Revised 03-13-13

ORDINANCE NO. 03-13

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE VILLAGE OF CUSTAR ZONING ORDINANCE, ~~AND TO DECLARE AN EMERGENCY~~.

WHEREAS, the Custar Village Council did adopt Ordinance 01-97 approving a comprehensive zoning code and zoning district map for the Village of Custar; and

WHEREAS, the Zoning Inspector of the Village of Custar has pointed out certain provisions in the zoning code that are open to interpretation and that should be clarified; and

WHEREAS, the Plan Commission of the Village of Custar after reviewing the proposed changes and holding a public meeting on January 16, 2013, to solicit public comment, has recommended to the Council the following amendments to the Village Zoning Ordinance; and

WHEREAS, Council published notice of and held a public hearing on the 13th day of February, 2013, to allow further public comment on the proposed zoning changes, and has elected to adopt same.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CUSTAR, WOOD COUNTY, OHIO:

SECTION 1. That Article III "Definitions" shall be amended by substituting the following for the definition of "Structure" for the current definition, to-wit:

"Structure: Anything erected, the use of which requires more or less permanent location on or attached to the ground, or anything attached to something having a more or less permanent location on or attached to the ground including fences, but excluding the following: children's play equipment such as swings, play structures, jungle gyms and children's slides; also excluding structures other than fences, that are less than ten (10) feet in vertical height from ground level, such as a flag pole, a support pole for a clothes drying rack or a mailbox attached to the ground."

SECTION 2. That Article VII "Single-Family Design and Appearance Standards" subsection 3 A, B, C and D shall be amended to read as follows:

"3. The following standards shall apply to all residential and accessory structures in the Village of Custar.

A. Roof Pitch - Roof pitch minimum requirement of two inch vertical rise for each twelve inches of horizontal run is required.

B. Roof Overhang - A minimum overhang of six inches along the lower edge of a pitched roof is required, except where approved decks or certain accessory structures are attached or semi-attached to the principal structure. If the architectural design of the particular structure would not normally include a roof overhang, a variance may be requested as set forth at Article VII, Section 4 below.

C. Roof Materials - Standard roofing materials including, but not limited to, wood shingles, wood shakes, synthetic or composite shingles, ceramic tiles, concrete tiles, asphalt or fiberglass shingles, copper roofing and other standard metal roofing materials such as galvanized, galvalum or commercially finished metal at least 29 gauge thick with ribs at least 6" apart on center are to be utilized in roofing residential or accessory buildings. The use of fiberglass panels is not permitted.

1st reading 5/8/13, 2nd reading 6/12, 3rd reading 7/10/13

D. Exterior Siding - Standard siding materials including, but not limited to, one or a combination of materials such as brick, stone, stucco, wood clapboard, or clapboard-simulated vinyl or metal, wood shingles or similar materials are to be utilized in siding residential or accessory building construction. The exterior siding must extend from the roof-line to the ground level, or to the above ground permanent foundation of the structure. The use of smooth, ribbed or corrugated metal and fiberglass or plastic panel materials is prohibited, except that standard commercially finished metal siding may be utilized on accessory buildings only."

SECTION 3. That Article X "General Provisions" subsection 1 shall be amended to read as follows:

"1. Where any front yard or side yard is required, no building shall be thereafter erected or altered so that any portion thereof shall be nearer the front or side property line than the required distance as set forth heretofore. Eaves, cornices, steps, terraces, platforms and porches which project into said front or side yard setback shall be exceptions to this requirement."

SECTION 4. That Article X "General Provisions" shall be amended by adding the following subsection 5, to-wit:

"5. A fence meeting the following standards may be erected on a lot line between adjacent properties or within the setback along a public street. It shall be the responsibility of the person requesting a zoning permit to determine the location of the lot line or setback, either by agreement with the adjacent property owner, by survey, or otherwise. Fences shall conform to the following requirements:

A. Fences erected in the front yard setback shall not exceed 4 feet in height.

B. Fences erected in the side yard between the front and rear face of the primary structure, or the rear yard of a property where said property and the adjacent property are both in a residential district, shall not exceed 6 feet in height.

C. Fences erected on a boundary line or within a setback adjacent to a commercial or industrial district shall not exceed 8 feet in height.

D. The finished side of a fence must face the adjacent or neighboring property.

E. Fences to be erected in a front yard at or near the intersection of two public streets, or in a rear yard at the intersection of public street and an alley, or at the intersection of two alleys routinely used by vehicles must be constructed in such a way so as not to obstruct the vision of vehicle operators approaching said intersection. In such case the zoning inspector shall have the authority to require a reduction in the fence height allowance to as low as 2 feet within a vehicle operator's necessary line of sight.

F. Fences must be constructed of standard, available fencing material such as wood split rail, cedar wood panels, chain link, fiberglass, vinyl, etc., must be maintained in a reasonable manner and not be permitted to deteriorate and become unsightly or dangerous. The zoning inspector shall allow up to 30 days to comply with such a notice during the spring, summer and fall seasons, and up to 90 days during the winter season. Not more than two 30 day extensions may be granted by the zoning inspector for reasonable cause."

Section 5. That all prior amendments to the Zoning Code of the Village of Custar that are inconsistent with the above amendments are hereby repealed.

Section 6. That this Ordinance shall go into force and effect at the earliest possible time allowed by law.

PASSED: 6-0

President of Council

ATTEST: Beverly J. Barden
Fiscal Officer

APPROVED: 7/10/2013
Date

Linda Bechstein
Mayor

CHESTER H. MARCIN
VILLAGE LEGAL COUNSEL