

ORDINANCE 2021-20

**AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF COMMERCIAL POINT
TO REPLACE CHAPTER 1191 OF THE ZONING 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; and

WHEREAS, Chapter 1191 of the Zoning Code was originally enacted for residential properties within the Village of Commercial Point; and

WHEREAS, due to the increase of commercial properties within the Village of Commercial Point, Chapter 1191 of the Zoning Code needs updated to account for the differing landscaping and screening needs of both residential and commercial properties; and

WHEREAS, the Village Council wishes to update Chapter 1191 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 repeal the current version of Chapter 1191 in its entirety and replace it with Exhibit A attached to this Ordinance and which is incorporated herein by reference. 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. 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 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. This Ordinance shall take effect at the earliest date allowed by law.

Vote on Passage of the Ordinance:

Motion by: Laura Wolfe

2nd: Jason Thompson

Roll Call:

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Nancy Geiger

N/A Tracy Joiner

Yes Laura Wolfe

Adopted this 19th day of July, 2021.


Allan D. Goldhardt, Mayor


Wendy Hastings, Fiscal Officer

Approved as to Form:


Josh Cartee, Village Solicitor

Exhibit A

CHAPTER 1191

Landscaping and Screening

1191.01 PURPOSE AND DEFINITIONS.

The purpose and intent of this chapter is the preservation and promotion of landscaping as a suitable and necessary aspect of land development, as a component of Municipal development character, as an important beneficial element of the microclimate through the provision of shade and as buffers, and to promote the public health, safety and general welfare. It is further the purpose of this chapter to promote the preservation and, when necessary, replacement of major trees removed in the course of land development, to promote the proper utilization of landscaping as a buffer between certain land uses to minimize conflicts, and to protect, preserve and promote the character of the Municipality.

- (a) Caliper – the caliper of a tree shall be measured at six (6) inches above grade. For this chapter the term “caliper” only applies to new trees.
- (b) Diameter Breast Height (dbh) – The dbh of a tree shall be measured at four and one half (4 ½) feet above ground level. For this chapter the term “diameter breast height (dbh) only applies to existing trees.
- (c) Major Tree – For the purposes of this section, a major tree is defined by having a diameter breast height of six (6) inches or greater.
- (d) Woodlands – For the purposes of this section, a woodland is an area of trees and unique site characteristic that is located on any undeveloped parcel of property within Commercial Point.

1191.02 PRESERVATION OF TREES AND WOODED AREAS

- (a) All major trees shall be preserved unless exempted as follows:
 - (1) An existing tree will be located within a public right-of-way or easement.
 - (2) An existing tree is located within the area to be covered by a proposed structure or within twelve (12) feet from the perimeter of such structure(s) and such structure(s) cannot be located in a manner to avoid removal of an existing tree at the same time permitting desirable, logical and appropriate development of the lot.
 - (3) An existing tree will be located within a proposed driveway designed to service a single-family home.
 - (4) An existing tree is damaged, diseased or a safety hazard.
 - (5) The tree is an undesirable species in its present condition.
 - (6) Established single family lots shall be exempt from this section, however; new subdivision development of single family lots shall not be exempt.
- (b) When preparing and reviewing subdivision plans and landscape plans, good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas shall be laid out to avoid the unnecessary destruction of wooded areas or outstanding tree specimens. Developers of land are encouraged to designate wooded areas as park reserves.