

ORDINANCE 824

AN ORDINANCE MODIFYING ARTICLE 7, SECTIONS 700, 701 AND 702
OF THE ZONING AND PLANNING COMMISSION REGULATIONS,
AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Tuscarawas, Ohio has reviewed issues involving the application and enforcement of Article 7, Sections 700, 701 and 702 of the Zoning And Planning Commission Regulations, that being the provision dealing with the construction of fences within the Village of Tuscarawas, Ohio; and

WHEREAS, the Council of the Village of Tuscarawas, Ohio, after such review, has determined that it is necessary to amend Article 7, Sections 700, 701 and 702 of the Zoning and Planning Commission Regulations in regard to the construction of fences within the Village of Tuscarawas, Ohio.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TUSCARAWAS, OHIO AS FOLLOWS:

SECTION 1. The revisions to Article 7, Sections 700, 701 and 702 of the Zoning and Planning Commission Regulations are attached hereto as Exhibit "A".

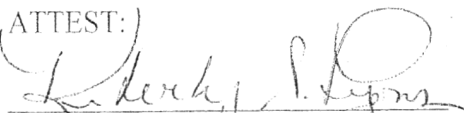
SECTION 2. This Ordinance is hereby declared to be an emergency measure necessary for the health, safety and welfare of the Village of Tuscarawas, Ohio and its inhabitants and, therefore, this Ordinance shall go into immediate operation and effect.

Passed: **November 10, 2011**

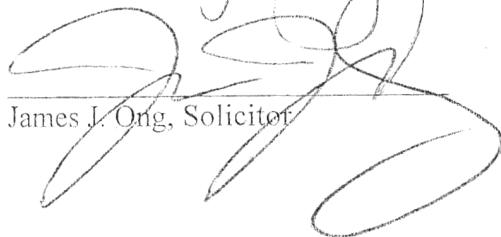


John Decker, Mayor

ATTEST:



Kim Lyons, Fiscal Officer



James J. Ong, Solicitor

Exhibit "A"

ARTICLE 7. REQUIREMENTS FOR FENCES, PLANTING SCREENS, MACHINERY REPAIR, AND WORKING ON VEHICLES, INCLUDING HOBBY VEHICLES, IN "R" DISTRICTS OR A BUSINESS DISTRICT WHERE A PROPERTY HAS A RESIDENTIAL USE

Section 700. Fences

No person shall erect, construct, reconstruct, or move any fence without first obtaining a Zoning Certificate.

- The maximum height of any fence in a rear or side yard shall be eight (8) feet as measured from the ground to the highest point of the fence. The maximum height in a front yard shall be four (4) feet.
- A fence facing a side yard that parallels a street shall be placed no closer than forty (40) feet from the front lot line except where such fence does not exceed four (4) feet in height.
- The supporting rails and posts of any fence shall face the interior of the property of the owner of such fence. The finished side of the fence shall face the property of the adjacent property owner; however, fences that have the same appearance on both sides are permitted.
- Fences shall be constructed in such a manner as to allow for maintenance of the side of the fence facing the adjacent property, as well as the ground between the fence and the adjacent property.
- Barbed wire, razor wire, guardrail, and electrified fences are prohibited.
- Fences shall be erected in a manner which will not impede visibility for a motor vehicle operator, bicyclist or pedestrian on a street, driveway or sidewalk.
- Fences shall not be placed in any easement or right-of-way.
- Fences shall be maintained in good condition without advertising thereon.

Section 701. Planting Screens (such as a hedge)

- Plant materials which do not grow above four (4) feet in height or are maintained to not exceed four (4) feet in height are permitted in front yards.
- Plant materials planted on or near a side yard lot line that parallels a street shall be permitted no closer than forty (40) feet from the front lot line except where such plant materials do not exceed four (4) feet in height or are maintained to not exceed four (4) feet in height.
- Plant materials shall not be planted in any easement or right-of-way.

Section 702. Machinery Repair and Working on Vehicles, Including Hobby Vehicles

Machinery repair and working on vehicles, including hobby vehicles, are permitted as an accessory use to a dwelling, according to the restrictions of this section, and in districts described in Article 4. Such activities:

- Are restricted to a machine, vehicle or object which is owned by the resident of the dwelling.
- May be conducted outdoors on not more than one (1) machine, vehicle, or object at a time.
- May not be conducted outdoors for more than two (2) days in any thirty (30) day period.
- May be conducted within an enclosed structure at any time.
- May be conducted outdoors only between 9:00 am and 10:00 pm, except where immediate repair of a personal vehicle is necessary and an enclosed structure is not available.