

ORDINANCE 2020-30

AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF COMMERCIAL POINT TO REMOVE REFERENCES TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

WHEREAS, Ohio Revised Code Chapters 711, 713, and 715 provide a statutory village the authority to enact zoning laws, rules, and regulations and provide for the enforcement thereof; and

WHEREAS, the Village of Commercial Point has adopted a Zoning Code, as amended from time to time, to regulate property within the Village;

WHEREAS, the Village Council wishes to remove all references to and incorporation of the International Property Maintenance Code within the Zoning Code of the Village of Commercial Point; and

WHEREAS, the Village intends to retain all rights and authority provided to it under the Ohio Revised Code and Zoning Code as amended to enforce the zoning laws, rules, and regulations of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, OHIO THAT:

SECTION 1. The Zoning Code of the Village of Commercial Point is hereby amended to remove all references to and incorporation of the International Property Maintenance Code within the Zoning Code. All other components of the Zoning Code of the Village of Commercial Point, as amended, are hereby reaffirmed and readopted. Nothing in this Section shall be construed as the Village waiving any of its rights or authority under the Ohio Revised Code or Zoning Code as amended to enforce the zoning laws, rules, and regulations of the Village.

SECTION 2. Section 1131.04 of the Zoning Code of the Village of Commercial Point is hereby amended as follows:

1131.04 EFFECTIVE DATE AND AMENDMENTS.

The provisions of this Zoning Code including ~~the 2015 International Property Maintenance Code~~ and 2018 Construction Specifications, Materials, and Standard Drawings are hereby adopted by this Ordinance 2020-10, dated ~~June~~ DECEMBER 15 __, 2020.

SECTION 3. Section 1153.06 of the Zoning Code of the Village of Commercial Point is hereby amended as follows:

1153.06 UNSAFE BUILDINGS.

(a) The owners of premises shall maintain the structures and exterior property in A SAFE AND SANITARY CONDITION ~~compliance with the 2015 International Property Maintenance Code~~. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition. ~~and that do not comply with the requirements of the IPMC~~. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control. Likewise, vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition ~~as provided in the IPMC~~ so as not to cause a blighting problem or adversely affect the public health or safety. *ORC 715.26, 715.261.*

~~(b) Any revisions to the aforementioned International Property Maintenance Code are hereby adopted by reference and declared to be a part of these regulations.~~

SECTION 4. Section 1181.08 of the Zoning Code of the Village of Commercial Point is hereby amended as follows:

1181.08 OUTDOOR FURNACES.

(a) Definition. An outdoor furnace shall be defined as any equipment, device 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.

(b) Permits. The property owner is required to obtain a Certificate of Zoning Compliance, required Building Permits and other applicable permits prior to the location, construction, installation, or operation of outdoor furnace in the Village of Commercial Point.

(c) Operation. All outdoor furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions, the requirements of this Zoning Code, and all Federal and State regulations, whichever is more restrictive.

(d) Permitted Fuel. Only firewood, untreated lumber, wood pellets, biomass pellets, or corn are permitted to be burned in any outdoor furnace, per the manufacturer's specifications. Burning of any and all other materials in an outdoor furnace is prohibited.

(e) Permitted Zones. Outdoor furnaces shall be permitted in the R-1 and R-3 zoning districts.

(f) Minimum Property Size. The minimum property size on which outdoor furnaces may be operated shall be two (2) acres.

(g) Setbacks. Outdoor furnaces shall be set back no less than seventy five (75) feet from the nearest lot line or public right of way.

ORDINANCE 2020-30

- (h) Number. No more than one (1) outdoor furnace shall be permitted on any one (1) lot of record.
- (i) Size. Outdoor furnaces shall be no larger than forty (40) square feet in area and be no taller than eight (8) feet in height, not including the chimney or stack.
- (j) Chimney or Stack Height. The chimney of an outdoor furnace shall extend at least two (2) feet above the peak of the residence for which it serves.
- (k) Appearance. Outdoor furnaces must have a shed appearance enclosing the furnace unit and other associated equipment.
- (l) Months of Operation. Outdoor furnaces shall be operated only between September 1 and May 31.
- (m) If an existing outdoor furnace is determined to be creating a nuisance, as established in Section 1181.03 of this Zoning Code and/OR THE OHIO REVISED CODE ~~the International Property Maintenance Code~~:
 - (1) The operation of the unit shall cease and desist until reasonable steps can be taken to ensure that the outdoor wood furnace will not be a nuisance.
 - (2) The property owner shall work with the Planning and Zoning Administrator to modify the outdoor furnace to eliminate the nuisance by such means as extending the chimney, relocating the outdoor wood furnace, or other appropriate measures.
 - (3) The outdoor furnace shall be removed from the property if modifying the outdoor furnace, relocating the outdoor furnace, or other appropriate measures do not eliminate the nuisance.
- (n) Any person who constructs or operates an outdoor furnace in violation of this section shall be deemed in violation of this Zoning Code and punishable as prescribed in Chapter 1135.

SECTION 5. Section 1195.01 of the Zoning Code of the Village of Commercial Point is hereby amended as follows:

1195.01 ACCESSORY USES AND STRUCTURES PERMITTED.

Unless otherwise specified, accessory uses and structures shall be permitted on a lot in a residential zoning district in association with a principal use or structure provided the accessory use or structure meets the requirements of this chapter, AND the development standards of the applicable residential zoning district, ~~and the 2015 International Property Maintenance Code.~~

SECTION 6. Section 1195.04 of the Zoning Code of the Village of Commercial Point is hereby amended as follows:

1195.04 RESIDENTIAL LOCATION, EXTERIOR, SIZE AND MAINTENANCE.

- (a) Location. All accessory uses and accessory structures, excluding fences, sidewalks, driveways, garages, porches, poles, signs, decks, patios and towers shall be located in the rear yard of a residential lot. No accessory uses and accessory structures, excluding fences, sidewalks, driveways, garages, porches, poles and signs, shall be allowed in the front yard of a residential lot. Accessory uses and accessory structures shall meet the front, rear and side yard setback requirements of the applicable residential zoning district. Accessory uses and accessory structures shall not be located within a recorded easement.
- (b) Exterior. In order to protect property values and encourage neighborhood stability, an accessory structure shall have an exterior which is compatible in appearance to the principal structure on the lot.
- (c) Size of Structure. The maximum permitted size of an accessory structure placed on a lot in a residential zoning district shall be no larger than ten percent (10%) of the total lot area.
 - (1) Lot Size Two (2) Acres or Less. An accessory structure shall contain no more than one (1) story nor shall it exceed a total height of fifteen (15) feet as measured from the floor to the top of the roof. No door serving the accessory structure shall exceed nine (9) feet in height.
 - (2) Lot Size Over Two (2) Acres: An accessory structure shall not exceed a total height of twenty-five (25) feet as measured from the floor to the top of the roof.
- (d) Maintenance. All structures shall be maintained in compliance with THIS CHAPTER AND ALL OTHER APPLICABLE LAWS, RULES, AND REGULATIONS ~~the International Property Maintenance Code.~~
- (e) Density. All accessory structures, when combined with the principal structure, shall not exceed sixty percent (60%) lot coverage.

SECTION 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that result 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.

ORDINANCE 2020-30

Vote on Passage of the Ordinance:

Motion by: Tracy Joiner

2nd: Laura Wolfe

Roll Call:

Yes Bruce Moore
Yes Aaron Grassel

Yes Tracy Joiner
Yes Ryan Mitchem


Yes Jason Thompson
Yes Laura Wolfe

Adopted this 4th day of January, 2021.


Allan D. Goldhardt, Mayor


Wendy Hastings, Fiscal Officer

Approved as to Form:


Josh Cartee, Village Solicitor