

ORDINANCE 2019-01

AN ORDINANCE AMMENDING THE 2018 ZONING CODE OF THE VILLAGE OF COMMERCIAL POINT, OHIO

WHEREAS, the Codified Ordinances of the Village of Commercial Point prohibits the keeping of ungulates; and

WHEREAS, the Planning and Zoning Commission of the Village of Commercial Point has determined that it is necessary to amend the 2018 Zoning Code of the Village of Commercial Point; and

WHEREAS, the Council of the Village of Commercial Point has the authority to approve amendments to the Zoning Code.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Commercial Point, Pickaway County, Ohio, that;

SECTION I: The Zoning Code shall be amended as follows:

A. Section 1181.06, KEEPING OF HORSES, shall be amended so as to conform to the Codified Ordinances of the Village of Commercial Point, APPENDIX A. Section 1181.06 of the Planning and Zoning Code of the Village of Commercial Point, by removal of Section 1181.06 text in its entirety. Section 1181.06 shall now read:

Section 1181.06 - Reserved

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3: Wherefore, this Ordinance shall take effect and be in force immediately upon passage and approved by Council and shall become effective upon passage by Council.

Vote on Suspension of Readings:

Motion by: _____ 2nd _____
Roll Call:

___ Ben Townsend
___ Aaron Grassel

___ Scott O'Neil
___ Laura Wolfe

___ Bruce Moore
___ Jason Thompson

Vote on Passage of the Ordinance:

Motion by: Jason Thompson 2nd Ben Townsend


Roll Call:

Yes Ben Townsend
Yes Aaron Grassel

No Scott O'Neil
 Laura Wolfe

 Bruce Moore
Yes Jason Thompson

**PASSED AND ADOPTED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL
POINT ON THIS 25th DAY OF February 2019.**




Gary Joiner, Mayor



Wendy Hastings, Fiscal Officer

Approved as to Form:



E. Rod Davisson, Law Director

(k) 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 National Standards Institute, United States Bureau of Mines, and Ohio Environmental Protection Agency.

(l) Turf and Shrubs. Turf shall not be higher than eight (8) inches, and shrubs may not extend over a sidewalk or into a public right of way. If the owner, lessee, agent or tenant having charge of the land mentioned fails to comply with a violation notice per Chapter 1135, the municipality may cause such turf or shrubs to be cut and may employ the necessary labor to perform such task. All expenses incurred shall be documented. The Clerk of Council shall make a written return to the County Auditor of action taken under this section, with a statement of the charges for its services, the amount paid for the performing of such labor, the fees of the officers who made the service of the notice and return, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the municipality with the General Fund.

(m) Abatable Nuisance. Upon determination by the Planning and Zoning Commission or as sustained by appeal of such a decision to Council, subsections (a) to (l) hereof shall be considered abatable nuisances and a violation of the provisions of this Zoning Code.

1181.04 (reserved)

1181.05 PORTABLE STRUCTURES.

(a) Portable Residential Structures. No mobile home, trailer or similar portable residential structures in use shall be permitted in any district in the Municipality except for camping and traveling trailers specified in Section 1185.07.

(b) Portable Non Residential Structures. Portable non-residential structures shall not be permitted in the Municipality, except as provided in Section 1181.05(c) and Section 1135.09 of this Zoning Code. For the purposes of this Zoning Code, a portable non-residential structure shall be defined as any building or other structure designed for occupation or sale of goods which is not placed on a permanent foundation.

(c) Portable On Demand Storage (PODS). The use of PODS within the Municipality, or other similar units, shall be permitted in any zoning district only for the purpose of loading or unloading in association with moving in or out of a building. PODS shall be parked on property for a period not to exceed seven (7) consecutive days, shall not be parked on public right-of-way or private streets, and shall be located on an existing driveway or parking area composed of gravel, asphalt, concrete or other hard surface. The Planning and Zoning Administrator shall issue a Certificate of Zoning Compliance for the location of PODS in the Municipality abiding by the aforementioned conditions.

1181.06 KEEPING OF HORSES. Repealed by Ordinance 2019-01

Horses may be kept in single family residential districts provided that:

(a) Minimum Acres Required. The minimum acreage on which horses may be kept shall be five (5) acres.

(b) Number Limited Based on Acreage Available. There shall not be more than one (1) horse per two and one-half (2.5) acres of land.

- (c) Only Mares or Geldings. Only mares or geldings may be kept on lots less than ten (10) acres.
- (d) Fencing Required. Such land shall be fenced so as to securely confine said animals. Such fencing shall not be located closer to any public right-of-way or private street than the minimum setback in the district and shall not be located closer than fifteen (15) feet from any other property line.
- (e) No Storage of Manure. No storage of manure or dust producing substances shall be permitted.
- (f) Control of Odors Required. No odors may be detectable beyond the property on which such use exists.
- (g) Building Setback Requirements. Any building used in connection with the keeping of horses shall be located at least fifty (50) feet from any property line.
- (h) Use Permit Required. A use permit shall be issued by the Planning and Zoning Administrator to any applicant meeting the requirements of this section prior to the commencement of the keeping of horses.

1181.07 FENCES AND HEDGES.

- (a) Electrically Charged Fences Prohibited. Electrically charged fences shall be forbidden in all districts except on sites of more than ten (10) acres used to confine livestock.
- (b) Use of Barbed Wire. Barbed wire may be used only to top standard security fences in commercial and industrial districts at a height of six (6) feet or greater, the supports for such barbed wire shall be either vertical or lean inward above the property of the owner of the fence. Lands used for agricultural purposes, meeting the requirements of this Code, shall be exempt from this provision.
- (c) Decorative Fences Required. Only decorative fences shall be constructed in front setbacks or side setbacks abutting streets. Decorative fences shall mean split rail, ornamental iron, vinyl, or other decorative wooden fences as approved by the Planning and Zoning Administrator.
- (d) Chain Link Prohibited. Chain link fences shall not be permitted within front setbacks or side setbacks abutting streets in any district, except by variance granted by the Planning and Zoning Commission.
- (e) Guard Rails Prohibited. Guard rails shall not be used as fencing.
- (f) Location in Front Setbacks. Fences and hedges in front setbacks and/or side setbacks abutting streets and alleys in any district shall not exceed three (3) feet in height and shall not obstruct the view of pedestrians or vehicular traffic or be detrimental to the public safety.
- (g) Fencing Agricultural Uses. Lands used for agricultural purposes, meeting the requirements of this Code, shall not place any fence used for the confinement of said use closer than fifteen (15) feet from any public right-of-way or private street.
- (h) Height Restriction in Rear and Side Yards. Fences in rear setbacks and side setbacks not abutting streets and alleys shall not exceed six (6) feet in height in residential districts or twelve (12) feet in height commercial or industrial districts.
- (i) Permit Required. No fence shall hereafter be erected, constructed, altered, relocated or rebuilt until an application has been filed with and a permit issued by the Planning and Zoning Administrator.