

June 15, 2023

**ECONOMIC DEVELOPMENT COMMITTEE**

June 20, 2023

Council Chambers

Following Service Committee

*Committee and Council Meetings can be viewed by accessing YouTube*

**AGENDA**

1. Consider **Ordinance No. 23-22** AN ORDINANCE AMENDING PORTIONS OF THE CURRENT ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO ADOPTED MAY 5, 2009 BY ORDINANCE 08-33A AND IMPLEMENTING ADDITIONAL ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO
2. Other items at the discretion of the chair.

ORDINANCE NO: 23-22

BY \_\_\_\_\_

**AN ORDINANCE AMENDING PORTIONS OF THE CURRENT ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO ADOPTED MAY 5, 2009 BY ORDINANCE 08-33A AND IMPLEMENTING ADDITIONAL ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO.**

**WHEREAS**, the City of Newark by and through action of Newark City Council adopted a new Zoning Code on May 5, 2009 with the passage of Ordinance 08-33A; and,

**WHEREAS**, scrivener errors were contained in the existing Zoning Code; and

**WHEREAS**, changed circumstances in the City of Newark have created a need to revise the existing Zoning Code to address issues specific to future development and business regulations for the benefit of all and good zoning practice; and,

**WHEREAS**, this matter was considered by the Economic Development Committee of Council at a regularly scheduled meeting thereof and was passed on to the Planning Commission for public hearing and recommendation and then to full Council pursuant to Charter Article 4.12.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO THAT THE ZONING CODE OF THE CITY OF NEWARK, OHIO IS HEREBY AMENDED TO READ AS SET FORTH HEREIN**

**SECTION 1:** *Article 4: Definitions* of the Zoning Code of the City of Newark, Ohio is hereby amended to read as follows:

ARTICLE 4  
DEFINITIONS

**DIVISION OF CODE ADMINISTRATION:** The office of the City of Newark **or their designee** charged with the enforcement of the various codes regulating construction within the City of Newark.

**DWELLING:** Any building or portion thereof designed or used for residential purposes, but not including a tent, cabin, travel trailer, motor home, rooming house, hotel or motel. **Manufactured homes must comply with Ohio Revised Code 3781.184.**

**DWELLING, SINGLE-FAMILY or ONE FAMILY:** A building or portion thereof designed or used for residence purposes by one family or housekeeping unit.

**FRONTAGE – WHERE MEASURED:** The frontage of the lot shall be measured along the front property line, but may be modified in the case of ~~curvy-linear~~ **curvilinear** streets in accordance with Article 80 of this Code.

**OBCI (OFFICE, BUSINESS, COMMERCIAL, INDUSTRIAL) DISTRICTS:** When used in this Code, OBCI Districts shall include the following districts: LO, GO, LB, MB, HB, GB, LC, GC, DC, LI, GI and similar areas of a PUD.

**PROW (PUBLIC RIGHT OF WAY):** See PUBLIC WAY

**ZONING INSPECTOR:** The ~~Code Administrator~~ **Zoning Inspector** of the City of Newark, or his authorized representatives.

**SECTION 2:** *Article 7: Non-Conforming Uses, Buildings/Structures, Lots* of the Zoning Code of the City of Newark, Ohio is hereby amended to read as follows:

7.3.2 LOT AREA & SETBACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area (sq. ft)	Lot Frontage (ft)	Front Yard <sup>1</sup> (ft)	Side Yard (ft)	Rear Yard (ft)	Accessory Structures
Detached Single-Family Dwelling	None	40	<del>25</del> 20	6 1 & 1 1/2 stories	30	See Article 86
				8 2 or more stories		

- (1) For a corner lot, the depth of the front yard on both streets shall be not less than that which is required in the district but in no case less than ~~25~~ 20 feet. For an interior lot, the required depth may be reduced to the depth of the adjacent building on either side but in no case less than 10 feet.

**SECTION 3:** *Article 26: MFR Multi-Family Residence District* of the Zoning Code of the City of Newark, Ohio is hereby amended to read as follows:

ARTICLE 26  
MFR MULTI-FAMILY RESIDENCE DISTRICT

26.2 PERMITTED USES

1. **Single-Family dwellings.**
2. Two-Family dwellings and twin single dwellings as permitted and regulated in the TFR District.
3. Multi-Family dwellings for any number of families or housekeeping units.
4. Day Care in the home of the provider for not more than six.
5. Boarding house, bed and breakfasts, rooming house.
6. Public Parks.
7. Nursing homes and assisted living facilities.

26.8 LOT AREA & SETBACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82. Structures permitted in the TFR district may follow the guidelines of the TFR district.

Use	Lot Area (Sq. Ft.)	Lot Frontage (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
<u>Single Family</u>					
<u>1 &amp; 1 ½ stories</u>	6,000	50	20	6	30
<u>2 stories</u>	6,000	50	20	8	30
<u>Multi-Family &amp; Other Permitted Uses</u>					
1 & 1 ½ stories	12,000	75	25	15	45
2 & 2 ½ stories	12,000	75	25	17	45
3 or more stories	12,000	75	25	20	45

- 1 The lot area required per unit is determined by the table below, with a minimum lot area of 12,000 square feet for a multi-family, 11,000 square feet for a three-family, and 10,000 square feet for a two-family:

<u>Efficiency/ One Bdrm</u>	Two Bdrm	Three or more Bdrm
3111	3630	4356

**SECTION 4:** *Article 48: HB High Intensity Business District* of the Zoning Code of the City of Newark, Ohio is hereby amended to read as follows:

ARTICLE 48  
HB HIGH INTENSITY BUSINESS DISTRICT

48.2 PERMITTED USES

1. Uses permitted in Section 46.2. (MB, LB, GO, CSI)
2. Entertainment, Recreation or Places of Assembly, including, but not limited to:
  1. Bowling Alley
  2. Pool Hall
  3. Movie theatre
  4. Skating rink
  5. Golf driving range or miniature golf
  6. Indoor or Outdoor recreation facilities
  7. Bingo Hall
  8. Fraternal Organization
  9. Swimming Pools
3. Hotels and motels
4. Tattoo shops
5. Greenhouses or Commercial nurseries
6. **Restaurant or other eating or drinking establishment**
7. Residential uses per Section 48.14
8. Flagpoles, television and radio antennas up to twenty-five feet in height
9. Recycle Collection Points

**SECTION 5:** *Article 60: DC DOWNTOWN DISTRICT* of the Zoning Code of the City of Newark, Ohio is hereby amended to read as follows:

ARTICLE 60  
DC DOWNTOWN DISTRICT

60.3 PROHIBITED USES

Notwithstanding the provisions of Section 60.2 Permitted Uses, the following listed uses shall be prohibited in the DC Downtown District.

1. Automobile major repairs
2. Pawn Shops
3. Tattoo Shops

4. Truck and Heavy Vehicle Services
5. Medical marijuana dispensaries as defined at OAC 3796:1-1-01 (13)
6. Medical marijuana cultivators as defined at OAC 3796:1-1-01 (9)
7. Medical marijuana processors as defined at OAC 3796:1-1-01 (39)
8. **Vape and Tobacco Shops**

**SECTION 6:** *Article 86: Accessory Structures* of the Zoning Code of the City of Newark, Ohio, is hereby amended to read as follows:

ARTICLE 86  
ACCESSORY STRUCTURES

**86.7 SHIPPING CONTAINERS AND OTHER RELATED STRUCTURES**

The use of property for the placement, use and storage of shipping containers shall be authorized only as follows:

- A. ***Permitted uses:*** Shipping containers are permitted in industrial, business, office and commercial zoning districts only, subject to the following conditions and restrictions:
  1. The shipping containers are used in the active transport of goods, wares or merchandise in support of a lawful principal use of the property.
  2. The shipping containers are placed or stored in areas depicted on an approved final site plan. Shipping containers placed or stored on a property for no longer than four months in a calendar year shall be exempt from site plan approval.
  3. The shipping containers must comply with development criteria relating to setbacks for principal buildings in the industrial zoning district and landscape buffer yards required under 64.8 and 66.8. Shipping containers placed or stored on a property for no longer than four months in a calendar year shall be exempt from the requirements for principal building setbacks and landscaping but shall be required to obtain a permit issued by the Zoning Inspector and comply with setbacks for accessory structures in the industrial zoning district. Notwithstanding anything to the contrary, setbacks for shipping containers shall be measured from all abutting streets, whether public or private.
  4. Shipping containers may be stacked in industrial zoning districts only, provided that the Board of Zoning Appeals first issues a conditional use permit for any new area of land used for stacking of shipping containers,

whether in connection with a new operation or expansion of an existing footprint of lawfully stacked shipping containers. Only block storage is permitted, so that the number of containers stacked vertically must be equaled or exceeded by the number of containers placed side-by-side. Additionally, the stacked containers shall comply with the Ohio Fire Prevention Code.

**B. *Conditional uses:*** Shipping containers shall be deemed conditional uses in the industrial zoning districts for (1) stacking of shipping containers on new areas of land, whether in connection with a newly approved operation or expansion of an existing footprint of lawfully stacked containers; or (2) location in an area designated for industrial use in an approved Planned Unit Development (“PUD”).

**C. *Prohibited uses:*** The use of property for the placement or storage of shipping containers is prohibited throughout the City as follows:

1. Any use, placement or storage of shipping containers that is not related to, or in support of, the active transport of goods, wares and merchandise.
2. Shipping containers may not be placed, stored, or used on property located in a PUD except in an industrial zoning designation or district, as the case may be, with a conditional use permit.
3. In no event shall shipping containers be placed, stored or use for any purpose on property zoned or used principally for residential purposes or property located in a conservation zoning district.
4. No shipping container shall be used as a residence or to support a residential use or home occupation.
5. No shipping container shall be placed on or otherwise block or restrict access to fire hydrants, fire lanes or required parking spaces.
6. No shipping container shall be used to store solid waste, as defined in Section 3734 of the Ohio Revised Code, unless approved as part of a lawful solid waste management facility.
7. No shipping containers shall be stacked other than in industrial zoning districts with a conditional use permit.

## **86.8 TEMPORARY STRUCTURES/STORAGE UNITS/PODS AND BINS**

Any placement of a temporary storage unit, bin, structure or pod requires a temporary storage permit. The Zoning Inspector will issue such permit.

1. **Must be placed a minimum of five (5) feet from the property line, or on the driveway of the lot.**
2. **No temporary structure, storage unit, pod or bin located in a residential or mixed use district shall have dimensions greater than twenty (20) feet in length, eight (8) feet in height, or eight (8) feet in width.**
3. **Other than the required City Permit, no sign shall be attached to the temporary structure, storage unit, pod or bin except as authorized by the sign regulations set forth within Section 135 of the Zoning Code.**
4. **All temporary structures, storage units, pods or bins shall be maintained in a condition free from rust, peeling paint, and other visible forms of deterioration.**
5. **Temporary structures, storage units, pods or bins shall not encroach upon the right-of-way, neighboring property, sidewalk or be placed in the street.**
6. **Any permit issued will be valid for 30 days from the date of issuance. Only two permits may be issued per calendar year, provided that 90 days has expired between the issuance of the first permit and the second permit.**

**SECTION 7:** *Article 115: Public & Private Swimming Pools* of the Zoning Code of the City of Newark, Ohio, is hereby amended to read as follows:

ARTICLE 115  
PUBLIC & PRIVATE SWIMMING POOLS

115.1 PURPOSE

The purpose of this Article is to provide requirements for the installation and siting of swimming pools.

1. Swimming Pools

A swimming pool as regulated by this Article shall be any in-ground or above-ground structure built to contain water for recreational purposes having a depth at any point greater than 24 inches. The provisions of this Article do not apply to swimming pools which are in a completely enclosed building. For purposes of this Article, **above ground** hot tubs, lakes, streams, channels, ponds, storm water detention or retention basins are not swimming pools.



**SECTION 8:** *Article 130: Landscaping, Buffering, Green Space* of the Zoning Code of the City of Newark, Ohio, is hereby amended to read as follows:

ARTICLE 130  
LANDSCAPING, BUFFERING, GREEN SPACE

130.6 MINIMUM REQUIREMENTS OF VISUAL SCREENS AND LANDSCAPING

Types of Use or Each District Tree (feet) <sup>5</sup>	Buffering <sup>1</sup>	Square Feet Minimum of Required		Total Number	Minimum Caliper of Trees of Trees <sup>3,4 &amp;5</sup>	Minimum OR Height of (inches) <sup>5</sup>
		Green Space <sup>2</sup>				
CD District	RMH, CSI, OBCI, PUD	N/A		N/A	N/A	N/A
AD District	RMH, CSI, OBCI, PUD	N/A		N/A	N/A	N/A
R Districts	RMH, CSI, OBCI, PUD	N/A		N/A	N/A	N/A
Manufactured Home Park	CSI, OBCI, PUD	SEE		ARTICLE 20	SECTION 20.11	
Two or Multi Family Lot	CSI, OBCI, PUD	see 6 below		see 6 below	2	6
CSI	OBCI, PUD	see 7 below		1 per 5,000 sq. ft. of building area (min. of 3)	2	8
OBCI	N/A	see 7 below		1 per 5,000 sq. ft. of building area (min. of 3)	2	8
PUD	OBCI	SEE		ARTICLE 70	SECTION 70.21	

1. When a **proposed** use in a district in this second column is adjacent to a use or district in the first column, the use in this second column shall provide visual screening in accordance with Section 130.5 to buffer it from the use in the first column.
2. All green space shall be in the front or side yard in all districts except in a PUD.
3. All trees shall be in the front or side yard in all R-Districts and in the front yard in all CSI & OBCI Districts.
4. Any trees required to fulfill the buffering requirements of this Article shall not be counted in meeting the minimum tree requirements of this column.
5. At the time construction is completed the landscaping shall meet or exceed both the minimum number of trees and either the minimum caliper or the minimum height.
6. See Table 130.6.6

Table 130.6.6 Multi Family Tree and Green Space Requirements		
Unit number(s)	Square Feet of Green Space*	Number of Trees*
3	4500	5
4	add 500 per unit	add 1 per unit
beyond 4	add 500 per four units or fraction thereof	add 1 per four units or fraction thereof

\* numbers in these columns are cumulative  
 Example: 12 family = 8 trees and ~~10,000~~ 6,000 sq. ft. of green space.

7. See Table 130.6.7

Table 130.6.7 Non-Residential Tree & Green Space Requirements		
Building Area (square feet)	Ratio of Square Feet of Green Space to Square Feet of Building Area*	Resulting Square Feet of Green Space
Up to 5,000	1 to 1	1 to 5000
5,000 to 10,000	1 to 2	5,001 to 7,500
10,000 to 20,000	1 to 3	7,501 to 10,800
20,000 and above	1 to 4	10,800 plus balance above 20,000

\* numbers in these columns are cumulative  
Example: 60,000 sq. ft. bldg. = 20,800 sq. ft. green space.

**SECTION 9:** *Article 145.1 Zoning Inspector; 145.2.3: Inspector to Act Within 7 Days; Article 145.2.5: Fees; Article 145.6; Violations and Penalties; and 145.6.1 Fee Schedule for Non-Compliance Violations* of the Zoning Code of the City of Newark, Ohio, are hereby amended to read as follows:

ARTICLE 145  
ADMINISTRATION

145.1 ZONING INSPECTOR

There is hereby established the office of Zoning Inspector ~~and~~ for the purpose of this Code. ~~The Code Administrator of the City of Newark is hereby designated as the Zoning Inspector.~~

145.2.3 INSPECTOR TO ACT WITHIN ~~7~~ 30 DAYS

The Zoning Inspector shall act upon all applications within ~~7 working days~~ **THIRTY (30) DAYS** after they are filed in full compliance with all the applicable requirements. He shall either issue a Zoning Certificate within ~~7 working days~~ **THIRTY (30)** working days or shall notify the applicant in writing of his denial of such Certificate and the reasons therefore. Failure to notify the applicant of either an approval or denial shall be considered a denial of a Zoning Certificate and entitles the applicant to appeals in accordance with Section 150.4, the applicant may consent to an extension of time for the Zoning Inspector to act.

145.2.5 FEEES

~~Fees shall be charged in accordance with orders and directions of Council.~~

**APPLICABLE FEE SCHEDULE FOR PERMITS, APPEALS, AND REVIEWS:  
CHART A**

<u>ZONING PERMITS:</u>	<u>FEEES</u>
1. RESIDENTIAL (1, 2, & 3 FAMILY DWELLINGS)	
• NEW BUILD	225.00
• ADDITION	50.00
2. COMMERCIAL	
• NEW BUILD	500.00

- ADDITION 150.00
- 3. ACCESSORY STRUCTURES 30.00

**SIGN PERMITS:**

- 1. SIGN FACE AREA = 1 – 40 SQ FT 145.00
- 2. SIGN FACE AREA = 41 – 300 SQ FT 225.00

**BOARD OF ZONING APPEALS**

- 1. APPEAL/ VARIANCE
  - RESIDENTIAL (1 & 2 FAMILY DWELLINGS) 75.00
  - COMMERCIAL OR MULTI FAMILY DWELLINGS 200.00
- 2. OFF-PREMISE VARIABLE MESSAGE SIGN 150.00

**PLANNING COMMISSION**

- LOT SPLIT/COMBINATION/RE-PLAT 50.00
- ZONING DISTRICT CHANGES 300.00
- SITE PLAN REVIEW 0
- PLANNED UNIT DEVELOPMENT PRELIMINARY REVIEW 300.00
- PLANNED UNIT DEVELOPMENT FINAL REVIEW 300.00

**DEMOLITION**

- RESIDENTIAL 75.00
- COMMERCIAL 150.00
- ACCESSORY STRUCTURE 25.00

**FLOOD PLAIN DEVELOPMENT**

- FLOOD PLAIN DEVELOPMENT APPLICATION 50.00
- VARIANCE 200.00

**MISCELLANEOUS**

- CHANGE OF USE 0.00
- TEMPORARY STRUCTURE/STORAGE UNIT/POD/BIN PERMIT 30.00

## 145.6 VIOLATIONS AND PENALTIES

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any of the provisions of this Code or any amendment or supplement thereto. Any person, firm, or corporation, violating any of the provisions of this Code, ~~shall be deemed guilty of an unclassified misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, shall be deemed to be a separate offense.~~ shall be fined according to Section 145.6.1 of the Zoning Code. If the non-compliance violation is not remedied within the time given by the Zoning Inspector, failure to remedy said violation will result in a subsequent notice of non-compliance with increased penalties as listed in 145.6.1 of the Zoning Code. If the non-compliance violation is not remedied after a fourth notice of non-compliance has been issued, the person, firm, or corporation shall be found to be in violation of the zoning ordinance, a misdemeanor of the first degree and the offense shall be deemed a strict liability offense. This does not preclude the issuance of fees on the fifth and subsequent violations.

### 145.6.1 FEE SCHEDULE FOR NON-COMPLIANCE VIOLATIONS

1 <sup>ST</sup> NOTICE OF NON-COMPLIANCE	150.00
2 <sup>ND</sup> NOTICE OF NON-COMPLIANCE	250.00
3 <sup>RD</sup> AND SUBSEQUENT NOTICE OF NON-COMPLIANCE	500.00
FAILURE TO CALL FOR A SETBACK INSPECTION	150.00
FAILURE TO CALL FOR A FINAL INSPECTION	150.00
PERMIT APPLIED FOR AFTER START OF PROJECT	150.00

**FINES FOR NON-COMPLIANCE MUST BE PAID IN FULL BEFORE A PERMIT WILL BE ISSUED OR AN INSPECTION CONDUCTED.**

**FINES THAT REMAIN UNPAID SHALL BE CHARGED AGAINST THE REAL ESTATE AT ISSUE AND SHALL BE A LIEN UPON SUCH REAL ESTATE FORWARDED TO THE COUNTY AUDITOR TO PLACE THE UNPAID FINE AMOUNT ONTO THE PROPERTY TAX BILL FOR THE FOLLOWING TAX CYCLE.**

**SECTION 10:** *Article 150: Board of Zoning Appeals* of the Zoning Code of the City of Newark, Ohio, is hereby amended to read as follows:

ARTICLE 150  
BOARD OF ZONING APPEALS

150.2 APPOINTMENT OF BOARD MEMBERS

~~The Board as constituted at the time of enactment of this Code shall continue in office.~~ The Board shall consist of five citizens of Newark appointed by the Mayor, with consent of Council, for terms of five years. Upon the vacancy of any of the five seats on the Board, the vacancy shall be filled in a like manner. Members of the Board shall be removed for cause, upon written charges being filed, by the Mayor and with the consent of Council.

150.2.1 APPOINTMENT OF ALTERNATE BOARD MEMBERS

**A MAXIMUM OF THREE ALTERNATE BOARD MEMBERS MAY BE APPOINTED BY THE MAYOR, WITH CONSENT OF COUNCIL, FOR TERMS OF FIVE YEARS. VACANCIES SHALL BE FILLED IN A LIKE MANNER. ALL QUALIFICATIONS FOR BOARD MEMBERS AS WELL AS THE CAUSES AND PROCEDURES FOR REMOVAL OF BOARD MEMBERS APPLY TO ALTERNATE MEMBERS AS WELL.**

**ALTERNATE BOARD MEMBERS MAY HEAR APPEALS DURING THE ABSENCE OR DISQUALIFICATION OF A BOARD MEMBER.**

150.4 APPEAL

150.4.1 APPEAL – WHEN, HOW AND BY WHOM

An appeal to the Board may be made by any person aggrieved or by any office, department, board, or bureau of the City affected by any decision of the Zoning Inspector. Such appeal shall be taken within 60 days after the decision, by filing with the Division of Code Administration a Notice of Appeal specifying the grounds thereof.

1. APPEAL FORM AND CONTENT

The Notice of Appeal shall be of a standard form, which shall be readily available upon request from the Division of Code Administration. Included with the application shall be an accurate listing of the names and tax mailing addresses of all property owners located within 200 feet of any portion of the property, which is in the subject of the appeal. Each application shall be accompanied by a

check, payable to the Treasurer of the City of Newark, or a cash payment, sufficient in amount to cover the cost of publishing, and mailing the notices of the hearing, but in no event shall it be less than ~~\$50.00 dollars~~ **\$75.00 dollars for residential (1 & 2 family dwellings) or \$200.00 dollars for commercial or multi-family dwellings**. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon, which the action appealed from was taken.

2. ZONING INSPECTOR FAILURE TO ACT ON APPLICATION

When the Zoning Inspector fails to act on an application within the time limit described in Section 145.2.3, the applicant may submit a written request to the Division of Code Administration, requesting to be included on the Board's Agenda for the next available meeting. The applicant is not required to submit a Notice of Appeal, or pay any filing fees. Written notice by mail to property owners within two hundred feet shall not be required.

3. ZONING INSPECTOR FAILURE TO ACT ON REQUESTED INSPECTION

When the Zoning Inspector fails to act on a requested inspection within the time limit described in Section 145.4, the applicant may submit a written request to the Division of Code Administration, requesting to be included on the Board's Agenda for the next available meeting. The applicant is not required to submit a Notice of Appeal, or pay any filing fees. Written notice by mail to property owners within two hundred feet shall not be required.

4. RULING FOR NEW OFF-PREMISES VARIABLE MESSAGE PROJECTION SIGN

When an applicant applies for a new off-premises variable message projection sign, the applicant shall submit a completed Notice of Appeal. Each application shall be accompanied by a check, made payable to the Treasurer of the City of Newark, or a cash payment, in the amount of ~~\$25.00~~ **\$150.00 dollars**. Written notice by mail to property owners within two hundred feet shall not be required.

5. RULING FOR REPLACING EXISTING OFF-PREMISES SIGN WITH A NEW OFF-PREMISES VARIABLE MESSAGE PROJECTION SIGN

When an applicant applies to replace an existing off-premises sign with a new off-premises variable message projection sign, the applicant shall submit a completed Notice of Appeal form. Each application shall be accompanied by a check, made payable to the Treasurer of the City of Newark, or a cash payment, in the amount of ~~\$25.00~~ **\$150.00 dollars**. Written notice by mail to property owners within two hundred feet shall not be required.

**SECTION 11:** – *Article 155: District Changes and Regulation of Amendments* of the Zoning Code of the City of Newark, Ohio, is hereby amended as follows:

ARTICLE 155  
DISTRICT CHANGES AND REGULATION OF AMENDMENTS

155.2 PROCEDURE FOR CHANGE

Applications for any change of district boundaries or classifications for a property or properties, or for any amendments to this Code shall follow these procedures:

1. A complete application shall be submitted to the office of the Service Director.
2. No later than ~~five~~ **ten** business days after receipt of the complete application, the Service Director shall forward the application to the Clerk of Council.
3. The Clerk shall forward the application to the Law Director to prepare the code. The Law Director shall prepare the Code and forward the Code and application to the Clerk.
4. The Clerk shall place the application on the agenda for the first reading before Council and for referral to the Planning Commission.
5. Within ~~five~~ **ten** business days, after its first reading before Council, the Clerk shall refer the application to the Planning Commission through the Service Director's office.
6. The Service Director's office shall schedule a public hearing on the agenda for the ~~next~~ Planning Commission ~~meeting~~, **not earlier than fifteen days after the first reading of Council.**
7. Planning commission shall hold at least one public hearing, with prior notice to the public being given by:
  1. Publication of notice in one newspaper of daily circulation in the City of Newark ~~4~~ **seven (7)** days prior to the public hearing, and
  2. In those instances where less than five separate property owners are involved in the change of District or classification, notification by U.S. Mail to all property owners within 300 feet of any property seeking such change of district or classification.
8. Planning Commission shall complete all Public Hearings within ~~30~~ **forty-five (45)** days after receiving the referral of the application from Council.
9. Planning Commission, following such procedures as Planning Commission may establish, shall within ~~30~~ **fifty-five (55)** days after the Public Hearing vote on a recommendation to be forwarded to Council. The Planning Commission shall recommend either approval as submitted, approval with modifications or restrictions, or denial.
10. Within five business days after Planning Commission's vote, the Planning Commission's written recommendation shall be forwarded to the Clerk of Council.
11. The Clerk of Council shall schedule at least one Public Hearing, with notice to the public to be published one time in a newspaper of daily circulation within the City at least seven days prior to the date of the public hearing. Such public hearing shall constitute the second reading of the proposed code.



12. Council shall complete all Public Hearings within 30 days after receipt of Planning Commission's written recommendation.
13. Within 60 days after receipt of Planning Commission's written recommendation, Council shall vote on the application. An affirmative vote of at least six council members shall be necessary to adopt or defeat a zoning ordinance as to which the Planning Commission has recommended approval as submitted or approval as modified or restricted. An affirmative vote of at least seven Council members shall be necessary to adopt a zoning ordinance which Planning Commission has recommended against.

**SECTION 12:** The Tables of Content of the Zoning Code of the City of Newark, Ohio, are hereby amended to reflect the modifications made by this Ordinance.

**SECTION 13:** All other sections of the Zoning Code of the City of Newark, Ohio, not specifically addressed within this Ordinance shall remain in full force and effect as written.

**SECTION 14:** This Ordinance shall take effect upon full compliance with the procedures set forth at Article 4.12 and then on the earliest date allowed by Article 4.07 of the Charter of the City of Newark and remain in full force and effect thereafter.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM: \_\_\_\_\_  
TRICIA M. MOORE  
DIRECTOR OF LAW