage facilities
(d) Wholesale storage and distribution
(e) Warehouse and distribution
(f) Rental of heavy equipment or trucks
(g) Recycling centers

1113.05 GENERAL REQUIREMENTS OF THE C-3 GENERAL COMMERCIAL DISTRICT.

(a) Maximum building height: No building shall be erected or enlarged to exceed sixty-five feet (65').

(b) Lot area and width: There is no minimum lot width or minimum lot size for uses in the C-3 district.

(c) Setbacks and yards (principal structure): For all lots of record see Chapter 1117.

1. Front yard: There shall be a front yard of not less than 40'
2. Side yard: No side yards are required except when a lot or tract of land abuts a residential district or land use; in such event, the side yard requirements shall be 40 feet.
3. Rear yard: No rear yards are required except when a lot or tract abuts a residential district or land use; in such event the rear yard requirements shall be not less than 40 feet.
4. Corner lots: The principal building and accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

(d) Maximum lot coverage of all buildings and accessory structures may not exceed eighty-five percent 85%.

(e) Parking requirements: Parking Requirements shall be as regulated in Chapter 1118.

(f) Signs: Signs shall be as regulated in Chapter 1119.

(g) Accessory uses or structures: Accessory structures may not be located closer to the public right-of-way than the principal structure.

CHAPTER 1114 LIGHT INDUSTRIAL DISTRICT

1114.01	PURPOSE
1114.02	SHORT NAME
1114.03	PERMITTED USES
1114.04	CONDITIONAL PERMITTED USES
1114.05	GENERAL REQUIREMENTS OF THE LIGHT INDUSTRIAL M-1

CROSS REFERENCES

1114.01 PURPOSE.

The purpose of the light industrial zoning district is to permit the manufacture, assembly, storage, or transfer activities whose nature of operation produces a minimum of noise, odor, dust, and smoke. The permitted uses are also associated with little outside storage or assembly and typically are of low density usage. This district shall provide lands where manufacturing; processing; warehousing; research and testing; rail, air, and trucking transportation operations shall be the primary land uses; and such lands shall be located on or adjacent to arterials, and collector thoroughfares. All outdoor storage of raw materials or products shall be stockpiled in an orderly manner so as not to be objectionable to any neighboring property, and such storage shall be properly screened with well maintained fences and/or landscaping. Residences are not permitted to be constructed hereafter, in any M District.

1114.02 SHORT NAME.

The short name and map symbol of the Light Industrial District is M-1.

1114.03 PERMITTED USES.

Buildings or lots within the M-1 District may be used for the following purposes:

(a) Manufacturing or assembly processes which by the nature of the materials, equipment, and process used are to a considerable measure clean, quiet, and free of objectionable or hazardous elements. Manufacturing processes shall consist of the following activities and those of a similar nature:

1. Jewelry
2. Drugs
3. Musical instruments
4. Sporting goods
5. Small household appliances
6. Processing household goods
7. Electronic components, photographic equipment, computers, accessories, and communication equipment manufacturing
8. Lumber storage and dealers
9. Contractor's yards and offices
10. Warehouses, including wholesale warehouses (excluding bio-hazardous, toxic, or explosive materials)
11. Printing and publishing plants
12. Carting and hauling
13. Grain and feed dealers
14. Bottling or canning plants

15. Automotive and other repair and temporary storage
16. Accessory structures and uses incidental to the above uses
17. Furniture and office equipment manufacture
18. Clothing goods, apparel, and accessory manufacturing
19. Fur and personal leather goods manufacturing
20. Glass products manufacturing, made of purchased glass
21. Engineering, medical, laboratory, scientific and research instruments and associated equipment manufacturing

(b) Public parks and playgrounds
(c) Recreational sporting facilities
(d) Nurseries, horticulture and forestry facilities
(e) Utility facilities
(f) Sexually oriented businesses

1114.04 CONDITIONALLY PERMITTED USES.

A conditional use permit may be issued in accordance with the provisions of Chapter 1104.10 of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principals outlined in 1104.10 (d), (e) and (f) or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

(a) Railroad yards and terminal facilities
(b) Stone monument works and sales
(c) Manufacture of pottery or ceramic products
(d) Laundry, cleaning, and dyeing works; carpet and rug cleaning
(e) Wireless telecommunications facilities
(f) Metal cans and containers manufacturing
(g) Building materials

1114.05 GENERAL REQUIREMENTS OF THE M-1 LIGHT INDUSTRIAL DISTRICT.

(a) Maximum building height: No building shall be erected or enlarged to exceed sixty-five feet (65')

(b) Lot area and width: There is no minimum lot width or minimum lot size for uses in the M-1 district.

(c) Setbacks and yards (principal structure): For all lots of record see Chapter 1117.
1. Front yard: There shall be a minimum front yard of not less than 40'.
2. Side yard: No side yards are required except when a lot or tract of land abuts a residential district or land use; in such event, the side yard requirements shall be 40 feet.
3. Rear yard: No rear yards are required except when a lot or tract abuts a residential district or land use; in such event the rear yard requirements shall be not less than 40 feet.
4. Corner lots: The principal building and accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

(d) Maximum lot coverage: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for light industrial uses shall be eighty-five percent (85%).

(e) Parking requirements: Parking Requirements shall be as regulated as stipulated in Chapter 1118.

(f) Signs: Signs shall be as regulated in Chapter 1119.

(g) Accessory uses or structures: Accessory structures may not be located closer to the public right-of-way than the principal structure.

(h) Trash and garbage control: All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. Screening of trash and garbage areas shall meet the requirements of Chapter 1120. Container systems shall not be located in front yards.

CHAPTER 1115 HEAVY INDUSTRIAL DISTRICT

1115.01	PURPOSE
1115.02	SHORT NAME
1115.03	PERMITTED USES
1115.04	CONDITIONAL PERMITTED USES
1115.05	GENERAL REQUIREMENTS OF THE HEAVY INDUSTRIAL M-2

CROSS REFERENCES

1115.01 PURPOSE.

The purpose of the heavy industrial zoning district is to permit the manufacture and assembly activities whose nature of operation may produce noise, odor, dust, and smoke. This district shall provide lands where manufacturing and assembly; warehousing; rail, air, and trucking transportation operations shall be the primary land uses; and such lands shall be located on or adjacent to arterials, and collector thoroughfares. All outdoor storage of raw materials or products shall be stockpiled in an orderly manner so as not to be objectionable to any neighboring property, and such storage shall be properly screened with well maintained fences and/or landscaping. Residences are not permitted to be constructed hereafter, in any M District.

1115.02 SHORT NAME.

The short name and map symbol of the Heavy Industrial District is M-2.

1115.03 PERMITTED USES.

Buildings or lots within the M-2 District may be used for the following purposes:

(a) Any use permitted in the M-1 District.
(b) Any manufacturing, assembly or extracting process not otherwise prohibited or not otherwise limited by this Chapter.
(c) Any transportation or utility yard or facility
(d) Accessory uses and buildings customarily incidental to any permitted use.
(e) Stone monument works and sales
(f) Manufacture of pottery or ceramic products
(g) Metal cans and containers manufacturing
(h) Building materials
(i) Laundry, cleaning, and dyeing works; carpet and rug cleaning
(j) Sexually oriented businesses

1115.04 CONDITIONALLY PERMITTED USES.

A conditional use permit may be issued in accordance with the provisions of Chapter 1104.10 of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principals outlined in 1104.10 (d), (e) and (f) or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

(a) Chemical manufacture
(b) Petroleum refineries and storage areas
(c) Cement, lime, gypsum, plaster manufacture
(d) Waste disposal or incineration facilities
(e) Wireless telecommunications facilities
(f) Junk yards

1115.05 **GENERAL REQUIREMENTS OF THE M-2 HEAVY INDUSTRIAL DISTRICT.**

(a) There is no maximum building height in the M-2 District. However, for structures that exceed 65', the following applies:

1. All required yards are increased by one foot (1') for each one foot (1') of building height up to a maximum of 100'
2. Buildings exceeding 65' in height shall be approved by the Fire Chief

(b) Lot area and width: There is no minimum lot width or minimum lot size for uses in the M-2 district.

(c) Setbacks and yards (principal structure): For all lots of record see Chapter 1117.

(d) Front yard: There shall be a minimum front yard of not less than 40'.

(e) Side yard: No side yards are required except when a lot or tract of land abuts a residential district or land use; in such event, the side yard requirements shall be 40 feet.

(f) Rear yard: No rear yards are required except when a lot or tract abuts a residential district or land use; in such event the rear yard requirements shall be not less than 50 feet (50').

(g) Corner lots: The principal building and accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

(h) Maximum lot coverage: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for heavy industrial uses may be one-hundred percent (100%).

(i) Parking requirements: Parking Requirements shall be as regulated as stipulated in Chapter 1118.

(j) Signs: Signs shall be as regulated in Chapter 1119.

(k) Accessory uses or structures: Accessory structures may not be located closer to the public right-of-way than the principal structure.

(l) Trash and garbage control: All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. Screening of trash and garbage areas shall meet the requirements of Chapter 1120. Container systems shall not be located in front yards.

CHAPTER 1116 PUBLIC PARKS AND OPEN SPACE

1116.01	PURPOSE
1116.02	SHORT NAME
1116.03	PERMITTED USES
1116.04	CONDITIONAL PERMITTED USES
1116.05	GENERAL REQUIREMENTS OF THE PUBLIC PARKS AND OPEN SPACE DISTRICT- PPOS

CROSS REFERENCES

1116.01 PURPOSE.

The purpose of the Public Parks and Open Space Zoning District is to protect, preserve and enhance significant open space lands, the Village's recreational facilities, cemetery and public water reservoir and to promote recreational uses, camp grounds and essential public facilities that are compatible with these natural assets and amenities.

1116.02 SHORT NAME.

The short name and map symbol of the Public Parks and Open Space Zoning District is PPOS.

1116.03 PERMITTED USES.

Buildings, facilities and/or lots within the PPOS District may be used for the following purposes:

(a) Recreational campgrounds
(b) Parks
(c) Baseball, softball, football and soccer fields
(d) Reservoirs and water supply lands
(e) Accessory uses and buildings customarily incidental to any permitted use.
(f) Agricultural uses
(g) Landscaping nurseries and greenhouses
(h) Multi-purpose trails
(i) Public swimming pools
(j) Public tennis courts
(k) Basketball courts
(l) Cemeteries
(m) Golf courses

1116.04 CONDITIONALLY PERMITTED USES.

A conditional use permit may be issued in accordance with the provisions of Chapter 1104.10 of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principals outlined in 1104.10 (d), (e) and (f) or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

(a) Recreational facilities such as stadiums, hockey arenas, indoor athletic fields and aquatic facilities
(b) Essential public Facilities
(c) Boat launches
(d) Equestrian facilities

1116.05 **GENERAL REQUIREMENTS OF THE PPOS DISTRICT.**

(a) Maximum building height: No building shall be erected or enlarged to exceed sixty-five feet (65').

(b) Lot area and width: There is no minimum lot width or minimum lot size for uses in the PPOS district.

(c) Setbacks and yards (principal structure): For all lots of record see Chapter 1117.

(d) Front yard: No front yards are required.

(e) Side yard: No side yards are required.

(f) Rear yard: No rear yards are required.

(g) Corner lots: Not applicable to this district.

(h) Maximum lot coverage: Not applicable to this district.

(i) Parking requirements: Parking Requirements shall be as regulated as stipulated in Chapter 1118.

(j) Signs: Signs shall be as regulated in Chapter 1119.

(k) Accessory uses or structures: Not applicable.

(l) Trash and garbage control: All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. Screening of trash and garbage areas shall meet the requirements of Chapter 1120.

CHAPTER 1117 SUPPLEMENTAL REGULATIONS

1117.01	GENERAL
1117.02	AGRICULTURE PERMITTED BUT LIMITED
1117.03	SETBACK FROM DRAINAGE DITCHES
1117.04	PRINCIPAL BUILDING PER LOT
1117.05	CONVERSION OF DWELLING TO MORE UNITS
1117.06	PRIVATE SWIMMING POOLS
1117.07	COMMUNITY SWIMMING POOLS
1117.08	TEMPORARY BUILDINGS
1117.09	HOME OCCUPATIONS
1117.10	BUSINESS AND INDUSTRIAL BUILDING CONSTRUCTION
1117.11	FENCES
1117.12	ARCHITECTURAL PROJECTIONS
1117.13	EXCEPTIONS TO HEIGHT REGULATIONS
1117.14	OBJECTIONABLE, NOXIOUS OR DANGEROUS USES, PRACTICES, OR CONDITIONS
1117.15	BED AND BREAKFAST FACILITIES
1117.16	SOLAR PANELS
1117.17	SATELLITE DISHES
1117.18	WIRELESS TELECOMMUNICATION FACILITIES
1117.19	REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES
1117.20	ACCESSORY USES AND BUILDINGS
1117.21	YARD, LOT COVERAGE AND HEIGHT RESTRICTIONS
1117.22	WIND ENERGY SYSTEMS
1117.23	OUTDOOR WOOD FURNACES

1117.01 GENERAL.

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas wherein problems may occur in order to alleviate or preclude such problems and to promote the harmonious exercise of property rights without conflict.

1117.02 AGRICULTURE PERMITTED BUT LIMITED.

No building to house animals, other than domestic pets, shall be erected in any "Residential or Commercial", Districts. A Zoning Permit is not required for a domestic pet structure.

(a) Farm livestock: Farm Livestock as defined in Chapter 1102 is not allowed to be kept in any District within the Village, on any lot whose primary use is not agricultural, after the effective date of this Zoning Ordinance. Any such use existing at the time of passage of this Zoning Ordinance shall be allowed to continue as a non-conforming use and is subject to the standards set forth in Section Chapter 1120.

(b) Kennels: Kennels as defined in Chapter 1102 are not allowed in any "R" district after the effective date of this Zoning Ordinance. Any such use existing at the time of passage of this Zoning Ordinance shall be allowed to continue as a non-conforming

use, and is subject to the standards set forth in Chapter 1120. In addition, no Kennel shall be erected or maintained closer than 100 feet to any residential lot. (Ord. 90-01 Passed 3-6-90.)

1117.03 SETBACK FROM DRAINAGE DITCHES.

In all districts a setback of twenty feet from the center line of an established drainage ditch shall be provided for all buildings or structures erected along such ditch; however, this dimension may be increased by the Planning and Zoning Commission if the circumstances indicate that the equipment to maintain such drainage course would require a greater width in which to operate. (Ord. 90-01. Passed 3-6-90.)

1117.04 PRINCIPAL BUILDING PER LOT.

No more than one principal building or structure may be constructed upon any one lot for the purposes of this Ordinance. Rear dwellings shall be prohibited and shall be considered non-conforming uses subject to the requirements of Chapter 1121 of this Ordinance.

1117.05 CONVERSION OF DWELLING TO MORE UNITS.

A residence may not be converted to accommodate an increased number of dwelling units, unless:

(a) The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.

(b) The lot area per family equals the lot area requirements for new structures in that district.

(c) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.

(d) The conversion is in compliance with all other relevant codes and ordinances.

(e) The district within which the residence is located is so regulated as to allow such increase in dwelling units.

1117.06 PRIVATE SWIMMING POOLS.

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve feet (12') or with an area of less than one hundred square feet (100 sf), shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

(a) The pool is not intended for commercial use.

(b) The pool may not be located closer than ten feet to any property line.

(c) Elevated decks for above ground pools shall not be located closer than ten feet (10') to any property line.

(d) The pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties, unless sides of said pool are four feet above grade. Said fence or wall shall not be less than four feet in height and maintained in a good condition with a gate and lock.

(e) The swimming pool shall be protected by the current provisions of the National Electrical Code, and any revisions or changes to the Code, as may be adopted periodically.

(f) Private swimming pools, other than excluded portable swimming pools shall require a Zoning Permit. (Ord.03-01. Passed 9-23-03).

1117.07 COMMUNITY OR CLUB SWIMMING POOLS.

Community and club swimming pools are permitted in any district that allows for outdoor recreation or club facilities, and shall comply with the following conditions and requirements:

(a) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.

(b) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty feet (50') to any property line.

(c) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall be not less than six feet (6') in height and maintained in good condition.

(d) Before construction commences, the petitioner shall obtain a zoning permit and other applicable permits and pay all applicable fees.

1117.08 TEMPORARY BUILDINGS.

Only temporary buildings, construction trailers, equipment and materials, used in the construction period, may be permitted and shall be removed upon completions of the project. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Board of Zoning Appeals. Storage of such facilities or equipment may not continue if the Zoning Permit for the project has expired. (Ord. 03-01. Passed 9-23-01).

1117.09 HOME OCCUPATIONS.

The intent and purpose of the Village in establishing standards for Home Occupations is to keep the uses permitted in "R" Districts basically for Residential use and to limit possibly objectionable uses from encroaching on Residential Districts.

(a) Permitted occupations or professions will be accepted only as incidental and secondary to the use of the dwelling for residential purposes, conducted wholly within a dwelling by members of the resident family, and which do not occupy a floor area greater than one half of the area of the first floor area of the dwelling.

(b) Only one employee, other than members of the immediate resident family may be employed in any Home Occupation without a variance granted by the Board of Zoning Appeals.

(c) No home occupation shall be permitted which creates offensive noise, smoke, dust, heat, humidity, glare, electronic interference or otherwise create a nuisance or safety hazard to any adjacent or nearby property.

(d) No goods produced off the premises may be brought to the property and sold on the premises.

(e) No external alterations, construction, or reconstruction of the premises may be made to accommodate the home occupation.

(f) No sign shall be used in connection with a Home Occupation other than one non-illuminated sign not more than six square feet in area.

1117.10 BUSINESS AND INDUSTRIAL BUILDING CONSTRUCTION.

All commercial and industrial buildings constructed or erected in a "Commercial" or "Industrial" Zone District shall comply with all applicable provisions of the Ohio Building Code, delineated in the Ohio Administrative Code Chapter 1401: 1-35, as amended, and other applicable provisions and codes pertaining to these type of buildings. The Zoning Commissioner shall be provided with a copy of the Building Permit issued by the State of Ohio for these types of buildings before any construction is begun. (Ord. 90-01. Passed 3-6-90.)

1117.11 FENCES.

Fences (enclosing type) of residential or commercial properties that are between the principal building and a street and parallel to, or nearly parallel to the front lot line and front wall of the principal building, are permitted provided that height of such devices does not exceed forty-two inches (42') from the ground to the highest point of the fence unless the fence is used for a public pool, as defined in Section 1117.07 of this Chapter. For fences that are no closer to the front line than the principal structure and parallel to or nearly parallel to a side lot line, man-made fences or screening devices shall not exceed six feet (6') in height. For fences that are behind a principal structure and parallel to or nearly parallel to a rear lot line, man-made fences or screening devices shall not exceed six feet (6') in height on the side or rear of lot. The fence may be built on the property line, provided that the property owner has determined the location of the property line and has installed the fence with the smooth side facing the adjacent property. A zoning permit is required accompanied by a residential boundary survey denoting lot lines and monumentation. (Ord. 03-01. Passed 9-23-03.)

1117.012 ARCHITECTURAL PROJECTIONS.

Open structures such as fireplaces chases, porches, canopies, balconies, platforms; carports, covered patios, and similar architectural projections shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side, or rear yards.

1117.013 EXCEPTION TO HEIGHT REGULATIONS.

The height limitations contained in this Zoning Ordinance do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, except where the height of such appurtenances will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

1117.14 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS.

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Zoning Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in subsections (a) to (j). Such conditions shall be brought to the attention of the Zoning Commissioner. If necessary he shall call upon the proper County, State, or Federal Regulatory Agencies for assessment of the problem situation.

(a) Fire hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. 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 of any equipment at any point other than that of the creator of such disturbance.

(c) Noise: All mechanical noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency or shrillness. Noises may be equal to but shall not exceed the average street traffic noise during such periods that traffic noise exceeds 75 decibels.

(d) Vibration: No vibration shall be permitted which is discernible without instruments

on any adjoining lot or property.

(e) Air Pollution: No pollution of air by fly-ash, dust, vapors, odors, smoke, or other substances defined as hazardous by the Ohio Environmental Protection Agency shall be permitted which may be harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

(f) Glare: No direct or reflected glare shall be permitted which is visible from any property outside an industrial district or from any street.

(g) Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

(h) Water Pollution. Water pollution shall be subject to the requirements and regulations established by the Ohio Water Pollution Control Board.

(i) Enforcement provisions: The Zoning Commissioner or Board of Zoning Appeals, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

(j) Measurement procedures: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States Bureau of Mines, and the Ohio Water and Air Pollution Control Boards. (Ord. 90-01. Passed 3-6-90

1117.15 BED AND BREAKFAST FACILITIES.

These regulations are intended to allow for a more efficient use of large, older houses in residential areas if the neighborhood character is preserved to maintain both the residential neighborhood experience and the bed and breakfast experience. These regulations enable owners to maintain large residential structures in a manner which keeps them primarily in residential uses. The proprietor can take advantage of the scale and often the architectural and historical significance of a residence. The regulations provide an alternative form of lodging for visitors that prefer a residential setting.

(a) Description: A bed and breakfast facility is described as a private residence where lodging and breakfast is provided by a resident family for compensation. Such a facility is generally used by transients.

(b) Retail sales and service use: In zones where retail sales and service uses are allowed, limited or conditional uses, a bed and breakfast facility is defined as a hotel and is included in the retail sales and service category.

(c) Where these regulations apply: The regulations of this chapter apply to bed and breakfast facilities in any zoning district where a residential use is permitted or conditionally permitted.

(d) Use related regulations: Bed and breakfast facilities are considered an accessory use to a household living on the site. This means that the individual or family who operates the facility must occupy the house as their primary residence.

(e) Maximum size: Bed and breakfast facilities are limited to a maximum of four bedrooms for guests and a maximum of eight (8) guests per night. In the single dwelling zones, bed and breakfast facilities over these size limits are prohibited.

(f) Employees: Bed and breakfasts facilities may have nonresident employees for the lodging activity such as booking rooms and food preparation, if approved as part of the conditional use review. Hired service for normal maintenance, repair and care of the residence or site such as yard maintenance will not be considered employees of the bed and breakfast facilities.

(g) Services to guests: Food service may be provided only to overnight guests of a bed and breakfast facility.

(h) Commercial meetings: Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation, are permitted at a bed and breakfast facility subject to the occupancy limitations outlined in subsection (e) above.

(i) Consecutive nights: Each paying guest may stay at a bed and breakfast for not more than thirty (30) consecutive nights at any single visit nor more than a total of forty-five (45) nights in any calendar year.

(j) Development standards: Bed and breakfast facilities must comply with the development standards of the base zone.

(k) Appearance: Residential structures may be remodeled for the development of a bed and breakfast facility. However, structural alterations may not be made which prevent the structure being used as a residence as a residence in the future. Internal or external changes which will make the dwelling appear less residential in function are not allowed. Examples of such alterations include installation of more than five parking spaces, paving of required setbacks, and commercial type exterior lighting.

(l) Signs: Signs must meet the regulations for houses.

(m) Parking: One off-street parking space shall be required per guest room. If parking spaces are off-site, a written agreement between the owner of the parking space(s) and the bed and breakfast facility operator is required.

(n) Conditional review: Bed and breakfast facilities require a conditional review. The approval criteria are stated in Chapter 1104.10.

(o) Monitoring: All bed and breakfast facilities must maintain a guest log book. It must include the names and home addresses of guests, guest's license plate numbers if traveling by car, dates of stay, and the room number of each guest. The log must be available for inspection by Village Staff upon request.

1117.16 SOLAR PANELS.

(a) Roof mounted panels: Roof mounted panels shall not extend beyond the existing roof (width and height) of the structure to which they are attached. Roof mounted panels shall not exceed the height of the roof line on a pitched roof; panels may project vertically up to five feet above a flat roof line. Roof mounted panels are not permitted in a front yard or on the front roof plane of a structure.

(b) Ground mounted panels: Ground mounted panels shall be located in a side or rear yard only. Grounded mounted panels will not be permitted in front yards and shall not extend beyond the front of the building. Ground mounted panels shall maintain the setbacks required for accessory structures from property lines, and shall not be located in a platted easement. The side yard setback shall apply to all ground mounted panels whether measuring from a side or rear lot line. Ground mounted panels shall not exceed eight feet (8') in height and shall be fully screened from adjacent properties by fencing or structures (detached garages, other permitted accessory structure, etc.) or landscaping. Ground mounted panels shall be installed and arranged so as to avoid unreasonable glare projected onto neighboring properties.

(c) Exemptions: Solar panels less than two square feet in area and those installed within the right-of-way by a utility company of the village, and approved by the zoning commissioner, are not subject to the regulations set forth above.

1117.17 SATELLITE DISHES.

(a) Satellite dishes that are two feet (2') in diameter or less are permitted in any district as an accessory use. In residential districts, satellite dishes are also subject to the following conditions.

1. The use of the satellite dish is restricted to receiving signals for television, internet, cable or radio communications for use or enjoyment of those occupying the main building in any district.
2. The maximum height of any satellite dish apparatus as measured from its mounting point to the highest point of the satellite dish is not to exceed three feet (3').
3. The satellite dish can be mounted on existing structures normally permitted in the district, and no structure is required for proper installation and receiving signals. The dish shall be mounted in accordance with all applicable building codes.
4. The dish shall be wired and grounded in accordance with all applicable electric codes.

1117.18 WIRELESS TELECOMMUNICATION FACILITIES.

Wireless telecommunication facilities may be installed, erected, modified, and maintained as a conditional use in all zoning districts pursuant to Section 1104.10 and the provisions of this chapter.

(a) Purpose:

1. To ensure the provision of personal wireless service within the corporate boundaries of the residents of the Village of New London;
2. To protect the public health, safety, and general welfare of the community, public and private property, and community aesthetics;
3. To minimize the visual impact of wireless telecommunications facilities through design and siting standards;
4. To maximize the use of existing and approved wireless telecommunications facilities to accommodate multiple antennas in order to reduce the number of towers needed to serve the community, and
5. To avoid damage to adjacent properties from tower failure through structural standards and setback requirements.

(b) Definitions:

1. Accessory equipment structure: A building or cabinet like structure located adjacent to or in the immediate vicinity of a wireless telecommunications tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, wireless data transmission, voice messaging, and paging services.
2. Antenna: Equipment used for transmitting or receiving radio frequency signals which is attached to a tower, building, or other structure, usually consisting of a series of directional panels, microwave or satellite dishes, or omni-directional "whip" antennas.
3. Antenna support structure: Any building, pole, telescoping mast, tower, tripod, or any other structure which supports an antenna.
4. Base transceiver station: Equipment that provides the link between wireless communications and land based public telephone switching networks, including radio frequency transceivers, back up power amplifiers, and signal processing hardware, typically contained in a small building or cabinet.
5. Co-location: The location of wireless telecommunications equipment from

more than one provider on a common tower, building, or structure.

6. Commercial receiving and/or transmitting antenna: Any antenna erected to transfer information for commercial use.
7. Mast: The portion of the outside antenna system to which the antenna is attached and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation.
8. Personal wireless service: Licensed commercial wireless communication services including cellular, personal communication services (PCS), enhanced specialized mobilized radio (EMR), paging, wireless data transmission, and similar service.
9. Public property: Land, buildings, or other structures owned or operated by the Village of New London or any other political subdivision or governmental unit.
10. Telecommunication facility: A facility for the provision of personal wireless services. The facility may include, but is not limited to, a tower, monopole, antenna, or other ancillary equipment, or buildings used to deliver telecommunications services.
11. Tower: Any pole, spire, structure, or combination thereof to which antenna could be attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces.

(c) Existing towers or antennas

Telecommunications facilities for which a building permit or conditional use permit has been properly issued prior to the effective date of this Chapter are, after the effective date hereof, declared to be lawfully existing conditional uses subject to the provisions of this ordinance.

(d) Interpretation and applicability

1. This Chapter shall be interpreted consistent with the provisions of the Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996. This Chapter shall apply to all persons, partnerships, limited liability companies, limited liability partnerships, corporations, and other entities seeking to locate, site, place, modify, or construct wireless telecommunications facilities within the corporate boundaries of the Village.
2. This Chapter reserves to the Village all authority contained in state law and existing village ordinances regarding land use and regulations which has not been preempted by the federal government pursuant to section 704 of the Telecommunications Act of 1996 as amended as the placement, construction, and modification of personal wireless service facilities.
3. This Chapter does not apply to the use or location of private residential citizen band radio towers, amateur radio towers, television antennas, or existing public safety communication facilities owned or operated by the Village of New London or another political subdivision or governmental unit

(e) General Permit Conditions and Height Limitations

Wireless telecommunications facilities may be allowed as a conditional use in all zoning districts within the Village of New London if located or attached as follows:

1. Water towers: Wireless telecommunication antennas may be permitted upon Village owned water towers provided the applicant has incorporated applicable performance standards set forth in this chapter and a lease agreement with the village has been approved by the village council.
2. Co-location on existing structures: Wireless telecommunication antennas

may be permitted to be attached to existing, conforming privately owned water towers, church steeples, bell towers, smokestacks, grain elevators, municipal, utility, hospital, and school buildings and radio towers in accordance with applicable siting guidelines and performance standards set forth in this chapter after the applicant has provided to the village a written statement of approval from the tower or structure owner or lessor. The antenna shall not serve to extend the height of the existing, conforming steeple, tower, grain elevator, smokestack, building or radio tower by more than fifteen feet (15').

3. Utility poles: Wireless telecommunication antennas may be permitted to be attached to utility poles after the applicant has provided a written statement of approval from the utility owner or lessor. The height of the antenna shall not extend more than fifteen feet (15') above the pole. Existing lattice utility pole structures may also be utilized provided the approval from the owner is obtained.

4. Height limitations: The height limitations for construction of new telecommunications towers and addition of antennas to existing structures and telecommunications towers shall be as follows:
   A. New tower construction in open space, commercial, or industrial zoning districts, two hundred feet (200').
   B. New tower construction in residential zoning districts, one hundred fifty feet (150').
   C. Addition of antenna to existing structure (excluding telecommunication towers), not to exceed fifteen feet (15') above the height of the existing structure.
   D. Addition of antenna to existing telecommunication towers in residential districts shall not exceed the height of the existing structure.
   E. Addition of antenna to existing telecommunications tower in open space, commercial, or industrial district, not to exceed fifteen feet (15') above the height of the existing structure.
   F. Measurements shall include all parts of the wireless telecommunications tower and antenna structure measured from the base.

(f) New tower construction

1. No proposal for the construction of a new wireless telecommunication tower shall be approved unless the applicant documents that the antenna planned for the proposed tower cannot reasonably be accommodated on an existing structure on public property, on an existing, conforming co location tower or structure, or on a utility pole within the applicant's search ring transcending the municipal borders for the purpose of providing service to the residents and businesses of the Village, due to one or more of the following:
   A. The antenna would exceed the structural capacity of an existing tower or building; (new tower antenna support structures must be constructed to support at least three (3) additional uses);
   B. The antenna would cause interference with other existing or planned equipment at the tower or building;
   C. Existing or approved towers and buildings which cannot reasonably accommodate the antenna at a height necessary to provide service

to the residents and businesses of the village;

D. Existing or approved towers and commercial buildings are outside of the documented search area; or

E. The owners or lessors of the existing or approved towers and buildings seem unwilling to allow co-location upon their facilities.

2. No new telecommunication tower shall be constructed within one mile from any existing telecommunication tower. Separation distances shall be calculated and applied irrespective of jurisdictional boundaries. Documentation shall be submitted with any request for a conditional use permit for a new telecommunication tower to demonstrate conformity with the separation requirements.

(g) Performance Standards

The requirements of this section apply to all wireless telecommunication facilities erected, constructed, placed, modified, or replaced in the Village of New London. All wireless telecommunication facilities shall be designed and situated to be visually unobtrusive to minimize the impact upon neighboring uses and shall conform to the following design and siting criteria:

1. Setbacks: If a site in any open space, commercial or industrial zoning district does not abut a residential district or lot, the minimum setback from any public right-of-way or off site building, including accessory buildings, to a wireless telecommunication tower shall be equal to two-hundred percent (200%) of the height of the tower. The minimum setback in any site in or abutting any residential zoning district or lot from any public right-of-way or off site building including accessory building s, for a wireless telecommunication tower shall be equal to two hundred percent (200%) of the height of the tower, plus fifty feet (50'). Distances shall be measured from the center of the base of the telecommunication tower to the right-of-way line or building. Setbacks for accessory buildings and equipment structures associated with wireless telecommunication towers and antennas shall comply with the zoning district in which the facility is located.

2. Accessory equipment structures: All necessary equipment structures adjacent to an antenna system and/or tower shall be screened or architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the applicable zoning district. The accessory equipment structure, or accessory equipment land parcel, shall have the capacity to house the equipment of a minimum of three (3) additional co locaters.

3. Screening: A wall not less than eight feet (8') nor more than ten feet (10') in height from finished grade shall be provided around the perimeter of all wireless telecommunication tower sites for ground mounted communication towers. The wall shall have a brick base of a minimum of six feet (6') in height, and may be topped with brick, wood, or vinyl fencing. Access to the wireless telecommunication tower site shall be through a locked gate.

4. Landscaping and screening: The following landscaping and buffering shall be required around the perimeter of wireless telecommunication tower sites, as follows:

A. Landscaping shall be installed on the outside of the wall. Further, existing vegetation shall be preserved to the maximum extent

practicable and may be used as a substitute for or in supplement towards meeting the landscaping requirements.

B. A row of shade trees a minimum of eight feet (8') tall and a maximum of ten feet (10') apart shall be planted around the perimeter of the wall.

C. A continuous hedge at least thirty inches (30") in height at planting and capable of growing to at least thirty six inches (36") in height within eighteen (18) months shall be planted on the outside of the perimeter wall and tree line referenced above.

D. All landscaping shall be of the evergreen variety.

E. All landscaping shall be xeriscape tolerant or irrigated, and properly maintained to ensure good health and viability.

5. Construction and maintenance: All new towers shall be monopole construction and no guy wires shall be utilized. Towers and/or antenna systems shall be constructed of or treated with corrosive resistant material. A regular maintenance schedule shall be followed.

6. Roof mounted wireless telecommunication antennas: Roof mounted wireless telecommunication antennas shall not be permitted on buildings with pitched roofs unless they are stealth antennas incorporated into upward thrusting architectural elements such as a church steeple, spire, bell tower, smokestack, or radio tower. On flat roofs, the height of the antenna and mounting hardware may not be more than fifteen feet (15') above the highest point of the roof to which the antenna is attached.

7. Structurally mounted wireless communication antennas: Telecommunication antennas mounted on the sides of buildings shall be attached flush with the side of the building and shall not protrude more than three feet (3') from the side of the building. Structurally mounted antennas not affixed to towers shall be made to blend into the design and contours of the structure.

8. Lights: No antenna or tower shall have affixed or attached to it in any way any lights, reflectors, flashers, daytime strobes, or steady nighttime light or other illuminating devices except as may be required by the Federal Aviation Administration (FAA).

9. Signs and advertising: No signs and/or advertising messages shall be affixed to the antenna, tower structure, screening, or accessory equipment structure, except that one identification sign, not exceeding six square feet (6 sf) designating the name of and contact information for the owner of the tower structure shall be attached to the perimeter wall.

10. Other attachments: No antenna or tower shall have constructed thereon or attached thereto any platform, catwalk, crow's nest, or like structure for the purpose of human support except during periods of construction and repair.

11. Color: The wireless telecommunication tower and antenna shall be painted a dull sky blue or gray finish except as dictated by the Federal Aviation Administration (FAA), and shall be designed to minimize visibility and to blend into the surrounding environment.

12. Equipment storage: No equipment, mobile or immobile, other than an emergency backup generator, shall be stored or parked on the site outside the accessory equipment structure except when maintenance or repairs to the facility are being made and such equipment is actively being utilized in

the maintenance or repairs.

(h) Obsolete or Unused Towers.

1. All obsolete, damaged, unused, or abandoned towers, including accompanying accessory equipment structures and walls, shall be removed within one hundred eighty (180) days of the cessation of operations unless a time extension is approved by the council of the Village of New London. If the tower and accompanying accessory structures and walls are not removed, the site may be deemed a nuisance pursuant to the ordinances of the Village of New London. In the event a tower is determined to be a nuisance, the village may act to abate such nuisance and require the removal of the tower including accompanying equipment structures and walls at the property owner's expense.
2. The owner shall provide the village with a copy of the notice of the Federal Communication Commission's (FCC) intent to cease operations and shall be given one hundred eighty (180) days from the date of ceasing operations to remove the obsolete tower and all accessory structures. In the case of multiple operators sharing the use of a single tower, this provision shall not become effective until all users cease operations for a period of one hundred eighty (180) consecutive days.
3. After the facilities are removed, the site shall be restored to its original or an improved state.

(i) Procedural Requirements

1. An applicant proposing to erect a new wireless telecommunication tower, to rebuild a tower on an existing site, or to attach an antenna or antennas to an existing structure other than an existing telecommunication tower shall follow the procedures set forth in Section 1104.10 for original application for or amendment to a conditional use permit. Additional application materials shall include the following:
   A. A document from the property owner or lessor that authorizes the applicant to apply for a conditional use permit to erect a wireless telecommunications tower and/or antenna.
   B. A "scaled" site plan which shows property lines, location of wireless telecommunication tower or antenna, setback distances, any accessory equipment structure, screening, and landscaping proposed.
   C. Photographs of the proposed site, and artist's or architect's sketch, concept, or rendition to scale of the site as built which demonstrates that the proposed site will be as aesthetically pleasing as possible in keeping with its surroundings, including elevations, landscaping and screening.
   D. Sufficient information to show that construction, installation, and maintenance of the wireless telecommunication tower and/or antenna will not create a safety hazard or damage to the property of other persons.
   E. For construction of new telecommunication towers, propagation maps identifying coverage issues to be addressed by the location of the proposed tower and to demonstrate the need for the tower at the location. The maps shall illustrate coverage both without the proposed tower and with the proposed tower.
   F. For construction of new telecommunication towers, a map

identifying the location of other towers within the Village of New London and surrounding jurisdictions within the circle of coverage for the proposed new tower.

2. If an application proposes only to attach an antenna or antennas to an existing telecommunications tower, the application shall be considered a minor modification to the conditional use permit and may be approved by Village Zoning Commissioner without submission to the Planning and Zoning Commission or Village Council. The Village Zoning Commissioner shall, within twenty-five (25) business days from the date that an application has been stamped complete and accepted for filing, either approve the application based upon a determination that the proposed application is in compliance with all minimum requirements of the New London Codified Ordinances, or shall approve the application, subject to conditions, modifications, and restrictions that will ensure that the proposed plan is in compliance with all minimum requirements of the New London Codified Ordinances. Application materials shall include the following:

   A. A document from the property owner or lessor that allows the applicant to apply for a permit to erect a wireless telecommunication antenna.

   B. A "scaled" site plan which shows property lines, location of wireless telecommunication tower and proposed antenna, setback distances, any existing and proposed accessory equipment structures, and any additional screening, and landscaping proposed.

   C. Photographs of the proposed site, an artist's or architect's sketch, concept, or rendition to scale of the site as built which demonstrates that the proposed site will be as aesthetically pleasing as possible in keeping with its surroundings, including elevations, landscaping, and screening.

   D. Sufficient information to show that construction, installation, and maintenance of the wireless telecommunication antenna will not create a safety hazard or damage to the property of other persons.

1117.19 REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES.

(I) PURPOSE AND INTENT

(a) Pursuant to Sections 503.51 and 503.52 of the Ohio Revised Code, the New London Village Council makes the following statement of intent and findings:

1. Adult entertainment establishments require special supervision from the public safety agencies of the Village of New London in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of the Village of New London.

2. The New London Village Council finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

3. The concern over sexually transmitted diseases is a legitimate health concern of the Village of New London that demands reasonable regulation of adult entertainment establishments by the Village of New London in the specified manner, and expanded authority for reasonable regulation of

adult entertainment establishments by local governments, in order to protect the health and well-being of the citizens.

4. Minimal regulations enacted by the Village of New London are a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

5. There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.

6. The New London Village Council desires to minimize and control these adverse effects by regulating adult entertainment establishments in the specified manner. And by minimizing and controlling these adverse effects, the New London Village Council seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.

7. The New London Village Council has determined that current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people of the Village of New London and that expanded regulation of adult entertainment establishments is necessary.

8. It is not the intent of the New London Village Council in enacting this act to suppress or authorize the suppression of any speech activities protected by the First Amendment, but to enact content-neutral statutes that address the secondary effects of adult entertainment establishments.

9. It is not the intent of the New London Village Council to condone or legitimize the distribution of obscene material, and the New London Village Council recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.

(b) It is the intent of the New London Village Council in enacting this Ordinance to regulate in the specified manner adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of the Village of New London and establish reasonable regulations to prevent the deleterious secondary effects of adult entertainment establishments within the Village of New London. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of the New London Village Council in enacting this Ordinance to restrict or deny, or authorize the restriction or denial of, access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market. Neither is it the intent nor effect of the New London Village Council in enacting this Ordinance to condone or legitimize the distribution or exhibition of obscene material.

(c) Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature

and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23 (and on findings incorporated in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C. (2004), 541 U.S. 774*; *Township of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *Township of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Young v. American Mini Theatres* (1976), 426 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. Township of Chattanooga* (6th Cir. 1997), 107 F.3d 403; *East Brooks Books, Inc. v. Township of Memphis* (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio 2000), 99 F. Supp.2d 837; *Bamon Corp. v. Township of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, *aff'd* (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. Township of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Deja Vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons, Inc. v. Township of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. Township of Akron* (6th Cir. 1994), 40 F.3d 129; *Nightclubs, Inc. v. Township of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor v. Township and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2, L.L.C. v. Township of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugas County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence), and subsequent findings in *Sensations, Inc. v. City of Grand Rapids, Michigan Decency Action Council*

(6th Cir. 2008), 526 F.3d 291; *729, Inc. v. Kenton County Fiscal Court* (6th Cir. 2008), 515 F.3d 485; and *Andy's Rest. & Lounge, Inc. v. City of Gary* (7th Cir. 2006), 466 F.3d 550, and the New London Village Council' independent review of the same) the New London Village Council finds:

1. Adult entertainment establishments lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments.
2. Certain employees of adult entertainment establishments, as defined in this Ordinance as adult theaters and cabarets, engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.
3. Sexual acts, including masturbation and oral and anal sex, occur at adult entertainment establishments, especially those that provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows. The "couch dances" or "lap dances" that frequently occur in adult entertainment establishments featuring live nude or seminude dancers constitute or may constitute the offense of "engaging in prostitution" under Section 2907.25 of the Revised Code.
4. Offering and providing private or semi-private booths or cubicles encourages such activities, which creates unhealthy conditions.
5. Persons frequent certain adult theaters, adult arcades, and other adult entertainment establishments for the purpose of engaging in sexual activity within the premises of those adult entertainment establishments.
6. Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis, and chancroid.
7. Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 through December 31, 1992.
8. A total of 10,255 AIDS cases had been reported in Ohio as of January 1999. Ohio has required HIV case reporting since 1990, and the reported information shows 7,969 people living with (HIV) (4,213) and (AIDS) (3,756) in the state.
9. Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Ohio.
10. The number of cases of early (less than one year) syphilis in the United States reported annually has risen. 33,613 cases were reported in 1982, and 45,200 cases were reported through November 1990.
11. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
12. The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.

13. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

14. Sanitary conditions in some adult entertainment establishments are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

15. The findings noted in divisions (C)(1) to (14) of this section raise substantial governmental concerns.

16. Adult entertainment establishments have operational characteristics that require or mandate subject them to reasonable government regulation in order to protect those substantial governmental concerns.

17. The enactment of this Ordinance will promote the general welfare, health, morals, and safety of the citizens of the Village of New London.

(II) DEFINITIONS.

(a) As used in this Ordinance:

1. "Adult bookstore," "adult cabaret," "adult motion picture theater," "adult video store," "characterized by," "nude," "nudity," "state of nudity," "semi-nude," "state of semi-nudity," "sexual device," "sexual device shop," "sexual encounter center," "specified anatomical areas," and "specified sexual activity" have the same meanings as in Section 2907.40 of the Revised Code; and

2. "Adult arcade," "adult entertainment," "adult entertainment establishment," "adult novelty store," "adult theater," "distinguished or characterized by their emphasis upon," "nude or seminude model studio," "regularly features," "regularly shown," and "sexual encounter establishment" have the same meanings as in Section 2907.39 of the Revised Code.

(b) "EMPLOYEE" means any individual on a full-time, part-time, or contract basis, regardless of whether the individual is denominated an employee, independent contractor, agent, or otherwise, bud does not include an individual exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

(c) "IMMEDIATE FAMILY" means a person's spouse residing in the person's household, parents, siblings of the whole or of the half blood, and children, including adopted children.

(d) "LICENSE" means a license to act or operate a sexually oriented business, issued pursuant to this Ordinance.

(e) "LICENSEE" means a person in whose name a license to operate has been issued, as well as the individual(s) designated on the license application as principally responsible for the operation of the sexually oriented business. With respect to an Employee license issued under this Ordinance, licensee means an employee as defined by Section (II), sub-section (B) above in whose name a license has been issued authorizing employment at sexually oriented business.

(f) "OPERATE" means to control or hold primary responsibility for the operation of a sexually oriented business, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "Cause to be operated" shall mean to cause to function or to put or keep in operation.

(g) "OPERATOR" means any individual on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

(h) "PATRON" means any individual on the premises of a sexually oriented business, except for any of the following:

1. An operator or an employee of the sexually oriented business;
2. An individual who is on the premises exclusively for repair or maintenance of the premises or for the delivery of goods to the premises;
3. A public employee or a volunteer firefighter emergency medical services worker acting within the scope of the public employee's or volunteer's duties as a public employee or volunteer's duties as a public employee or volunteer.

(i) "PERSON" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(j) "PREMISES" means the real property on which the sexually oriented business is located and all appurtenances to the real property, including, but not limited, to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages adjacent to the real property under the ownership, control, or supervision of the owner or operator of the sexually oriented business.

(k) "SEXUALLY ORIENTED BUSINESS" means an adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motion picture theater, adult novelty store, adult theater, adult video store, sexual device shop, sexual encounter center, and sexual encounter establishment as defined by Section (II), sub-section (A) of this Ordinance, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.

(l) "SPECIFIED CRIMINAL ACTIVITY" means any of the following offenses:

1. Prostitution or promoting prostitution; soliciting; loitering to engage in solicitation; sexual performance by a child; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described above under the criminal or penal code of any local jurisdiction, state, or country;
2. for which:
   A. less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or
   B. less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.
3. The fact that a conviction is being appealed shall not prevent such conviction from constituting a specified criminal activity as defined in this section.

(m) "TRANSFER OF OWNERSHIP OR CONTROL" of a sexually oriented business shall mean any of the following:

1. the sale, lease, or sublease of the business;
2. the transfer of securities which constitute a controlling interest in the

business whether by sale, exchange, or similar means; or

3. the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(III) LICENSE REQUIRED.

(a) No person shall:

1. Operate a sexually oriented business as defined by Section (II), sub-section (K) without a valid sexually oriented business license issued by the Village of New London pursuant to this Ordinance.

(b) Any person who violates sub-section (A)(1) above shall be guilty of a minor misdemeanor for a first offense, and a misdemeanor-4 for a second offense.

(c) A violation of this section shall be a ground for the suspension of a sexually oriented business employee license as provided for in Section (IX) of this Ordinance.

(IV) APPLICATION FOR LICENSE.

(a) An original or renewal application for a sexually oriented business license shall be submitted to the New London Village Council or its designee on a form provided by the New London Village Council. The New London Village's application may require and the applicant shall provide such information as reasonably necessary (including fingerprints) to enable the Village to determine whether the applicant meets the qualifications established in this Ordinance.

(b) A filing fee shall be paid at the time of filing the application, as follows: $250.00

(c) An application for a sexually oriented business license shall identify and be signed by the following persons:

1. If the business entity is owned by an individual.
2. If the business entity is owned by a corporation, each Officer or Director of the corporation, any individual owning or controlling more than fifty (50) percent of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed sexually oriented business.
3. If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners); and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed sexually oriented business.

(d) An application for a sexually oriented business license must designate one or more individuals who are to be principally responsible for the operation of the proposed sexually oriented business, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed sexually oriented business on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this Ordinance, and shall be considered a licensee if a license is granted.

(e) An application for a sexually oriented business license shall be completed according to the instructions on the application form, which shall require the following:

1. If the applicant is:
   A. an individual, state the legal name and any aliases of such individual; or
   B. a partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or
   C. a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or
   D. a corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacities of all Officers and Directors, the name of the registered corporate agent, and the address of the registered office for service of process.
2. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.
3. State whether any applicant has been convicted of a specified criminal activity as defined in this Ordinance, and if so, the specified criminal activity involved and the date, place, and jurisdiction of each such conviction.
4. State whether any applicant has had a previous license under this Ordinance or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, or fifty (50) percent or greater owner of a corporation licensed under this Ordinance whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
5. State whether any applicant holds any other licenses under this Ordinance or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.
6. State the location of the proposed sexually oriented business, including a legal description of the property (i.e., permanent parcel number), street address, and telephone number(s), if any.
7. State the mailing address and residential address of each applicant and each person signing the application.
8. Submit a recent photograph of each applicant who is a natural person, taken by the Village of New London Police Department that clearly shows the applicant's face.
9. Submit the fingerprints of each applicant who is a natural person, recorded by the Village of New London Police Department.
10. For any applicant who is a natural person, describe and identify the location of any tattoos on such person's face, arms, legs, or hands, or any other anatomical area that normally would be visible when such person is on the

premises of the proposed sexually oriented business.

11. State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.

12. Submit proof that each applicant who is a natural person is at least eighteen (18) years old.

13. Submit a sketch or diagram showing the configuration of the premises of the sexually oriented business. The diagram shall also designate the place at which the adult business license will be conspicuously posted, if granted. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

14. The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that the Village of New London can determine whether the Ordinance's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with sexually oriented establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the Ordinance's licensing and permitting requirements.

15. The information gathered pursuant to the above provisions constitute protected private information and are exempt from Ohio's Public Records Act in accordance with the decision of the Sixth Circuit Court of Appeals in *DejaVu of Cincinnati v. Union Township* (6th Cir. 2005), 411 F.3d 777.

(V) ISSUANCE OF A LICENSE.

(a) Upon receipt of an application for a sexually oriented business license, the Village of New London or its designee shall promptly request that the Village of New London Police Department review the information provided in the application concerning the criminal background of the applicant(s) and that the New London Police Department shall transmit the results of its investigation in writing to the Village of New London Zoning Commissioner or its designee within five (5) days of the completion of its investigation.

(b) Within five (5) days of receipt of an application for a sexually oriented business, the Village of New London Zoning Commissioner or his or her designee shall notify the Village of New London Fire Chief and the County Health Commissioner of such application. In making such notification, the New London Zoning Commissioner or its designee shall request that the Fire Chief and Health Commissioner promptly inspect the premises for which the sexually oriented business license is sought to assess compliance with the regulations under their respective jurisdictions.

(c) The Fire Chief shall provide to the New London Zoning Commissioner or its designee a written certification of whether the premises are in compliance with the Village of New London Fire Regulations within ten (10) days of receipt of notice of the application.

(d) The New London Zoning Commissioner or its designee shall commence the inspection of the premises for which a sexually oriented business license is sought promptly upon receipt of the application, and shall complete, within ten (10) days after receipt of the application, a written certification of whether the premises are in compliance with the New London Zoning Ordinance, the New London Property

Maintenance Code, and the provisions of this Ordinance related to physical characteristics of the premises, and whether the Village of New London has received notice from any state or county agency of the premises being in violation of any applicable state building or property codes.

(e) Within twenty-one (21) days after receipt of a completed sexually oriented business license application, the New London Zoning Commissioner or his or her designee shall approve or deny the issuance of a license. The New London Zoning Commissioner or his or her designee shall approve the issuance of a license to an applicant unless he/she determines that one or more of the following findings is true:

1. An applicant who is a natural person is under eighteen (18) years of age.
2. An applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its social security number in accordance with the provisions of the Privacy Act of 1974, Pub. L. No. 93-579, § 7(a)(1).
3. An applicant has, within the preceding twelve (12) months, been denied a sexually oriented business license by any jurisdiction or has had a license to operate a sexually oriented business revoked by any jurisdiction.
4. An applicant has been convicted of a specified criminal activity as defined in this Ordinance.
5. The proposed sexually oriented business would violate or fail to be in compliance with any provisions of this Ordinance, the Village of New London Zoning Ordinance, the Village of New London Property Maintenance Code, or state statute or regulation.
6. The application and investigation fee required by this Ordinance has not been paid.
7. An applicant is in violation of or not in compliance with any provision of this Ordinance, except as provided in Section (V), sub-section (F) of this section.

(f) If the New London Zoning Commissioner or its designee determines that one or both of the following findings is true, the license issued pursuant to this section shall contain a requirement that the licensee correct all deficiencies specified within 120 days of the date the license is issued:

1. The results of inspections of the premises by the Fire Chief or its designee or the Health Commissioner or its designee indicate that the premises are not in compliance with applicable laws and regulations under their respective jurisdictions.
2. An applicant is overdue in payment to the Village of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business, which are not the subject of a pending appeal or other legal challenge.

(g) A sexually oriented business license shall state on its face the name of the applicant, the expiration date, and the address of the licensed sexually oriented business. All sexually oriented business licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(h) The New London Zoning Commissioner or his designee shall advise the applicant in writing within three (3) days of the New London Village Council's decision of the reasons for any license denial. If the Village of New London finds, subsequent to

denial, that the basis for the denial of the license has been corrected or abated, the applicant may reapply.

(VI) **EXPIRATION AND RENEWAL OF LICENSE.**

(a) Each license issued pursuant to this Ordinance shall expire one year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than ninety (90) days and no less than twenty-one (21) days before the expiration date. If application is made less than twenty-one (21) days before the expiration date, the license will not be extended pending a decision on the application, but will expire on its normal expiration date.

(b) An application for renewal of a sexually oriented business license shall be submitted to the New London Zoning Commissioner or his or her designee on a form provided by the Village of New London. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this Ordinance. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or such application shall be revised to reflect any change in circumstances or conditions. Sketches or diagrams submitted with an initial sexually oriented business license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram still depicts the premises accurately.

(c) The New London Zoning Commissioner or his or her designee shall make determinations concerning the approval of license renewals based on the same criteria and time mandates used to evaluate applications for new licenses under this Ordinance.

(d) The New London Zoning Commissioner or its designee shall advise the applicant in writing within three (3) days of the reason(s) for any denial of a license renewal.

(VII) **SUSPENSION.**

(a) The Village of New London shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a licensee:

1. has violated or is not in compliance with any section of this Ordinance; or
2. has knowingly allowed an employee to violate or fail to comply with any section of this Ordinance.

(b) The Village of New London shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a licensee or its employee or agent has refused to allow, or has prohibited or has interfered with, an inspection of the licensed sexually oriented business premises as authorized by Section (V), sub-sections (B) – (C) of this Ordinance or any other reasonable inspection.

(VIII) **REVOCATION.**

(a) The Village of New London shall revoke a sexually oriented business license or employee license if a cause of suspension under this Ordinance occurs and the license has been suspended two times within the preceding twelve (12) months.

(b) The Village of New London shall revoke a sexually oriented business license if it determines that:

1. a licensee failed to provide all information and documents required for

issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;

2. the licensee(s) failed to comply with any requirement stated in the license, pursuant to this Ordinance, to correct specified deficiencies within 120 days;
3. a licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
4. a licensee has knowingly allowed prostitution, solicitation, or the commission of a felony on the premises;
5. a licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
6. a licensee has knowingly allowed any act of specified sexual activity, as defined in this Ordinance, to occur in or on the licensed premises;
7. a licensee has been convicted of a specified criminal activity, as defined in this Ordinance, during the term of the license; or
8. a licensee is delinquent in payment to the Village of New London, Huron County, or State of Ohio for any taxes or fees that were assessed or imposed in relation to any business.

(c) The New London Zoning Commissioner or his or her designee shall advise the licensee in writing within three (3) days of the reason(s) for any revocation.

(d) When the Village of New London revokes a license pursuant to sub-sections (A) or (B)(3) – (7), above, the licensee shall not be issued another license for one (1) year from the date the revocation became effective.

(e) When the Village of New London revokes a license pursuant to sub-sections (B)(1) or (B)(8) above, the applicant may be granted a license if the basis for the revocation has been corrected or abated and at least thirty (30) days have elapsed since the date the revocation became effective.

(IX) APPEAL RIGHTS

(a) Any denial, suspension, or revocation of a license under this Ordinance may be appealed to the New London Village Council by written notice within ten (10) days of such denial, suspension, or revocation. Unless the applicant requests a longer period, the New London Village Council must hold a hearing on the appeal within twenty-one (21) days and must issue a decision affirming or reversing the denial, suspension, or revocation within five (5) days after the hearing. During the time between the date of the denial, suspension, or revocation of a license and the date of the New London Village Council decision affirming or reversing the denial, suspension, or revocation, the status quo of the license holder or applicant shall be maintained.

(b) In the event that the New London Village Council denies, suspends, or revokes a new or renewal license under this Ordinance, or any action taken on an appeal that is provided by this ordinance, the applicant may pursue an appeal to the Huron County Court of Common Pleas pursuant to Revised Code Chapter 2506. The failure of the New London Village Council to render a decision on the application within the time prescribed in Section (VII), sub-section (A) above shall be considered an affirmance of the denial, suspension, or revocation of the license and the applicant may pursue an appeal to the Huron County Court of Common Pleas pursuant to Revised Code Chapter 2506. This appeal provision is intended to comply with the requirement for prompt judicial review stated by the United States Supreme Court in *Township of Littleton, Colorado v. Z. J. Gifts D-4* (2004), 541 U.S. 774.

(c) Any licensee lawfully operating a sexually oriented business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all privileges attendant thereto, subject to all other terms of this Ordinance, so that the status quo of the licensee is maintained during the pendency of an appeal to the New London Village Council of a decision rendered under this Ordinance and during the entire time required for the court to rule on the appeal pursuant to sub-section (B) above.

(d) In the event that any judicial review of the denial of a new or renewal license application or the revocation or suspension of a license is still pending thirty (30) days before the expiration date of any license, the licensee may file a renewal license application with the New London Zoning Commissioner or his or her designee pursuant to this Ordinance. In the event that an application for renewal of a license is denied and the applicant seeks judicial review of that denial, the Village of New London has the right to consolidate such review with any pending judicial actions in regards to the previous denial, suspension or revocation of a license.

(e) If, during the pendency of any appeal pursued under sub-section (B) above, there are additional denials of a renewal license application or suspensions or revocations of that license, the Village of New London has the right to consolidate the appeal pursued under Section (XI), sub-section (B) above for the additional denials, suspensions or revocations with any pending appeal for that same licensee.

(X) TRANSFER OF LICENSE.

A sexually oriented business license is not transferable from one licensee to another or from one location to another. Any purported transfer of a sexually oriented business license shall automatically and immediately revoke that license.

(XI) ADDITIONAL REGULATIONS CONCERNING THE OPERATION OF A SEXUALLY ORIENTED BUSINESS.

(a) Sexual activity, live entertainment and performances

1. No person shall, in a sexually oriented business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.
2. Any employee appearing on the premises of a sexually oriented business in a state semi-nudity, as defined by this Ordinance, must be on a stage that is at least twenty-four (24) inches from the floor, and at a distance at least thirty-six (36) inches from all parts of a clearly designated area in which patrons will be present.
3. All live entertainment and performances in a sexually oriented business must take place on a stage that is at least twenty-four (24) inches from the floor and a distance of at least thirty-six (36) inches from all parts of a clearly designated area in which patrons will be present.
4. The interior of the premises shall be configured in such a manner that there is a an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. It is the duty of the operator to ensure that at least one employee

is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by the operator station. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

5. No employee shall knowingly or intentionally, in a sexually oriented business, appear within view of any patron in a nude or semi-nude condition unless the employee, while nude or semi-nude, shall be and remain at least six (6) feet from all patrons.

6. Employees in a sexually oriented business shall maintain a minimum distance of five (5) feet from areas on the business premises occupied by patrons for a minimum of thirty (30) minutes after the employee appears in a nude or semi-nude condition within view of any patron. This regulation is not intended to prohibit ingress or egress from the premises. It is intended to control illicit sexual contact and reduce the incidents of prostitution occurring in the establishments.

7. No patron who is not a member of the employee's immediate family shall knowingly touch an employee while that employee is nude or seminude or touch the clothing of any employee while that employee is nude or semi-nude.

8. No employee who regularly appears nude or seminude on the premises of a sexually oriented business and while nude or seminude, shall knowingly touch a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or the clothing of a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or allow the patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family to touch the employee or the clothing of the employee.

9. The provisions of sub-sections (A)(1) – (8) shall not apply to an employee's use of any restroom or any single-sex dressing room that is accessible only to employees.

10. In addition, sub-sections (A)(1) – (8) shall not apply to live performances in which the patron and employee are separated by an impenetrable barrier such as, but not limited too, glass or Plexiglas.

(b) Minors prohibited: No person under the age of 18 years shall be permitted on the premises of a sexually oriented business.

(c) Hours of operation: No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day, except that a sexually oriented business that holds a liquor permit pursuant to Chapter 4303 of the Revised Code may remain open until the hour specified in that permit if it does not conduct, offer, or allow sexually oriented business activity in which the performers appear nude.

(XII) LOCATION OF SEXUALLY ORIENTED BUSINESSES.

Adult entertainment facilities also referred to as sexually oriented businesses shall be permitted uses within the Village of New London, but only in accordance with the following specifications:

(a) Adult entertainment facilities shall only be operated within the M-1 light industrial and M-2 Heavy Industrial districts.

(b) No adult entertainment facility shall be located within a one-quarter mile radius, one-thousand three hundred twenty feet (1,320') of any of the following:

1. Any residential district;
2. Any public, private, governmental, or commercial library, educational institution, park, recreational facility, religious place of worship, child day care facility, playground, or swimming pool;
3. Any tavern, bar, or other establishment which serves beer or other intoxicating liquors for consumption on the premises;
4. Any other adult entertainment facility.

(c) All building openings, entries, windows, and doors of adult entertainment facilities shall be located, covered, or serviced in such a manner as to prevent view into the interior of such facilities from public or semi-public areas, sidewalks, or streets.

(d) No television or movie screens or monitors, loudspeakers, or sound equipment shall be used for adult entertainment facilities that can be seen, heard, or otherwise discerned by the general public from public or semi-public areas.

(XIII) SEVERABILITY CLAUSE.

If any section, sub-section, paragraph or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, sub-sections, paragraphs, and clauses shall not be affected.

1117.20 ACCESSORY USES AND BUILDINGS.

It is the purpose of this Section, inclusive of this Ordinance, to regulate accessory uses in order to promote the public health, safety and welfare. It is the intent of these provisions to permit such uses to be established maintained in a manner which makes them compatible with the principal uses and harmonious with uses upon adjacent properties. The provisions of this Section inclusive of this Ordinance shall apply to the location and maintenance of accessory uses herein defined.

(a) General requirements. Except as otherwise provided in this Ordinance, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

1. It shall be forty-five percent (45%) or less of the gross floor area of the principal use or structure, except where additional space is needed to comply with off-street parking requirements.
2. It shall not contain or be used as a dwelling unit.
3. It shall not exceed eighteen feet (18') in height.
4. It shall meet all yard requirements of the principal use.
5. No more than two (2) accessory structures may be permitted in residential districts. Open gazebos, trellises, cabanas and similar structures shall not be counted as structures for purposes of this provision.
6. There is no limit on the number of accessory structures in industrial districts.

(b) Accessory buildings used for storage

Accessory buildings used for storage shall be attached to a permanent foundation and shall not include the use of temporary structures including tents, trailers, mobile homes, automobile or truck bodies, beds, boxes, trailers, truck caps and campers, or railroad cars whether affixed to a permanent foundation or not. Accessory buildings used for storage shall otherwise meet all other zoning setback, height, area, and percent of lot coverage requirements for the particular use or

district in which it is located and shall be maintained in good condition.

(c) Rear yard coverage

Rear yard refers to the total area of a lot from the rear of a structure to the rear property line.

1. The total of all accessory buildings may not occupy more than thirty percent (30%) of the total rear yard in Residential Districts.
2. The coverage of driveways, open air parking, detached garages and carports may not occupy more than fifty percent (50%) of the total rear yard in Residential Districts.

1117.21 YARD, LOT COVERAGE AND HEIGHT RESTRICTIONS.

The regulations for each zoning district set forth by this Zoning Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

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

(b) No building or other structure shall be erected or altered:

1. To provide for greater height or bulk;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area;
4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner be contrary to the provisions of this Zoning Ordinance.

(c) No yard or lot existing at the time of passage of this Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Ordinance shall meet at least the minimum requirements set forth herein. (Ord. 90-01. Passed 3-6-90.)

(d) Lot area and width

Every lot shall be at least sixty feet in width at the set back line except where exempt. (Ord. 90-01. Passed 3-6-90.)

(e) Yard requirements

1. Front Yard: Every structure shall be set back from the centerline of either adjacent street or road right-of-way, at least forty feet and where parking may be permitted in the front yard of any Commercial or industrial use, this set-back requirement shall be increased to accommodate that parking and any access drives. This requirement shall apply in all districts except for the Downtown Business District.
2. Side yards: Every lot shall have side yards of at least five (5) feet each in width, except the Downtown Business District, General Commercial, Light Industrial, Heavy Industrial and Public Parks and Open Space districts where there is not a side yard requirement except as described in subsection (7) hereof. Under no circumstances shall any required side yard be less than five feet in width.
3. Rear yards: The rear yard of every lot shall not be less than ten feet except in the Downtown, General Commercial, Industrial district and Public Park and Open Space districts as described in subsection (7) hereof.
4. Corner lot: On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all

street right-of-way lines as required for the front yard in the district in which such structures are located.

5. Visibility at corner lots: On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty feet from the point of intersection.

6. Multi-family dwellings: A multi-family dwelling shall be considered as one building for the purpose of determining front, side, and rear yard requirements. A unit shall require one front, one rear, and two side yards as specified for dwellings in the appropriate district.

7. Non-residential buildings: Non-residential buildings or uses and pads or structures in residential parks for mobile homes shall not be located or conducted closer than forty feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Commissioner is provided. Such screening shall be a masonry or solid fence between four and eight feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty feet of an intersection. No industrial use or building shall be located or conducted closer than forty feet to any adjacent residential lot line. (Ord. 90-01. Passed 3-6-90; Ord. 91-04. Passed 3-4-91.)

8. Open structures: Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard. However, such open structures shall not be included in main building measurements.

9. Main building sizes: Minimum main building size requirements shall be as follows:
   A. For main building in (R) Residential Districts, 1,000 square feet.
   B. For main building in (C) Commercial Districts, 720 square feet.
   C. For main buildings in (I) Industrial Districts, 1500 square feet. (Ord. 90-01. Passed 3-6-90.)
   D. For permanently sited manufactured homes, 900 square feet. (Ord. 00-05. Passed 3-14-00.)

10. Lot area-single family dwelling: Minimum lot area for a single family dwelling shall be 6,000 square feet, with a frontage of sixty feet.

11. Lot area-two family dwelling: Minimum lot area for a two family dwelling shall be 10,000 square feet, with a frontage of sixty feet.

12. Lot area-multiple dwellings: Minimum lot area for multi family dwelling shall be 10,000 square feet with a frontage of sixty feet plus an additional 1,000 square feet for each family over two families housed therein. (Ord. 90-10. Passed 3-6-90).

(f) Height requirements

No structures shall be constructed in excess of three stories in height except in the

industrial districts, where in-structure fire protection systems will be required.

(g) Density requirements

The residential density in any "R" District where residences are served by on-site water and sewer services shall not exceed that which is prescribed by the Huron County Board of Health. (Ord. 90-01. Passed 3-6-90.)

(h) Yard, lot coverage and height restrictions table

The following dimensions for each zoning district shall be the minimum required yard, setbacks and lot frontage and maximum building height and lot coverage. Terms are defined in Chapter 1102.

Village of New London

E. Yard, Lot Frontage, Lot Coverage & Height Restrictions Table

District	Minimum Lot Area (sf)	Maximum Hsg Density per Acre	Yard Setbacks			Minimum Lot Width	Maximum Bldg Height	Maximum Lot Coverage
			Front	Rear	Side			
R-1 SF	6,000 sf for single family w/60' frontage		40'	10'	5'	60'	35'	1,000 sf- min. bldg size
R-2 2F	10,000 sf for 2 family w/60' frontage		40'	10'	5'	60'	35'	1,000 sf-min. bldg size
R-3 Multi-Family	10,000 for DU's, plus add'l 1,000 sf for each family over 2 families housed therein For residences in R Districts served by on-site water and sewer, density set by County Bd of Health		40'	10'	10'	60'	35'	60%
MHD Manuf. Home Park			25'	10'	10'		20'	
DBD Downtown Bus. Dist.	N/A	N/A	N/A	N/A	N/A	No minimum	65' 3 stories	100%
C-3 Gen'l Commercial	None	N/A	40'	0/40'*	0/40'*	No minimum	65' 3 stories	85%
M-1 Light Industrial	None	N/A	40'	0/40'*	0/40'*	No minimum	65' 3 stories	85%
M-2 Heavy Industrial	None	N/A	40"	0/50'*	0/50'*	No minimum	No maximum, bldgs over 65' must be approved by fire chief	100%
PPOS (Public Parks & Open Space)	N/A	N/A	N/A	N/A	N/A	N/A	No maximum, bldgs over 65' must be approved by fire chief	N/A

*When adjacent to residential use

One acre equals 43,560 square feet

1117.22 WIND ENGERY SYSTEMS.

The purpose of this Chapter is to preserve and protect the public health and safety and to promote the orderly land use and development of the Village of New London. This Chapter establishes minimum requirements for small wind energy systems, commercial wind energy systems and towers as defined herein.

(a) Applicability:

The requirements of this Chapter shall apply to all small wind energy systems, commercial wind energy systems or tower proposed after the effective date of this Chapter. Any system that has been installed, but not used for two consecutive years, may not be subsequently used without meeting the requirements of this Chapter. No pre-existing system shall be altered in any manner that would increase the degree of non-conformity with the requirements of this Chapter and no alterations shall be made to a non-conforming, pre-existing system during its life which exceeds 50 percent of its fair market value. If such system is destroyed or damaged to the extent of more than 50 percent of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this Chapter.

(b) Small wind energy system requirements:

1. Permitted locations: A small wind energy system is permitted in any zoning district.
2. Minimum lot size: No wind energy system shall be erected on any lot less than one acre in size.
3. Total height: For property sizes between one acre and two acres, the total height of any tower shall not exceed 60 feet. For property sizes between two and five acres, the total height shall not exceed 80 feet. For property sizes greater than five acres, the total height shall not exceed 100 feet. Total height means the distance measured from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.
4. Location: No small wind energy system shall be located in any front or side yard.
5. Setbacks:
   A. Property lines: A small wind energy system or tower shall be set back from the nearest property line, public road right-of-way and communication and electrical line not less than 1.1 times its total height.
   B. Inhabited structures: A small wind energy system, or tower shall be set back from the nearest inhabited building not less than 1.5 times its total height.
6. Design standards:
   A. Monopole or freestanding design: The design of the small wind energy system or tower shall be of a monopole or freestanding design without guy wires.
   B. Minimum blade height: The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 30 feet above any structure or obstacle within 100 feet from the tower.
   C. Access: No tower shall have a climbing apparatus within 15 feet of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked.
   D. Noise: No small wind energy system shall exceed 60 dBA as

measured at the property line or 50 dBA as measured at the nearest neighboring inhabitable building.

E. Visual appearance: Small wind energy and/or tower systems shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No small wind energy system or tower shall be lighted unless required by the FAA. No flags, streamers, decorations, advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy system and/or tower.

F. Electrical interconnections: All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.

G. Signal interference: Efforts shall be made to site small wind energy systems or towers to reduce the likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy system or tower owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy system or tower shall cause permanent and material interference with television or other communication signals.

H. Over-speed controls: Every small wind energy system shall be equipped with both manual and automatic over-speed controls.

7. Permit applications: Application for a small wind energy system and/or tower shall include the following information:

A. Site plan to scale showing the location of the proposed small wind energy system and/or tower and the locations of all existing buildings, structures and property lines, along with distances.

B. Elevations of the site to scale showing the height, design and configuration of the small wind energy system and the height and distance to all existing structures, buildings, electrical lines and property lines.

C. Standard drawings and an engineering analysis of the systems tower, including weight capacity.

D. A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site.

E. Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system; including, the name and address of the manufacturer, model and serial number.

F. Emergency and normal shutdown procedures.

G. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes.

H. Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator; unless, the system will not be connected to the electricity grid.

(c) Commercial Wind Energy System Requirements:

1. Permissible locations: A commercial wind energy system may be permitted as a conditional use in General Commercial or Industrial Districts.

2. Minimum parcel size: No commercial wind energy system shall be erected on any parcel less than 10 acres in size without being granted a variance.

3. Total height: The total height of a commercial wind energy system shall not exceed 150 feet. Total height means the distance measured from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.

4. Setbacks:

   A. Property lines: A commercial wind energy system shall be set back from the nearest property line and public road right-of-way not less than 500 feet.

   B. Other uses: No commercial wind energy system shall be located within 1,000 feet of a platted subdivision, park, church, school or playground.

   C. Inhabited structures: A commercial wind energy system shall be set back from the nearest inhabited building, power line or communication line, not less than 1.5 times its total heights.

   D. Design standards: A commercial wind energy system shall comply with the design standards set forth in Section 1117.22 (b) 6 (A through G).

   E. Permit applications: A commercial wind energy system shall comply with the permit application requirements set forth in subparagraphs (a) through (h), Section 1226.05.

   F. Multiple wind energy systems: shall not be permitted without approval by the Planning Commission.

(d) Non-use:

1. Any small wind energy system, commercial wind energy system or tower which complies with the terms of this Chapter which is not used for two (2) years, excluding repairs, shall be removed within the following six (6) months. Failure to remove the system shall be deemed a violation of this Chapter.

2. Any small wind energy or commercial wind energy system which is nonconforming and which is not used for one (1) year, excluding repairs, shall be removed within the following six (6) months. Failure to remove the system shall be deemed a violation of this Chapter.

1117.23 OUTDOOR WOOD FURNACES (Referred to as OUTDOOR WOOD BOILERS or OUTDOOR WOOD-FIRED HYDRONIC HEATERS).

(a) Definitions

1. Outdoor Wood Furnace: Any equipment, device, application or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Wood Furnace may also be referred to as an Outdoor Wood Boiler or Outdoor Wood-fired Hydronic Heater.

2. Chimney: Flue or flues that carries off exhaust from Outdoor Wood Furnace firebox or burn chamber.

3. EPA OWHH Phase 1 Program: EPA OWHH (Outdoor Wood-fired Hydronic Heater Program) Phase 1 Program administered by the United States Environmental Protection Agency.

4. EPA OWHH Phase 1 Program Qualified Model: An Outdoor Wood-fired

Hydronic Heater that has been EPA OWHH Phase 1 Program qualified. The model has met the EPA OWHH Phase 1 emission level and has the proper qualifying label and hangtag.

5. Existing Outdoor Wood Furnace: An Outdoor Wood Furnace that was purchased and installed prior to the effective date of this local law.
6. Natural Wood: Wood, which has not been painted, varnished, or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
7. New Outdoor Wood Furnace: An Outdoor Wood Furnace that is first installed, established or constructed after the effective date of this local law.

(a) Regulations for Outdoor Wood Furnaces

1. No personal shall, from the effective date of this local law, construct, install, establish, operate or maintain an Outdoor Wood Furnace other than in compliance with the applicable sections of Chapter 1116.23 of the Village of New London Zoning Code.
2. No person shall, from the effective date of this local law, operate an Outdoor Wood Furnace unless such operation conforms with the manufacturer's instructions regarding such operation and the requirements of Chapter 1117.23 of the New London Zoning Code regarding fuels that may be burned in an Outdoor Wood Furnace as set forth in Section (c) 1 and (c) 2 of this chapter and chimney height as set forth in Section (c)-4 and 6 of this ordinance.
3. All new Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
4. The owner of any new Outdoor Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the Safety-Service Director to review at any time if requested.
5. All new Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.
6. If an existing Outdoor Wood Furnace is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, as defined by local or state law, the following steps may be taken by the owner and the Safety-Service Director:
   A. Modifications made to the unit to eliminate the nuisance such as extending the chimney, or relocating the Outdoor Wood Furnace or both.
   B. Cease and desist operating the unit until reasonable steps can be taken to ensure that the Outdoor Wood Furnace will not be a nuisance.

(b) Substantive Requirements

Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained pursuant to the following conditions:

1. Fuel burned in any new or existing Outdoor Wood Furnace shall be only

natural untreated wood, wood pellets, corn products, biomass pellets, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.

2. The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces:
   A. Wood that has been painted, varnished or coated with similar material and/or has been pressure-treated with preservatives and contains resins or glues as in plywood or other composite wood products.
   B. Rubbish or garbage, including not limited to food wastes, food packaging or food wraps.
   C. Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
   D. Rubber, including tires or other synthetic rubber-like products.
   E. Newspaper, cardboard, or any paper with ink or dye products.
   F. Any other items not specifically allowed by the manufacturer or this provision.
3. Setbacks for any new Outdoor Wood Furnace (models not EPA OWHH Phase 1 Program Qualified) shall be as follows:
   A. The Outdoor Wood Furnace shall be located at least twenty-five (25) feet from the property line.
   B. The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.
   C. The Outdoor Wood Furnace shall be located at least thirty (30) feet from any residence that is not served by the Outdoor Wood Furnace.
4. Chimney heights for new and existing Outdoor Wood Furnaces shall be as follows:
   A. The chimney of any new Outdoor Wood Furnace shall extend at least two (2) feet above the peak of any residence not served by the Outdoor Wood Furnace located within 300 feet of such Outdoor Wood Furnace.
   B. If there is an existing Outdoor Wood Furnace already installed and there is new construction of a residence not served by the Outdoor Wood Furnace within 300 feet of such Outdoor Wood Furnace, then the owner of such Outdoor Wood Furnace shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from the Safety-Service Director.
5. Setbacks for EPA OWHH Phase 1 Program qualified models shall be as follows:
   A. The Outdoor Wood Furnace shall be located at least twenty-five (25) feet from the property line.
   B. The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.
6. Chimney heights for EPA OWHH Phase 1 Program qualified models shall be as follows:

A. The EPA OWHH Phase 1 Program qualified model chimney shall extend at least two (2) feet above the peak of the residence for which it serves if neighboring residences not served by the furnace are located within 300 feet or the chimney shall extend at least two (2) feet above the peak of any residence not served by the furnace within 100 feet, whichever is greater.

7. Outdoor Furnaces that use corn, wood pellets or other palletized biomass shall meet the same setback and stack height requirements as EPA OWHH Phase 1 Program Qualified models.

(c) Appeals

Appeals from any actions, decisions, or rulings in the enforcement of this chapter or for a variance from the strict application of the specific requirements of this ordinance may be made to the Board of Zoning Appeals. Requests for all appeals shall be made in writing in accordance with Chapter 1104.

(d) Violations and Penalties

Any person who shall violate this provision of this ordinance shall be guilty of a violation as defined in Chapter 1106.

(e) Civil Proceedings

Compliance with this law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this law may also be subject to a civil penalty of not more than $150.00, to be recovered by the Village in a civil action, and each week's continued violation shall be for this purpose a separate and distinct violation. In the event the Village is required to take legal action to enforce this local law, the violator may be responsible for any and all necessary costs relative thereto, including attorneys' fees, and such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the property.

(f) Severability

The provisions of this local law are severable and the invalidity of a particular provision shall not invalidate any other provisions.

Chapter 1118 OFF-STREET PARKING AND LOADING REQUIREMENTS

1118.01	GENERAL REQUIREMENTS
1118.02	PARKING SPACE DIMENSIONS
1118.03	SCREENINGS
1118.04	PAVING
1118.05	LIGHTING
1118.06	LOADING
1118.07	LOCATION OF PARKING SPACES
1118.08	DRAINAGE
1118.09	VISIBILITY
1118.10	MARKING
1118.11	MAINTENANCE
1118.12	SIGNS
1118.13	PARKING SPACE REQUIREMENTS
1118.14	ACCESS

1118.01 GENERAL REQUIREMENTS.

No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Ordinance.

(a) The provisions of this Chapter, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this Ordinance.

(b) Whenever a building or structure constructed after the effective date of this Zoning Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or for any other reason to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of the Zoning Ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

1118.02 PARKING SPACE DIMENSIONS.

A parking space shall have minimum rectangular dimensions of not less than the following:

PARKING SPACE

	Width	Length	Width of Driveway Aisle
90 degree parking	9 feet	20 feet	25 feet
60 degree parking	10 feet	20 feet	17.5 feet
45 degree parking	12 feet	20 feet	13 feet
Parallel parking	9 feet	23 feet	12 feet

1118.03 SCREENING.

All parking spaces shall be screened in accordance with Chapter 1120.

1118.04 PAVING.

Surfacing shall be accomplished with an asphalt or Portland Cement binder pavement in order to provide a durable or dust free surface and perimeters of parking areas shall be curbed or have other suitable barriers.

1118.05 LIGHTING.

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be arranged as to reflect the light away from the adjoining property.

1118.06 LOADING SPACE REQUIREMENTS AND DIMENSIONS.

One (1) off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand square feet (5,000 sf). One (1) loading space shall be provided for each additional ten thousand square feet (10,000 sf) of fraction thereof of gross floor area so used. Each loading space shall not be less than ten feet (10') in width, forty feet (40') in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fourteen feet (14'). Such loading space shall not be located in the required front yard of the lot on which it is located. However, the loading space shall have unrestricted ingress and egress to a public right-of-way. The surface of the loading space and its access drive shall be maintained in a dust free condition at all times.

1118.07 LOCATION OF PARKING SPACES.

The following regulations shall govern the location of off-street parking spaces and areas:

(a) All parking spaces required herein for all residential districts shall be located on the same lot as the use which they are intended to serve.

(b) Off-street parking in R districts located in the front yard must not exceed any of the following stipulations:

1. The front yard parking cannot exceed more than twenty-five percent (25%) of the front yard area.
2. The front yard parking cannot have a width of more than twenty-four feet (24').
3. The front yard parking cannot have a length of more than twenty-four feet (24').
4. The front yard parking area cannot exceed five hundred seventy-six square feet (576 sf).
5. The off-street parking shall be constructed so as to come no closer than three feet (3') from the boundary line.
6. Such off- street parking must be established as a connected addition to an adjacent driveway, as in a "Turnaround" area, and may not be established as a separate parking lot.
7. Any off-street parking shall be paved with asphalt surface.
8. Parking on non-paved surfaces within the front yard or any side yard shall be prohibited.

(c) Off-street parking areas may not be located closer than three feet (3') from any property line.

(d) All parking spaces required herein for apartments, dormitories, or similar residential uses shall also be located on the same lot with the building and uses served.

1118.08 DRAINAGE.

All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

1118.9 VISIBILITY.

Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.

1118.10 MARKING.

All parking areas for five (5) or more spaces shall be marked with paint lines, curbs, or in some other manner approved by the New London Zoning Commissioner and shall be maintained in a clearly visible condition.

1118.11 MAINTENANCE.

Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of dust, trash, or other debris.

1118.12 SIGNS.

Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.

1118.13 PARKING SPACE REQUIREMENTS.

(a) In all districts in connection with every use, there shall be provided at any time any building, structure or use is erected, developed or enlarged or increased in capacity, off street parking spaces of at least one hundred eighty square feet per space for motor vehicles as follows:

1. All residential uses - two for each dwelling unit.
2. Rooming or boarding house, tourist home, hotel or motel - one for each sleeping room or suite, plus two for the resident family or one for each employee.
3. Private club or lodge - one for each five members.
4. Church or temple - one for each five seats in main auditorium.
5. School (except high school or college) - one for each ten seats in auditorium or main assembly room, or one for each classroom, whichever is greater.
6. College or high school - one for each eight seats in auditorium or three for each classroom, whichever is greater.
7. Country club or golf club - one for each five members.
8. Community center, library, museum or art gallery - ten plus one additional for each 300 square feet of floor area in excess of 2,000 square feet.
9. Hospital, sanitarium, convalescent home, nursing home, home for the aged or similar institution - one for each three beds, plus one for each employee on the maximum working shift.

10. Theater or auditorium (except school auditorium), sports arena, stadium or gymnasium - one for each five seats or bench seating spaces.
11. Bowling lanes - five for each lane.
12. Mortuary for funeral home - one for each thirty square feet of floor space in parlors in individual funeral service rooms. (Ord. 90-01. Passed 3-6-90.)
13. Restaurants, night clubs, cafes or similar eating or recreation or amusement establishments - one for each thirty square feet of floor area designated for service of customers. (Ord. 05-13. Passed 7-11-05.)
14. Assembly or exhibition halls without fixed seats - one for each 100 square feet of gross floor area.
15. Retail store or personal service establishment except as otherwise specified within - one for each 100 square feet of gross floor area.
16. Furniture or appliance store, hardware store, wholesale establishments machinery or equipment sales and service - two plus one additional each 200 square feet of floor area 1,000 square feet.
17. Manufacturing or industrial establishment research or testing laboratory, creamery, bottling plant, warehouse or similar establishment - one for each two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

(b) Nothing in this Section shall be construed to prevent the collective provision of off-street parking facilities for two or more buildings or uses of similar character, provided the total of such collective off-street parking facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the requirements of this Zoning Ordinance. A written agreement between the parties approved by the Solicitor and accepted by the Planning and Zoning Commission shall be filed with the application for a zoning certificate, stating that the proposed joint parking area will be developed and maintained jointly and by mutual agreement. The location of such joint parking shall conform to the location requirements of this Zoning Ordinance. The required parking facilities may be provided under public sponsorship, by private lease or purchase, or by any other means which will promote orderly development of space, diminish traffic hazards and relieve congestion in the streets. Where such publicly sponsored or other joint parking facilities are existing or planned for construction at the same time a use or uses requiring parking spaces is being developed, no additional parking spaces are required on the same lot as the use being developed, if the number of spaces at the other location is equal to those required by the use and the parking spaces will be within three hundred feet (300') of the proposed use.

1118.14 ACCESS.

In order to insure adequate vehicle access for uses, the following standards shall apply:

(a) Driveways: There shall be adequate provisions for ingress and egress to all uses. For single- or two family residential dwellings, driveways shall be a minimum of nine feet (9') in width. For all other uses, driveways shall be a minimum with of twenty-two feet (22') and may be located on more than one property. If loop drives are approved as part of the site plan review process, the width of an individual drive shall be at least eleven feet (11').

(b) Number of Drives: For parcels with continuous frontage under one hundred feet (100'), only one (1) driveway is permitted for ingress and egress. In the case of a corner lot, this driveway should be located on the street with the lower traffic

volume. For parcels with more than one hundred feet (100') of frontage, a second driveway may be permitted.

(c) Conditional Approval of Driveways: As part of the site plan review process, the Planning and Zoning Commission may approve a site plan with a specific driveway location, with the condition that an agreement be first entered into between the property owner and the Village requiring that if a service road is constructed in the future, or if the opportunity for a shared driveway should present itself with development of adjacent property, one or more approved driveways shall be closed and measurements taken to utilize such service road or shared drive. Approval of driveways may also include restrictions on turning movements, locations or other requirements to ensure safe and efficient traffic movement.

CHAPTER 1119 SIGNS

1119.01	PURPOSE
1119.02	APPLICABILITY
1119.03	GENERAL PROVISIONS
1119.04	EXEMPTIONS
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1119.06	PROHIBITED SIGNS
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1119.10	TEMPORARY SIGNS
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1119.01 PURPOSE.

The purpose of this Chapter is to promote and protect the public health, safety and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-ways, provide more open space, curb the deterioration of the natural environment, and enhance community development.

1119.02 APPLICABILITY.

After the effective date hereof, no sign or outdoor advertising structures shall be erected, moved, materially, or substantially altered or enlarged in any zoning district except as hereinafter provided or as otherwise permitted.

1119.03 GENERAL PROVISIONS.

The regulations contained in this Section shall apply to all signs and all use districts.

(a) With the exclusion of Electronic Message Centers (EMCs), any illuminated sign or lighting device shall employ only light that is emitted in constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. A cut-off type luminaire is required. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that my constitute a traffic hazard or nuisance.

(b) No building wall shall be used to display advertising, except that pertaining to the use carried on within such building.

(c) All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code (NEC).

(d) No sign shall be placed on the roof of any building.

(e) No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well

as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.

(f) Wall murals that are created for decorative purposes and painted or otherwise on buildings, fences, or other structures require permission from the Village Council.

(g) No sign shall be permitted to encroach on public right-of-way, with the exception of projecting signs or wall signs which project from the wall more than six inches (6") and are attached to a building. No portion of these signs shall hang lower than nine feet (9') from the sidewalk grade.

(h) All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign.

(i) Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the New London Zoning Commissioner, proceed at once to put such sign in a safe and secure condition or remove the sign.

(j) No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.

(k) All persons seeking to erect or place a sign shall require a sign permit from the Zoning Commissioner, unless this ordinance specifically states that the sign does not require a permit.

(l) Measurement:

1. The surface area of any sign shall be computed as including the entire area within a regular, geometric form or combination of regular, geometric forms comprising all of the available display area of the sign, whether or not a message is included within the entire display area.
2. The entire face of a sign shall be deemed part of the sign, including all of the elements of the matter displayed, whether they be textual, decorative, background, or otherwise; and, if a sign is so constructed that one or more individual messages or decorative elements are affixed to a single structure, the entire face of the structure shall be included in the calculation, and not just the area of the individual messages or decorative elements.
3. Frames, posts and structural members which are not part of the face shall not be included in the computation of surface area unless they do contain or express any message.
4. If a sign has two or more faces with different text, copy, messaging, and/or advertising display, the area of all the faces shall be included in determining the area of the sign.
5. For projecting signs, pole signs, and free standing signs, or secondary signs that are double sided with identical copy on both sides and if both sides cannot be viewed at one time, only one side will be counted as the total sign area.

1119.04 EXEMPTIONS.

The following signs shall be exempted from the provisions of this Sign Ordinance.

(a) Official governmental signs and notices.

(b) Holiday and special event signs.

(c) Sign face changes of legally conforming signs.

1119.05 SIGNS PERMITTED IN ANY DISTRICT NOT REQUIRING A PERMIT.

The following signs shall be permitted in any zoning district without a permit.

(a) One sign advertising the sale, lease or rental of the premise upon which the sign is located, shall not exceed twenty square feet (20 sf) in area, except in all residential districts where the area of the sign, including add-ons, shall not be more than six square feet (6 sf) and is placed not less than fifteen feet (15') back of the property line. Where the principal building is less than fifteen feet (15') back of the property line, such sign may not be placed more than five feet (5') in front of the principal building.

(b) One sign pertaining to a home occupation, as defined in Chapter 1116.09 shall be permitted, provided the sign is not over six square feet (6 sf) in area. Such signs shall not be illuminated or flashing in nature.

(c) One bulletin board or sign for churches, libraries, museums, or similar institutions provided it does not exceed fifty square feet (50 sf) and is placed not nearer than fifteen feet (15') from the front property line, nor eight feet (8') from the side lot line, and does not obstruct the view across the corner of an intersecting street as specified in Section 1118.10 and is erected upon the premise of a church, school, or similar institution for the purpose of displaying the name and activities thereof, or the service provided therein.

(d) One identification placard for multiple family dwellings if it does not exceed twenty square feet (20 sf) in area and is placed not nearer than fifteen feet (15') from the front property line, nor eight feet (8') from the side lot line, and does not obstruct the view across the corner of intersecting streets.

(e) One or more political or opinion-expressive signs, the total area of which does not exceed six square feet (6 sf) in area.

(f) One or more garage sale signs that do not exceed six square feet (6 sf) in area (when combined) provided such signs are placed and removed within twenty-four hours of the sale date.

1119.06 PROHIBITED SIGNS

The following signs shall not be allowed pursuant to the provisions of this Sign Ordinance.

(a) Abandoned signs.

(b) Snipe Signs or signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way.

(c) Signs placed on vehicles or trailers, which are parked or located for the primary purpose of displaying that sign.

1119.07 SIGNS IN RESIDENTIAL DISTRICTS.

In residentially zoned districts, the following shall apply:

(a) No permanent stationary signs shall be permitted with the exception of signs appropriate to public or quasi-public uses as permitted in the Zoning District, signs incident to a legal process or necessary for the public welfare, signs erected by a governmental authority, and electronic message centers (EMCs) for churches, schools, and public and/or quasi-public institutions as permitted in the applicable zoning district.

(b) Non EMC signs shall not be larger than six square feet (6 sf) in area and shall have a minimum setback of at least fifteen feet (15') from the right-of-way of any thoroughfare except as approved by the Board of Zoning Appeals, as required by a governmental authority, or as permitted in subsection 1119.05 C.

(c) EMC signs in residential districts shall have static displays, be equipped with automatic dimming capabilities, and be no more than eighteen square feet (18 sf) in size. EMCs in residential districts shall be at least fifteen feet (15') from the right-of-

way of any thoroughfare except as approved by the Board of Zoning Appeals, eight feet (8') from the side lot line, and not obstruct the view across the corner of an intersecting street as specified in Section 1118.10 and erected on the premises of the church, school, public and/or quasi-public entity or similar institution.

1119.08 SIGNS IN COMMERCIAL DISTRICTS.

For all Commercial Districts, the following shall apply:

(a) For each business in a commercially zoned district, a maximum of two (2) signs which may be a combination of any of the following shall be permitted:

1. A wall sign not to exceed twenty percent (20%) of the total area of the building wall area where the sign is mounted.
2. A projecting sign not to exceed twenty square feet (20 sf), projecting no more than five feet (5') from the wall and nine feet (9') above the ground/sidewalk level, or fourteen feet (14') above the level of any street or thoroughfare.
3. A sign painted on a fabric awning permanently affixed to the entry of a business not to exceed twenty square feet (20 sf).
4. A free standing sign not to exceed fifteen feet (15') in height or maximum height of the building, whichever is less. Only one (1) free standing sign will be permitted per building. Free standing signs may not exceed twenty square feet (20 sf) of sign area.
5. Secondary signs attached to the free standing sign are allowed for each business, if more than one (1) business is located in a building. Secondary signs may not exceed ten square feet (10') of sign area.
6. Electronic Message Centers (EMCs) that may include messages that are static, messages that appear or disappear from the display through dissolve, fade, travel or scroll modes, or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once.
   A. All Electronic Message Centers shall be equipped with automatic dimming capabilities.
   B. Electronic Message Centers may be no bigger than twenty-four square feet (24 sf).

(b) Signs may be internally lit or externally illuminated. Flashing signs are prohibited.

1119.09 SIGNS IN INDUSTRIAL DISTRICTS.

For all Industrial Districts, the following shall apply:

(a) Free standing sign: One (1) free standing sign shall be permitted per use and such free standing sign may not exceed twenty feet (20') or the maximum height of the building, whichever is less. The maximum sign area for a free-standing sign is one square foot (1 sf) of sign area per linear foot of lot frontage, up to a maximum of one hundred square feet (100 sf). Free standing signs may not exceed the height of the principal building. All free standing signs may not be located closer to the road right-of-way than ten feet (10').

(b) Wall signs: Wall signs attached to, or painted on a wall surface of any building or structure may not occupy more than 10 percent (10%) of any wall area of which such sign is a part or to which such sign is most mealy parallel. Only three (3) wall signs are permitted per building or structure.

(c) Electronic Message Centers: EMCs may include messages that are static, messages that appear or disappear from the display through dissolve, fade, travel or scroll

modes, or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once.

1. All EMCs shall be equipped with automatic dimming capabilities.
2. EMCs in industrial districts may be no bigger than thirty-two square feet (32 sf).

(d) Multiple businesses in one structure: When a structure/building contains more than one business establishment or when the owners of two (2) or more contiguous lots voluntarily agree to develop common signage, a common signage plan may be submitted and approved by the Zoning Commissioner. Common signage plans may not exceed the following limitation:

1. Maximum sign area: The total maximum sign area of all types (free standing or attached to any building) shall not exceed either two square feet (2 sf) of sign area per linear foot of street frontage or three percent (3%) of the ground floor of the principal building or six hundred square feet (600 sf), whichever is less.
2. Maximum area of wall signs: The total maximum building wall area that may be used for sign area is ten percent (10%) of the wall area which such sign is a part or to which such sign is most nearly parallel. One (1) sign will be allowed per business located in the building.
3. Maximum number of free standing signs: Free standing signs are limited to one (1) for each five hundred feet (500') of frontage.

(e) All signs may be internally or externally illuminated. Flashing signs are prohibited.

1119.10 TEMPORARY SIGNS.

(a) One (1) announcement sign not exceeding forty-eight square feet (48 sf) regarding the construction of a building, including such information as the architect, builder, contractor, etc., may be installed during the construction period.

(b) Temporary, free standing signs such as, but not limited to "A" frame or trailer-based signs, shall be permitted in any commercial or industrial district for up to thirty days (30) from the date of opening a business, provided that they do not constitute a traffic hazard. Such signs shall not encroach into the public right-of-way. Such signs may also be permitted for established organizations when approved by council as being in the best interest of the community, for a period not to exceed thirty (30) days.

(c) One (1) subdivision sign not exceeding forty-eight square feet (48 sf) advertising the sale and/or development of property shall be permitted per project for a reasonable period of time under the circumstances.

(d) Signs or banners announcing temporary charitable or community functions shall not be placed over any street right-of-way without prior authorization from the Village Administrator.

(e) No signs for any purpose may be placed in any public right-of-way.

1119.11 VARIANCES.

(a) A variance may be sought for the construction of a sign, Permanent or Temporary, which does not comply with the provisions of Chapter 1118, the Sign Code of the Village of New London. A variance may be granted if the applicant can demonstrate the following:

1. The application of the Sign Code would substantially limit the applicant's ability to put the property to its highest and best use.

2. Neighboring property owners would not be detrimentally harmed by the grant of the variance.
3. The hardship suffered is unique to the property and was not created by the applicant for the variance.

(b) The Village of New London may impose conditions on the variance, as necessary, to further the purpose of the Sign Code and other applicable Municipal ordinances.

1119.12 PERMITS AND FEES.

(a) A separate sign permit shall be required for the installation or replacement of any sign regulated in this Ordinance.

(b) Each application for a sign permit shall be accompanied by a drawing showing the design proposed, the size, method of illumination, the exact location of the sign in relation to the building and property, and details and specifications for construction. Fees for sign permits shall be in accordance with council resolutions.

(c) When any sign is installed on any property prior to obtaining all necessary permits, the normal fee for that sign shall be doubled. This late fee shall not relieve the petitioner of the sign from complying with all other provisions of this Ordinance.

CHAPTER 1120 LANDSCAPING REGULATIONS

1120.01	LANDSCAPING REQUIREMENTS
1120.02	SPECIAL EXCEPTIONS
1120.03	SCREENING OF SERVICE COURTS, STORAGE AREAS, AND LOADING DOCKS
1120.04	SCREENING OF TRASH CONTAINER RECEPTACLES
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1120.06	PLANT MATERIAL SPECIFICATIONS
1120.07	SCREENING OF EXTERIOR MECHANICAL EQUIPMENT
1120.08	MAINTENANCE AND REPLACEMENT REQUIREMENTS

1120.01 LANDSCAPING REQUIREMENTS.

Consistent with the objectives established in the Chapter, landscaping shall be provided according to the following standards for the following districts with the new construction of any principal building:

(a) R-3 Multi-family Residential
(b) MHP Manufactured Home Park Residential
(c) C-3 General Commercial
(d) M-1 Light Industrial

1120.02 SPECIAL EXCEPTIONS.

The Village of New London shall recognize that in some cases, landscaping requirements may be difficult or impractical to meet due to specific site characteristics. In these cases an alternate landscaping plan may be approved by the Planning and Zoning Commission as part of the site plan review process.

1120.03 SCREENING OF SERVICE COURTS, STORAGE AREAS, AND LOADING DOCKS.

For all uses that include areas used for service, loading, and unloading activities, such areas shall be screened along the entire rear lot line and side lot lines from the rear lot line to the rear building line to the following minimum standards:

(a) The width of the screening area shall be a minimum of five feet (5'). Screening shall consist of walls, hedges, fences, vegetation, or an acceptable combination of these elements provided that screening must be at least seven feet (7') in height.

(b) Vegetation used for screening shall have a minimum opaqueness of seventy-five percent (75%) at all times within two (2) years of planting.

1120.04 SCREENING OF TRASH CONTAINER RECEPTACLES.

Trash containers shall be screened according to the following minimum standards:

(a) Trash containers designed to service more than one residential unit or to service a non-residential structure shall be screened on three (3) sides by walls, fences, or natural vegetation or an acceptable combination of these elements.

(b) The height of such screening shall be at least six feet (6'). The maximum height of walls and fences shall not exceed ten feet (10'). Vegetation shall have a minimum opaqueness of seventy-five percent (75%) at all times within two (2) years of

planting. The use of evergreen vegetation is encouraged. Vegetation shall be a variety that will attain six feet (6') in height within two (2) years of planting.

1120.05 INTERIOR PARKING AREA LANDSCAPING.

Landscaping within parking areas, whether ground cover or upright plant material is necessary, not only to reduce the generation of heat and water runoff, but to break up visually the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking lot is required to landscape parking lot interiors. The use of shade trees in these landscape areas is encouraged. Any open parking area containing more than six thousand square feet (6,000 sf) of area or fifteen (15) or more parking spaces shall provide the following interior landscaping.

(a) An area equal to five percent (5%) of the total area devoted to parking spaces and parking lanes shall be landscaped and permeable.

(b) Whenever possible, large parking areas of thirty thousand square feet (30,000 sf) or larger shall be designed so as to break up their visual expanse and create the appearance of small parking lots. This distinction or separation can be achieved by interspersing yard space and buildings in strategic areas and by taking advantage of natural features such as slope, existing woodland, or vegetation, drainage courses, and retention areas.

(c) Landscaping in parking areas shall be dispersed throughout in peninsulas or islands. The minimum island or peninsula size shall be one hundred eighty square feet (180 sf) with a two foot (2') minimum distance between all trees or shrubs and the edge of pavement where vehicles overhang and should have a minimum width of ten feet (10'). Islands shall typically be located every ten (10) to twelve (12) parking spaces and may be curbed.

(d) The required plant materials for the interior of parking areas shall be one (1) deciduous tree for every three thousand square feet (3,000 sf). Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five feet (5') above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed two feet (2') in height.

1120.06 PLANT MATERIAL SPECIFICATIONS.

The following sections include specifications for plant materials. Alternatives to these materials, than can be shown to meet both the intent and requirements of this Ordinance, may be approved as part of a site plan:

(a) Shrubs: Shrubs shall be at least twenty-four inches (24") average height and spread at the time of planting and, where required for screening, shall form a continuous, year-round, solid visual screen within five (5) years after planting.

(b) Ground Cover and Grass: Ground cover shall be planted a minimum of eight inches (8") on center and shall be planted in such a manner to present a finished appearance and seventy-five percent (75%) coverage after one (1) complete growing season. If approved as part of a Site Plan, ground cover may also consist of rocks, pebbles, wood chips, and other material. Grass shall be planted in species normally grown as permanent lawns.

(c) Within any required landscaping, the following tree species may not be used:

Box Elder	Siberian Elm
Black Walnut	Mulberry
Mountain Ash	Catalpa
Hickory	Willow
Tree of Heaven	Black Locust
Poplar	

In addition to the specific species listed, trees which produce nuts, seeds, or fruit that can create a hazard to pedestrians or vehicles, shall not be planted in such a manner that the natural dripline of an average adult tree of the species planted will be any closer than three feet (3') of a pedestrian walkway or parking lot.

1120.07 SCREENING OF EXTERIOR MECHANICAL EQUIPMENT.

Exterior components of plumbing, processing, heating, cooling, and ventilating systems (including but not limited to piping, tanks, stacks, collectors, heating, cooling, and ventilating-equipment fans, blowers, ductwork, vents louvers, meters, compressors, motors, incinerators, ovens, etc.) shall not be directly visible at ground level. Any landscaping or structural means employed to screen exterior components of plumbing, processing, heating, cooling, and ventilating systems from direct view, shall appear as integrated parts of the buildings and shall be constructed of complementary and durable materials and finished in a texture and color scheme complementary to the overall architectural design. Any exterior components of plumbing, processing, heating, cooling, and ventilating systems and their screening devices which will be visible from upper floors of adjacent buildings shall be kept to a visible minimum, shall be installed in a neat and compact fashion and shall be painted in such a color as to allow their blending with their visual backgrounds.

1120.08 MAINTENANCE AND REPLACEMENT REQUIREMENTS.

The owner shall be responsible for maintaining all landscaping in good condition to present a healthy, neat, and orderly appearance. This should be accomplished by the following standards:

(a) All plant growth in landscaped areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.

(b) All planted areas shall be maintained in a relatively weed-free condition, clear of undesirable undergrowth and free from refuse and debris.

(c) Replacement plants shall conform to the standards that govern original planting/installation. Dead or unhealthy plants, shrubs, grass, and trees shall be replaced within the next planting season.

(d) Representatives of the Village of New London shall have the authority to inspect landscaping and check it against the approved plan on file.

CHAPTER 1121 NON-CONFORMITIES

1121.01	NON-CONFORMING USE
1121.02	NON-CONFORMING STRUCTURES
1121.03	ABANDONED SERVICE STATIONS, GAS STATIONS, OR FILLING STATIONS

1121.01 NON-CONFORMING USE.

(a) The lawful use of any dwelling, building, or structure on any lot or premises existing and lawful at the time of enactment of this Ordinance, supplement, or amendment may continue, even though such use does not conform with the provisions of this Ordinance or any supplement or amendment made after the enactment of this Ordinance. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not be changed thereafter to a less restricted use.

The non-conforming use of any land or premises existing on the effective date of the Zoning Ordinance may be continued provided that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property, except when authorized by the Zoning Board of Appeals in accordance with the provisions of Section 1104. If such non-conforming use of land or any portion is discontinued or changed, any future use of such land shall be in conformity with the provisions of the Zoning Ordinance.

(b) In the event that a non-conforming use of any dwelling, building, or structure and of any lot or premises is voluntary discontinued for a period of twenty-four (24) months or more, any future use of the lot, building, or structure shall be in conformity with the provisions of this Ordinance.

(c) Any building arranged, intended, or designated for a non-conforming use, but at the time of the passage of the Zoning Ordinance is not being so used and continues to be unused for a period of twenty-four (24) months from the time of the passage of the Zoning Ordinance shall not, after such twenty-four (24) months, be used except in conformity with the regulations of the district in which such building is located.

(d) Without prior approval, a non-conforming use may be extended throughout that portion of a structure that was obviously designed and intended for such use.

(e) Any building arranged, intended or designated for a non-conforming use, the construction of which has been started at the time of the passage of this Zoning Ordinance but not completed, may be completed and put into such non-conforming use provided it is done within one (1) year after the Zoning Ordinance takes effect.

(f) When a non-conforming building or structure has been damaged by fire, explosion, act of God or the public enemy to the extent of more than 75 percent (75%) of its fair market value, it shall not be restored or reconstructed except in conformity with regulations of the zoned district in which the building or structure is located.

(g) When a non-conforming use qualifies for reconstruction through damage, a building permit shall be secured for that purpose and reconstruction shall be diligently completed without delay. Failure to reconstruct within a year of damage revokes the right to non-conforming use, and the premises shall conform thereafter to the established district regulations.

(h) When non-conforming trailers or mobile homes are located on a lot in any district other than a mobile home park and are once removed, they shall not be relocated on such lot and shall not be replaced with another trailer or mobile home.

(i) A use in violation of the provisions of the Zoning Ordinance which this Ordinance which this Ordinance amends or of a Zoning Ordinance covering an area of a city, village, or township subsequently annexed to the Village of New London shall not be validated by the adoption of this Ordinance.

1121.02 NON-CONFORMING STRUCTURES.

If any structure was built prior to the adoption of this Ordinance and is considered to have non-conforming setbacks, additions to, or enlargement of an existing structure which presently encroaches upon required side or rear yards may be permitted if the proposed addition or enlargement follow the existing structure setbacks, and the addition or enlargement will not exceed any other lot lines.

1121.03 ABANDONED AUTOMOBILE SERVICE STATIONS, GAS STATIONS, OR FILLING STATIONS.

(a) For the purpose of this Ordinance, an abandoned automobile service station, gas station, or filling station shall be defined as one in which the petitioner or lessee has failed to operate for at least six (6) consecutive months in any eighteen (18) month period.

(b) All automobile service stations, gas stations, or filling stations where use is discontinued after the enactment of this Ordinance shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property, or general welfare of the community and shall be abated.(ORC 3791.11-13 and 3791.99).

CHAPTER 1122 SITE PLAN REVIEW PROCEDURES

1122.01	PURPOSE
1122.02	PROJECTS REQUIRING SITE PLAN REVIEW
1122.03	EXEMPTIONS FROM SITE PLAN REVIEW
1122.04	PROCEDURE
1122.05	NOTIFICATIONS OF ADJACENT PROPERTY OWNERS
1122.06	SUBMISSION REQUIREMENTS
1122.07	ACTIONS BY THE VILLAGE COUNCIL
1122.08	STANDARDS FOR REVIEW
1122.09	ENFORCEMENT AND TIME LIMITS
1122.10	SITE PLAN CONTENT

1122.01 PURPOSE.

The purpose of site plan review procedures and requirements is to provide a means and process to review the proposed development of structures and establishment of land uses in a way that considers the following concerns and, where necessary, requires modification of development proposals to eliminate or reduce potential land use conflicts and nuisances. The principal areas of concern are:

(a) Balancing of landowner's rights to use their land with the corresponding rights of abutting and neighboring landowners to live without land use conflicts.

(b) The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas or roads.

(c) The protection of surface or ground-water from pollution and the adequacy of waste disposal methods.

(d) The protection of historic and natural environmental features on the site under review and in adjacent areas.

1122.02 PROJECTS REQUIRING SITE PLAN REVIEW.

Except as specifically exempted in 1122.03, site plans are required when construction projects involve individual buildings on individual sites, and when the proposed construction, alteration, relocation, or change of use involves any one of the following elements.

(a) The proposed construction involves a Conditional Use in the Zoning district.

(b) The proposed development activity involves construction of five (5) or more new or additional off-street parking spaces.

(c) The construction of any number of housing units in a multi-family structure(s).

(d) The construction or expansion of industrial buildings greater than five-thousand square feet (5,000 sf) of gross floor area.

(e) The construction or expansion of a commercial, office or public building greater than five-thousand square feet (5,000 sf) of gross floor area.

1122.03 EXEMPTIONS FROM SITE PLAN REVIEW.

Site plan review shall not be required for:

(a) The construction or enlargement of any single-family or two-family dwelling or building accessory to such dwelling.

(b) Home occupations.

1122.04 PROCEDURE.

(a) An applicant proposing a development subject to Site Plan Review under this Chapter shall file with the Zoning Commissioner, ten (10) copies each of the site plan documents required according to 1122.10, along with the required application fee.

(b) For developments that involve one (1) or more conditional uses and also requires site plan approval in accordance with this Chapter, the Planning and Zoning Commission retains authority to grant approval for bid requirements. Approval for both conditional uses and for site plan review may be granted concurrently and in accordance with the requirements of this Chapter.

(c) After reviewing the application for completeness and determining that the application is complete, the Zoning Commissioner shall transmit copies of the application to the Planning and Zoning Commission. If all information required is not provided, the Zoning Commissioner shall promptly notify the applicant of the items needed. Within twenty (20) days following the determination that the application is complete, the Planning and Zoning Commission shall meet and consider the proposed site plan and make a recommendation to the Village Council.

1122.05 NOTIFICATION OF ADJACENT PROPERTY OWNERS.

Within ten (10) days following the determination that the application is complete, the notices of the meeting to be held by the Planning and Zoning Commission and the Village Council on the proposed development shall be sent by first class mail to all adjoining property owners within two hundred feet (200') of the proposed development.

1122.06 SUBMISSION REQUIREMENTS.

(a) A site plan shall be prepared at a scale of one inch (1") equals twenty feet (20'), developments greater than five acres may be drawn at a scale of one inch (1") equals fifty feet (50') on standard twenty-four inch (24") by thirty-six inch (36") sheets, with continuation on eight and one-half inch by eleven inch (8.5" x 11") sheets as necessary for narrative. A site plan shall include all relevant data, details, and supporting information as outlined in Section 1122.10. The Village may require an additional fee to defray the expenses associated with the public review of the plans, including the need to retain a registered professional engineer, architect or landscape architect, or other professional consultant to advise the Village on any or all aspects of the site plan.

(b) A copy of the site plan shall be sent to the Planning and Zoning Commission and any other agency or department deemed appropriate for review and comment. Minor changes to submitted plans may be accepted by the Zoning Commissioner up to seven (7) calendar days before a scheduled meeting of the Planning and Zoning Commission. The Zoning Commissioner shall decide whether the proposed changes in a site plan are minor.

1122.07 ACTION BY THE VILLAGE COUNCIL.

(a) Within forty-five (45) days after receiving the recommendation of the Planning and Zoning Commission, the Village Council shall meet to consider the proposed site plan and take one (1) of the following actions:

1. Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this Ordinance.
2. Disapproval of the site plan based upon a determination that the proposed project does not meet the standards for review set forth in this Ordinance.

3. Approval of the site plan subject to any conditions, modifications, and restrictions that will ensure that the project meets the standards for review.

(b) If the site plan is disapproved, the specific basis for such disapproval shall be provided along with clear description of how the site plan could be modified to be approved. Any re-submission of a site plan need only be submitted to the Village Council for review, after adjoining property owners previously notified have been provided a ten (10) day notice by first class mail of such a subsequent meeting.

1122.08 STANDARDS FOR REVIEW.

The Planning and Zoning Commission and Village Council shall review the site plan and supporting documents taking into consideration the reasonable fulfillment of the objectives listed below.

(a) Traffic: Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining roadways, sidewalks and properties.

(b) Parking: Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.

(c) Services: Reasonable demands placed on Village services and infrastructure, as well as other government agencies such as schools.

(d) Pollution Control: Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes reducing soil erosion both during and after construction.

(e) Nuisances: Protection of abutting properties and Village amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.

(f) Existing Vegetation: Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.

(g) Amenities: The applicant's efforts to integrate the proposed development into existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.

(h) Village Character: The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape.

1122.09 ENFORCEMENT AND TIME LIMITS.

A bond or other similar performance guarantee may be required to ensure compliance with the plan and stated conditions of approval. Site plan approval issued under Chapter 1122.07 (a) shall lapse within two (2) years unless a Zoning Permit is obtained and construction is completed. In the event that a site plan becomes the subject of litigation, this two (2) year time limit shall not begin until legal issues are resolved.

1122.10 SITE PLAN CONTENT.

A site plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan, with notations explaining the reasons for any omissions. All site plans shall be prepared by a registered professional engineer, architect or landscape architect. Items required for submission include:

(a) Name of project, boundaries, legal description, and location maps showing the site's location in the Village, date, north arrow, and scale of the plan.

(b) Name and address of the owner of record, developer, and seal of the engineer, architect, or landscape architect who prepared the site plan.

(c) Names and addresses of all owners of record of abutting parcels and those parcels within two hundred feet (200') of any property line of the subject property.

(d) All existing lot lines, easements and rights-of-way. Include area in acres or square feet, abutting land uses, and the location and use of structures within one hundred feet (100') of the site.

(e) The location and use of all existing and proposed buildings and structures within the development.

(f) All dimensions of height and floor area, showing all exterior entrances, and all anticipated future additions and alterations.

(g) An illustration of traffic movement, ingress and egress, and the location of all present and proposed public and private drives, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls, and fences. Location, type and screening details for all waste disposal containers shall also be shown.

(h) The location, height, intensity and bulb type (e.g. fluorescent, sodium, incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.

(i) The location, height, size, materials, and design of all proposed signage.

(j) The location of all present and proposed utility systems including sewage or septic systems; water supply system, telephone, cable, and electrical systems, and storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, end-walls, hydrants, manholes, and drainage swales.

(k) The Village may also request soil logs, percolation tests, and storm runoff calculations for large developments.

(l) Plans to prevent the pollution of surface of groundwater, erosion of soil (both during and after construction), excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable.

(m) Existing and proposed topography at a one foot (1') contour interval. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the one hundred (100) year floodplain, the area will be shown and base flood elevations given. Indicate areas within the proposed site and within fifty feet (50') of the proposed site where ground removal of filling is required and give its approximate volume in cubic yards. Note: If site plan review is for expansion of an existing use, topography information may not be required.

(n) All existing natural land features, trees, forest cover, and water sources, and all proposed changes to these features, including size and type of plant material. Water sources will include ponds, lakes, streams, wetlands, floodplains, and drainage retention areas.

(o) Zoning for adjacent parcels, including those across the street of the development.

(p) Traffic flow patterns within the site, entrances, exits, loading and unloading areas, curb cuts on the site and within one hundred feet (100') of the site (including those on opposite sides of the street).

(q) For new construction, or alterations to any existing building, a table containing the following information must be included.

1. Area of building to be used for a particular use such as retail operation, office, storage, etc.
2. Maximum number of employees
3. Maximum seating capacity, where applicable
4. Number of parking spaces existing and required for the intended use.

(r) Elevation plans at a scale of one-quarter inch equaling one foot (1/4"=1') or one-eighth inch equaling one foot (1/8" = 1') for all exterior facades of the proposed

structure(s) and/or existing facades and addition(s) showing design features and showing the type and color of materials to be used.

CHAPTER 1123 DESIGN REVIEW REGULATIONS

1123.01	PURPOSE
1123.02	DEFINITIONS
1123.03	ESTABLISHMENT OF DESIGN REVIEW BOARD
1123.04	POWERS AND DUTIES OF THE DESIGN REVIEW BOARD
1123.05	TRIGGERING MECHANISM FOR DESIGN REVIEW
1123.06	ISSUANCE OF CERTIFICATES AND PERMITS
1123.07	CERTIFICATE OF APPROPRIATENESS
1123.08	MINIMUM MAINTENANCE REQUIREMENTS
1123.09	EXCLUSIONS
1123.10	PENALTY

1123.01 PURPOSE.

The purposes of this chapter are:

(a) To attest that the New London Downtown Historic District exemplifies the early development of the Village portraying distinctive historical, architectural, archaeological, and cultural attributes of the late 18th and early 19th centuries.

(b) To affirm Council's declaration that as a matter of public policy, that the preservation, protection and use of areas, places, buildings, structures, sites, and works of art in the Downtown Historic District of the Village of New London is a public necessity and is required in the interest of the health, safety, and general welfare of the people.

1. **The Downtown Historic District is generally bound by Prospect Street, Energy Place, West Main Street, North Main Street, Park Avenue, Kirk Street and South Main Street, as shown on the attached map and made part of this Ordinance.**
2. The Downtown Business District is zoned as Downtown Business District (DBD) on the Village Zoning Map.

(c) To establish procedures whereby the Downtown Historic District is afforded protection from actions that would be detrimental to preserving established historical, architectural, and cultural resources in the community.

(d) To follow the attached standards and guidelines for rehabilitating historic buildings as developed by the U.S. Secretary of Interior – National Park Service – Technical Preservation Services Branch, as amended for any proposed alterations in the Downtown Business District.

1123.02 DEFINITIONS.

The following definitions shall apply only to the provisions of the Design Review Regulations of the Village:

(a) "Alter" or "alteration" means any material change in an external architectural feature of any property which lies within a Preservation District, including demolition, removal, painting, construction, modification to existing signage or placement of new signage, roofs, windows, siding, awnings/canopies, additions,

doors/entrances, but not including the landscaping of real property.

(b) "Applicant" means any owner, owners, person(s), association, partnership or corporation who applies for a certificate of appropriateness in order to undertake any change on property subject to this chapter.

(c) "Exterior architectural feature" means the architectural style, general design and arrangement of the exterior of a structure including, but not limited to, the type, color (for new construction and rehabilitation), and texture of the building material, doors, windows, roof, porches and other appurtenant fixtures.

(d) "Downtown Business District" means the area bounded by the corporate limits of the Village, designated by Council to be subject to the provisions of this chapter.

(e) "Member" means any member of the Design Review Board as established under the provisions of this chapter.

(f) "Council" means specific residents of the Village elected to represent the entire Village population for a specified term.

(g) "Review Board" means the Design Review Board established under the provisions of this chapter.

1123.03 ESTABLISHMENT OF DESIGN REVIEW BOARD.

(a) There is hereby established a Design Review Board which shall have the powers and duties as are hereinafter set forth in this chapter. The Board shall consist of five members, who shall be appointed by the Mayor, subject to confirmation from Council. Design Review Board members shall be appointed with due regard for the need to include preservation district property owners and professional expertise in the fields of architecture, engineering, history, archaeology, urban planning, landscape architecture, art design or other related disciplines. The Design Review Board shall consist of:

1. An architect;
2. A Council member;
3. A member of the CIC, and
4. Two Downtown Business District property owners.

(b) If the Village does not have members from these disciplines, the Village can enter into contracts for technical assistance.

(c) Members shall be appointed to serve three years, except the Council member shall be appointed to a two-year term. For the initial year, two members shall have one-year terms, one member shall have a two-year term, and one member shall have a three-year term. Members shall serve until their successors have been named and qualified. A majority of the members of the Board shall constitute a quorum, and any action or decision of the Board shall have the support of such a majority of its members.

1123.04 POWERS AND DUTIES OF THE DESIGN REVIEW BOARD.

(a) The Design Review Board shall annually select one of its members to serve as chairperson and one as vice chairperson. The Administrator shall provide such staff assistance as is necessary and available. All municipal departments and agencies shall cooperate in expediting the work of the Design Review Board.

(b) The Design Review Board shall adopt rules and regulations, consistent with this chapter, governing its procedures and transactions. The Design Review Board shall meet as required to carry out the review of applications for certificates of appropriateness, and such other related work as may be accepted through request of Council or undertaken on its own motion. Meetings shall be held at least once each month when there are applications to be considered and not less than once a

year. Special meetings may be held at the call of the chairperson of the Design Review Board.

(c) Within the boundaries of any preservation district, the Design Review Board shall review any proposed new construction and alterations to property as herein defined. The Board's approval of such new construction and alteration shall be secured before any owner of property may commence work thereon. In reviewing proposed alterations to property, the Design Review Board shall at a minimum use as evaluative criteria, the following ten (10) federal standards established by the United State's Secretary of the Interior (Section 36 of the Code of Federal Regulations- Part 67, as amended):

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes that may have acquired significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features, should be substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural materials, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
10. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(d) The Design Review Board shall also utilize the U.S. Secretary of Interior's Guidelines for Rehabilitating Historic Buildings in their review and deliberation.

(e) The Design Review Board may amend and/or impose more refined design review

criteria with Council approval based on the preservation district's predominant architecture, historical significance, and its cultural/archaeological attributes.

1123.05 TRIGGERING MECHANISM FOR DESIGN REVIEW.

Once a property owner applies for a building or zoning permit for an alteration within the preservation district, the permit application will be deemed as an application to the Design Review Board. All property owners within the preservation district must receive Design Review Board approval prior to building permit issuance.

1123.06 ISSUANCE OF CERTIFICATES AND PERMITS.

No alteration of any structure of significant exterior architectural feature thereof in any designated preservation district shall be undertaken prior to obtaining a certificate of appropriateness from the Building Department. A certificate of occupancy shall be issued by the Building Department for the construction, reconstruction, alteration, or demolition of any area, place, site, building, structure, object, or work of art within a designated preservation district unless the application for such permit is approved by the Design review Bard though the issuance of a certificate of appropriateness in the manner prescribed herein.

1123.07 CERTIFICATE OF APPROPRIATENESS.

(a) When the owner of a property within a preservation district proposes new construction or alteration of any portion of a structure within the district, he/she shall first apply for (through the Building Department) and secure a certificate of appropriateness from the Design Review Board. The application for a certificate shall be made with the Building Officer, together with such plans, specifications, and other material as the Design Review Board may from time to time prescribe.

(b) Within forty-five days of filing, the Design review Board shall consider the applications, plans and specifications.

(c) If the proposed alteration is determined to have no adverse effect by the design Review Board on the preservation district, and does not violate the spirit and purpose of these regulations, then the Board Secretary shall issue the certificate of appropriateness.

(d) If the Design Review Board determines that the proposed alteration will have an adverse effect on the preservation district, and does violate the spirit and purposes of these regulations, then the Board shall deny issuance of the certificate of appropriateness.

(e) In the event that the Design Review Board determines within the forty-five day review period that a certificate of appropriateness shall not be issued, it shall forthwith state in its records reasons for such determination and may include recommendations respecting the proposed construction, reconstruction, alteration or demolition of any area, place, building, structure, site, object, or work of art. The Secretary of the Board shall forthwith notify the applicant and the Building Department of such determination and transmit to him/her a certified copy of the reasons for denial and recommendations, if any, of the Board.

(f) Upon denying a certificate of appropriateness, the Board shall impose a waiting period of at least thirty days, but not to exceed six months from the date of disapproval, during which time the Board shall negotiate with the owner of the property in order to develop a compromise proposal acceptable to both. The first meeting between Board and applicant shall be held within thirty days from the date of disapproval, if a compromise proposal is acceptable by both parties, the Board may henceforth issue a certificate of appropriateness.

(g) In the case of denial of a certificate of appropriateness for demolition:

1. The Board and applicant shall undertake meaningful and continuing discussion during the waiting period in order to find a means of preserving the property. The Board and applicant shall investigate the feasibility of all means of preserving the listed property. If the Board and applicant do not agree on a means of preserving the structure at the initial meeting, then they must continue to undertake meaningful and continuing discussions for the purpose of finding a method of saving the structure, and such good faith meetings shall be held at least every forty-five days after the initial meeting.
2. If the applicant fails to meet with the Board in good faith, at the time specified, then the Board denial of the application will stand.
3. If, after holding such good faith meeting in the waiting period specified by the Board, the Board determines that failure to issue a certificate of appropriateness will create a substantial hardship to the applicant and that such certificate may be issued without substantial detriment to the public welfare and without substantial deviation from the proposes of this chapter, then and in such event, the Secretary of the Board shall issue a certificate of appropriateness for such proposed construction, reconstruction or alteration.
4. If, after holding such good faith meetings in the waiting period specified by the Board, no alternative solution to incompatible construction, reconstruction or alteration is reached, then the applicant may appeal the decision to Council. Council may affirm or reverse the Board decision, if Council affirms the decision, the denial of certificate of appropriateness will stand.

1123.08 MINIMUM MAINTENANCE REQUIREMENT.

The owner of an historic structure or any structure within the preservation district shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration, whether the building is vacant or inhabited.

1123.09 EXCLUSIONS.

Normal and ordinary maintenance functions performed on buildings within the preservation district and the removal/demolition of declared public nuisances (e.g. fire damaged buildings) that pose a threat to the health and safety of the general public shall be excluded from this chapter.

1123.10 PENALTY.

Whoever constructs, reconstructs, alters, changes, or demolishes any exterior feature of any structure, work of art, object, or area in violation of this chapter, or whoever maintains, changes, or installs a sign in violation of this chapter, shall be deemed in violation of the Codified Ordinances and such violation shall be punishable under Section 1106.10 of the Codified Ordinances. Each day of violation shall constitute a separate and distinct violation for as long as one year with respect to alterations and for as long as two years with respect to demolition. These periods correspond to those during which the Board may delay a proposed alteration or demolition.

SPECIAL PURPOSE
FLOOD DAMAGE REDUCTION
ORDINANCE –
VILLAGE OF NEW LONDON, OHIO

SECTION 1.0: GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the Village Council of New London, State of Ohio, does ordain as follows:

1.2 FINDINGS OF FACT

The Village of New London has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

1.3 STATEMENT OF PURPOSE

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

(a) Protect human life and health;
(b) Minimize expenditure of public money for costly flood control projects;
(c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
(d) Minimize prolonged business interruptions;
(e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
(f) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
(g) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
(h) Minimize the impact of development on adjacent properties within and near flood prone areas;
(i) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
(j) Minimize the impact of development on the natural, beneficial values of the floodplain;
(k) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
(l) Meet community participation requirements of the National Flood Insurance Program.

1.4 METHODS OF REDUCING FLOOD LOSS

In order to accomplish its purposes, these regulations include methods and provisions for:

(a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
(b) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
(c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(d) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,

(e) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

1.5 LANDS TO WHICH THESE REGULATIONS APPLY

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the Village of New London as identified in Section 1.6, including any additional areas of special flood hazard annexed by the Village of New London.

1.6 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

For the purposes of these regulations, the following studies and / or maps are adopted:

(a) The Huron Vermilion Watershed Study, Ohio USGS Cataloging Unit: 04100012,

(b) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard, include:

1. National Flood Insurance Program, Flood Insurance Rate Map for Huron County, Ohio and Incorporated Areas (Map No. 39077C0360D- Effective January 19, 2011)- also containing Panel 360 OF 500 for the Village of New London, Number 390284 Panel # 0360.
2. The Huron County, Ohio Multi-Jurisdictional Hazard Mitigation Plan for 2011-2016 as amended and/or updated, prepared by the Huron County Emergency Management Agency and Office of Homeland Security.

(c) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the Village of New London as required by Section 4.3 Subdivisions and Large Scale Developments.

(d) Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Village of New London Offices located at 115 East Main Street, New London, Ohio 44851.

1.7 ABROGATION AND GREATER RESTRICTIONS

These regulations are not intended to repeal any existing ordinances (resolutions) including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance (resolution), the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

1.8 INTERPRETATION

In the interpretation and application of these regulations, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and,

(c) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

1.9 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the Village of New London, any officer or employee thereof, or the Federal Emergency Management

Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

1.10 SEVERABILITY

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 2.0: DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure
A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal
A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

Base Flood
The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

Base (100-Year) Flood Elevation (BFE)
The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

Basement
Any area of the building having its floor subgrade (below ground level) on all sides.

Development
Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Enclosure Below the Lowest Floor
See "Lowest Floor."

Executive Order 11988 (Floodplain Management)
Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Federal Emergency Management Agency (FEMA)
The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill
A deposit of earth material placed by artificial means.

Flood *or* Flooding
A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters, and/or
(b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM)
Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM)
An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones
Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A:
Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
Zones A1-30 and Zone AE:
Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
Zone AO:
Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
Zone AH:
Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
Zone A99:
Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
Zone B and Zone X (shaded):
Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
Zone C and Zone X (unshaded):
Areas determined to be outside the 500-year floodplain.

Flood Insurance Study (FIS)
The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Flood Protection Elevation
The Flood Protection Elevation, or FPE, is the base flood elevation plus one foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Floodway
A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the

base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Freeboard
A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Historic structure
Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

(c) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

(d) Individually listed on the inventory of historic places maintained by the Village of New London's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

Hydrologic and hydraulic engineering analysis
An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

Letter of Map Change (LOMC)
A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

Letter of Map Amendment (LOMA)
A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR)
A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR)
A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not

amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest floor
The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured home
A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

Manufactured home park
As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

National Flood Insurance Program (NFIP)
The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

New construction
Structures for which the "start of construction" commenced on or after the initial effective date of the Village of New London Flood Insurance Rate Map, January 19, 2011, and includes any subsequent improvements to such structures.

Person
Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Recreational vehicle
A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self- propelled or permanently towable by a light duty truck, and (4)

designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Architect
A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.

Registered Professional Engineer
A person registered as a professional engineer under Chapter 4733 of the Revised Code.

Registered Professional Surveyor
A person registered as a professional surveyor under Chapter 4733 of the Revised Code.

Special Flood Hazard Area
Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of construction
The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure
A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage
Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement
Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

(a) Any improvement to a structure that is considered "new construction,"

(b) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(c) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

Variance

A grant of relief from the standards of these regulations consistent with the variance conditions herein.

Violation

The failure of a structure or other development to be fully compliant with these regulations.

SECTION 3.0: ADMINISTRATION

3.1 Designation of the Floodplain Administrator

The Zoning Commissioner of New London is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

3.2 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

(a) Evaluate applications for permits to develop in special flood hazard areas.

(b) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

(c) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.

(d) Inspect buildings and lands to determine whether any violations of these regulations have been committed.

(e) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.

(f) Enforce the provisions of these regulations.

(g) Provide information, testimony, or other evidence as needed during variance hearings.

(h) Coordinate map maintenance activities and FEMA follow-up.

(i) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

3.3 Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

3.4 Application Required

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 in Section 4.5.
2. Certification that fully enclosed areas below the lowest floor of a structure <u>not</u> meeting the design requirements of Section 4.4(E) 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 as required in Section 4.9(C).
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 as required by Section 4.9(B).
5. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 4.9(A).
6. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 4.3.

(f) A Floodplain Development Permit Application Fee set by the Schedule of Fees Adopted by the Village of New London.

3.5 Review and Approval of a Floodplain Development Permit Application

(a) Review

1. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 3.4 has been received by the Floodplain Administrator.
2. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(b) Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

3.6 Inspections

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

3.7 Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

(a) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

(b) For all development activities subject to the standards of Section 3.10(A), a Letter of Map Revision.

3.8 Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board (Variance Board for Counties) in accordance with Section 5 of these regulations.

3.9 Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for:

(a) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than $5,000.

(b) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.

(c) Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.

(d) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.

(e) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

1. Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

3.10 Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the Village of New London flood maps, studies and other data identified in Section 1.6 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A. **Requirement to Submit New Technical Data**

(a) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 4.3.

(b) It is the responsibility of the applicant to have technical data, required in accordance with Section 3.10(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

(c) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

1. Proposed floodway encroachments that increase the base flood elevation; and
2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

(d) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 3.10(A)(1).

B. **Right to Submit New Technical Data**

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the Village of New London, and may be submitted at any time.

C. **Annexation / Detachment**

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Village of New London have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village of New London's Flood Insurance Rate Map accurately represent the Village of New London boundaries, include within such notification a copy of a map of the Village of New London suitable for reproduction, clearly showing the new corporate limits or the new area for which the village of New London has assumed or relinquished floodplain management regulatory authority.

3.11 **Data Use and Flood Map Interpretation**

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

(a) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

(b) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

(c) When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:

1. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.

(d) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.0, Appeals and Variances.

(e) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, *etc.*) shall prevail.

3.12 Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, *etc.* After such a damage event, the Floodplain Administrator shall:

(a) Determine whether damaged structures are located in special flood hazard areas;

(b) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

(c) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

SECTION 4.0: USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1.6 or 3.11(A):

4.1 Use Regulations

A. Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the Village of New London are allowed provided they meet the provisions of these regulations.

B. Prohibited Uses

1. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
2. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.

4.2 Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

4.3 Subdivisions and Large Developments

A. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

E. The applicant shall meet the requirement to submit technical data to FEMA in Section 3.10(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 4.3(D).

4.4 Residential Structures

A. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (4.4(A)) and construction materials resistant to flood damage (4.4(B)) are satisfied.

B. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

C. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

E. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:

1. Be used only for the parking of vehicles, building access, or storage; and
2. be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
3. have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

F. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

G. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 4.4.

4.5 Nonresidential Structures

A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 4.4 (A) – (C) and (E) –(G).

B. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
   1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
   2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
   3. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate,* that the design and methods of construction are in accordance with Section 4.5(B)(1) and (2).

4.6 Accessory Structures

Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

A. They shall not be used for human habitation;
B. They shall be constructed of flood resistant materials;
C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
D. They shall be firmly anchored to prevent flotation;
E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
F. They shall meet the opening requirements of Section 4.4(E)(3).

4.7 Recreational Vehicles

Recreational vehicles must meet at least one of the following standards:

A. They shall not be located on sites in special flood hazard areas for more than 180 days, or
B. They must be fully licensed and ready for highway use, or
C. They must meet all standards of Section 4.4.

4.8 **Above Ground Gas or Liquid Storage Tanks**
All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

4.9 **Assurance of Flood Carrying Capacity**
Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

A. **Development in Floodways**
1. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
2. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
   a. Meet the requirements to submit technical data in Section 3.10(A);
   b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
   c. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
   d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
   e. Concurrence of the Mayor of the Village of New London and the Chief Executive Officer of any other communities impacted by the proposed actions.

B. **Development in Riverine Areas with Base Flood Elevations but No Floodways**
1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
   a. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
   b. Section 4.9(A)(2), items (a) and (c)-(e).

C. **Alterations of a Watercourse**
For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the

applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.

2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with Village of New London specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
4. The applicant shall meet the requirements to submit technical data in Section 3.10(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

SECTION 5.0: APPEALS AND VARIANCES

5.1 Appeals Board Established

A. The Village of New London shall utilize the Board of Zoning Appeals as established in Chapter 1104 of the Village's Zoning Ordinance for all flood plain matters.

B. Meetings of the Appeals Board shall be held as needed and shall be held at the call of the Chairperson, or in his absence, the Acting Chairperson. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in Village Offices, located at 115 East Main Street, New London, Ohio 44851.

5.2 Powers and Duties

A. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.

B. Authorize variances in accordance with Section 5.4 of these regulations.

5.3 Appeals

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within twenty (20) calendar days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

5.4 Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owning to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

A. Application for a Variance

1. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
2. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
3. All applications for a variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the Village of New London.

B. Notice for Public Hearing

The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

C. Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variances shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

D. Other Conditions for Variances

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 5.4(C)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

5.5 Procedure at Hearings

1. All testimony shall be given under oath.
2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
4. The administrator may present evidence or testimony in opposition to the appeal or variance.
5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

5.6 Appeal to the Court

Those aggrieved by the decision of the Appeals Board, in regard to floodplain issues and matters, may appeal such decision to the Huron Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

SECTION 6.0: ENFORCEMENT

6.1 Compliance Required

A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of

these regulations, unless specifically exempted from filing for a development permit as stated in Section 3.9.

B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 6.3.

C. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 6.3.

6.2 Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

A. Be put in writing on an appropriate form;

B. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;

C. Specify a reasonable time for performance;

D. Advise the owner, operator, or occupant of the right to appeal;

E. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

6.3 Violations and Penalties

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a minor misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of New London. Each day such violation continues, shall be considered a separate offense. Nothing herein contained shall prevent the Village of New London from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of New London shall prosecute any violation of these regulations in accordance with the penalties stated herein.

SECTION 7.0: ADOPTION

This Ordinance shall take effect from and after the earliest period allowed by law and replaces Section (f) of Chapter 1105.01 of Part Eleven –Planning and Zoning Code Ordinance Number 90-01, which is hereby repealed.

PASSED:

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

_____
Clerk

_____
President of Council

_____
Certification

Proposed Historic Area

Downtown Historic District
Village of New London, Ohio

POGGEMEYER DESIGN GROUP