VILLAGE OF CUSTAR

ZONING ORDINANCE

as Revised through December 18, 1996

Village of Custar
Wood County, Ohio
Effective: February 7, 1997

ORDINANCE NO. 1-97

AN ORDINANCE ADOPTING A COMPREHENSIVE ZONING CODE AND ZONING DISTRICT MAP FOR THE VILLAGE OF CUSTAR, WOOD COUNTY, OHIO.

WHEREAS, Village Council, after determining that it should undertake a comprehensive revision of the Village Zoning Code and Zoning District Map, did authorize the preparation of a new comprehensive zoning ordinance and district map in consultation with Mr. David Meismer, Director of the Wood County Planning Commission; and

WHEREAS, Village Council appointed a Village Planning Commission and did submit said proposed Zoning Code and Zoning District map to the Planning Commission for review and comment, and said Planning Commission has reviewed said proposed ordinance and zoning district map, and after holding a public hearing on same, recommended adoption of said code and map to the Village Council; and

WHEREAS, Village Council, in conformity with the Ohio Revised Code did publish notice of and hold a public hearing on November 13, 1996 to discuss the proposed new zoning ordinance and zoning district map, and after receiving public comment and after determining to make certain amendments to the code and map, has now determined to adopt same.

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

SECTION I. That the Village of Custar Zoning Ordinance consisting of Article I through Article XVI, attached hereto and marked Exhibit "A" which zoning ordinance adopts a comprehensive plan for establishing zoning districts in the Village of Custar, and further provides for the administration and enforcement of said zoning code; together with a zoning district map of the Village of Custar which divides the Village into zoning districts in conformity with the terms and provisions of the zoning code, which map is annexed hereto and marked Exhibit "B", be, and the same are hereby adopted.

SECTION II. That the Zoning Ordinance and Zoning District Map adopted by the Village of Custar in 1988, together with all ordinances and/or maps which are inconsistent with Exhibit "A" and Exhibit "B" attached hereto, be repealed.

SECTION III. This Ordinance shall go into force and effect at the earliest possible time allowed by law.

Roll Call Vote: 6 yea, 0 nay.

Passed: January 8, 1997 Mayor: /s/ Mark Smith

Attest: /s/ Melinda Kale
Clerk-Treasurer

CERTIFICATION OF PUBLICATION

I, Melinda Kale, Clerk of the Village of Custar, certify that a summary of this Ordinance approved by the Village Attorney, was published once in the Bowling Green Sentinel-Tribune on the 11th day of January, 1997. Said ordinance and map was also posted at the following five places in the Village more than 15 days before it went into effect.

American Legion Post No. 305, Custar, Ohio, 43511
Custar Post Office, 8906 Custar Road, Custar, Ohio, 43511
Custar State Bank, 22973 State Route 281, Custar, Ohio, 43511
Custar Carryout, 22938 State Route 281, Custar, Ohio, 43511
Custar Tavern, 22951 Defiance Pike, Custar, Ohio, 43511

Date: 01/15/97

/s/ Melinda Kale
Melinda Kale, Village Clerk

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ARTICLE I. TITLE AND PURPOSE

1. This ordinance shall be known as the Zoning Ordinance of the Village of Custar, Ohio.

2. This ordinance shall consist of the text hereof together with that certain map marked and designated the map of the zoning ordinance of the Village of Custar, Ohio, dated and identified by the signatures of the Mayor and the Village Clerk-Treasurer. Whenever zone classifications are established or modified, the zoning map shall be corrected to show such changes and shall be published unless the amending ordinance clearly identifies the zone classification changes without reference to the map. Either the map or the text in amending ordinances shall be sufficient to establish zone changes. The latest dated map shall be the effective one.

3. It is the purpose of this ordinance to promote the safety, morals, comfort and general welfare, to prevent overcrowding, to conserve the values of property, and to lesson and avoid congestion in the public streets and highways.

ARTICLE II. SCOPE OF REGULATIONS

Except as provided by this Ordinance, and except after obtaining a written permit from the enforcing officers, it shall hereafter be prohibited in Custar, Ohio:

1. To erect any new building or structure or to relocate, enlarge, or substantially alter any existing building or structure.

2. To establish, expand, change or re-establish any non-conforming use of a building, structure or land.

3. To reduce the open structure or plot area required for a building, structure, cabins, trailers, tents or parking space, or to include any part of such open space or plot area as that required for an adjoining building or structure.

4. To provide or connect onto a water supply or sewage disposal facilities.

ARTICLE III. DEFINITIONS

For the purpose of this Ordinance, certain words and terms are defined as follows: Words used in the present tense include the future. Words in the singular number include the plural. words in the plural number include the singular. The word "shall" is mandatory and not directory.

Accessory Building: Subordinate building or portion of a main building, the use of which is incidental to the use of the main building. Accessory Buildings include storage sheds with a floor area of 25 square foot or more.

Apartment House: A building or portion thereof used or intended to be used as the home of three or more families, independently of each other.

Alley: A public thoroughfare which affords only a secondary means of access to abutting property.

Back Yard: Open unoccupied space on the same lot with a building situated between the back wall and back line of the lot.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or other property. When such structure is completely divided into parts by unpierced walls extending from the ground up, each part shall be termed a separate building.

Commission: Whenever the word "Commission" is used herein, it shall be deemed to refer to the zoning commission of the Village of Custar, Ohio.

District: A section or sections of the Village for which the regulations concerning the use of land or buildings are uniform.

Dwelling Unit: A building, or portion thereof, designed for occupancy by one (1) family for residnetial purposes and having cooking facilities.

Dwelling, One-Family: A building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling, Multiple-Family: A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Erected: Set up, raised, built, or moved into place.

Factory-built Housing: Factory-built housing means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purpose of this Ordinance, "factory-built housing" shall include the following:

1. Manufactured Home Any non-self propelled vehicle transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards. This term is used to distinguish mobile homes which have been so certified from those which have not been certified.

2. Modular Home Factory built housing certified as meeting the Ohio Building code as applicable to modular housing. {O.R.C. 3781.10 (h)} Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

3. Mobile Home A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to enhancement of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it.

Family: Any number of individuals using common cooking facilities and living and eating together on the same premises as a single housekeeping unit.

Home Occupation: An occupation for gain or support, such as millinery, dressmaking, hairdressing, upholstering, or repairing, conducted only by members of one family within its place of residence, provided that there is no display of goods visible from the street, and that no articles are sold or offered for sale except such as produced by the household by the members of the immediate family, and provided that such occupation shall not occupy more than one-fourth of the area of the residence.

Lot: A parcel of land occupied or suitable for occupation by one main building or used with its accessory building, including such spaces as are or may be arranged to be used in connection with such building.

Lot Lines: The lines bounding a lot as described and defined therein.

Non-conforming Use: An existing building, structure or land use which does not conform with the regulations in the district in which it is situated or with other regulations in this Ordinance.

Porch: An entrance one story high to a building, projecting out from a main wall, partially or fully enclosed but not heated.

Private Garage: An accessory building used mainly for storage, not to exceed three motor vehicles.

Professional Office: Office of doctor, dentist, paritioner, minister, architect, lawyer, author, artist, engineer or musician.

Public Uses: Public parks, schools and administrative, cultural and service buildings, police and fire stations, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials.

Recreational Facilities-Non Commercial: Private and semi-public recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses and other private non-commercial recreation areas and facilities or recreation centers including private community swimming pools.

Set Back: The minimum horizontal distance between the street right-of-way line and the front line of any building or projection thereof, excluding steps and porches extending not more than ten feet beyond the front wall of the building.

Semi-public Uses: Churches, Sunday schools, parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

Side Yard: Open unoccupied space on the same lot with a building situated between the side wall and the side line of the lot.

Substantially Alter: Shall mean any exterior alteration or any structural alteration amounting to $200.00 or more.

Structurally Altering: Any change in the supporting members of the building or structure, such as bearing walls, columns, beams or girders.

Structure: Anything erected, the use of which requires more or less permanent location on the ground or anything attached to something having a more or less permanent location on the ground.

This Ordinance: Whenever the term "this Ordinance" is used, it shall be deemed to include where the text permits, any and all amendments thereto as the same may be hereafter from time to time adopted.

ARTICLE IV. ZONING DISTRICTS

The Village of Custar, Ohio is hereby divided into five types of use or zoning districts as follows:

1. "A" Agricultural district
2. "R" Residential district
3. "C" Commercial district
4. "I" Industrial district
5. "S" Special district

Section 1. "A" Agricultural District

In the "A" Agricultural district, no building or premises shall be erected or structurally altered, except for one or more of the following use:

1. Any use permitted in "R" residential district.
2. General farming, agricultural, horticulture, animal husbandry, or truck farming.
3. Roadside stands.
4. Signs and billboards.

Section 2. "R" Residential District

In the "R" Residential district, no building or premises shall be erected or structurally altered, except for one or more of the following uses:

1. Dwelling for one or two families
2. Multiple family dwelling
3. Factory-built homes (i.e. manufactured, modular, mobile home units)
4. Churches, temples
5. Clubs, lodges, community building
6. Parks, playgrounds and golf courses
7. Libraries and art galleries
8. Accessory building, and uses customarily incident to the above uses when located on the same lot or tract of land and when not involving the conduct of a business or industry.
9. Home occupation
10. Vacant property may be used for gardening and fruit farming
11. Advertising signs, posters and billboards not to exceed a total of eight square feet per dwelling.
12. Nurseries, greenhouses, mortuaries

The placement of a factory-built home in an "R" Residential district shall be in accordance with conditions specified in Article VI.

Churches, clubs, lodges, community buildings, and playgrounds may display a sign or bulletin board not exceeding forty square feet for the purpose of showing the activities and services therein provided.

Section 3. "C" Commercial District

In the "C" Commercial district, except as hereinafter provided, no building or premises shall be used and no building shall be erected or structurally altered, except for one or more of the following uses:

1. Retail stores and shops, such as grocer, meat market, bakery hardware, furniture store, electric appliance store, plumbing and heating shop, drug store, laundry, automobile sales office, garage and service station, barber shop, beauty shop, shoe repair shope, feed and poultry store, frozen food processing and storage lockers.
2. Hotels, motels, theaters, restaurants, bars and night clubs, and bus stations.
3. Banks, business offices, newspapers and printing shops, telephone exchanges, animal hospitals.
4. Music, dancing, trade or technical schools.
5. Recreation rooms, such as bowling alleys, pool halls, skating rinks.

Section 4. "I" Industrial District

In the "I" industrial district, no building or premises shall be used and no building shall be erected or structurally altered, except for the following uses:

1. General manufacturing
2. Manufacturing, sale and storage of building materials
3. Transport and trucking terminals
4. Wholesale business
5. Warehousing
6. Grain elevators
7. Agricultural
8. Food processing

No residential use shall be permitted in an industrial zone.

Section 5. "S" Special District

Permitted uses within a district zoned for "S" special, are as follows:

1. Any agricultural land use
2. Parks
3. Public and Semi-public facilities
4. Non-commercial recreational facility
5. Cemetery
6. Airplane land strips

ARTICLE V. LOT AND FLOOR AREA REQUIREMENTS

District	Minimum Lot Width (in ft.)	Minimum Lot Area (per family)	*Front	Minimum Yard (in ft.) Rear	Side	Min. Living Floor Area Per Family in Sq. Ft.**
"A" Agricultural	100	20,000	50	25	10	Same as "R" Residential
"R" Residential						
Single Family	50	6,200	30	10	5	1,000
Two Family/Duplex	60	4,000	30	10	5	750
Multi-Family/Apartment	100	3,500	30	10	5	500
Factory-built home	50	6,200	30	10	5	400
"C" Commercial	---	-------	---	15	---	--------
"I" Industrial	---	-------	---	25	15	--------
"S" Special	---	-------	---	---	---	--------

* Fifty (50) foot building setbacks shall be required off State Highways.
Front yard setbacks are to be measured from the edge of the road right-of-way.

** Garages, attics and non-enclosed porches do not count as living floor area.

**Revised 5/08/96

ARTICLE VI. PLACEMENT OF FACTORY-BUILT HOUSING

1. One (1) factory-built home, including manufactured homes, and mobile homes as defined in Article III, shall be permitted per lot in an "A" Agricultural or "R" Residential District.

2. The placement of a factory-built home must satisfy all requirements regarding minimum lot size,building setback, living space per unit and other provisions as specified for "A" Agricultural and "R" Residential district.

3. The placement of a factory-built home on an individual lot in an "A" Agricultural or "R" Residential District, shall be in accordance with the following standards:

A. Each manufactured unit or modular unit shall be installed on the lot on a permanent foundation constructed with a footer designed and built to withstand frost heaving and with poured concrete foundation wall, a block wall or a foundation wall of similar type materials.

B. No manufactured unit or modular unit placed on a lot in an "A" Agricultural or "R" Residential district shall be skirted with metal skirting.

C. Every manufactured unit or modular unit shall be anchored to a permanent foundation, which foundation and anchorage shall be approved by the County Auditor's Office in anticipation of surrendering title to the unit and declaring the residence a part of the real estate. Within 60 days of the date the unit is placed on a lot, the title must be surrendered to the County Auditor's Office.

The zoning inspector shall require those factory-built homes subject to the paragraph above to be secured within thirty (30) days after placement of a home upon a lot.

4. Factory built homes including manufactured units, mobile units, or modular units meeting requirements of 3781.10 O.R.C., otherwise known as "industrialized units," are licensed by the State of Ohio with a letter of certification. A copy of said letter of certification shall be required at the time a zoning permit is required as evidence of meeting the requirements of 3781.10 O.R.C.

ARTICLE VII. SINGLE-FAMILY DESIGN AND APPEARANCE STANDARDS

New single family residential homes and accessory buildings, whether modular, manufactured or of site-built construction, or room addition and remodeling of existing residential dwellings, accessory building or garages shall comply with the following design and appearance standards.

1. The structure shall be in conformance with the requirements contained in Article V - Lot

and Floor Area Requirements.

2. The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.

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

A. Roof Pitch - Roof pitch minimum requirements are a one or two inch vertical rise for each twelve inches of horizontal run.

B. Roof Overhang - A minimum overhang of from six to twelve inches is required, except where approved decks or certain accessory structures are attached or semi-attached.

C. Roof Material - Wood shingle, wood shake, synthetic or composite shingle, ceramic tile, concrete tile, asphalt or fiberglass shingles are to be utilized in roofing of residential or accessory building construction. The use of corrugated metal or fiberglass is not permitted.

D. Exterior Siding - The use of one or a combination of materials such as brick, stucco, clapboard or clapboard-simulated vinyl, or metal, wood shingles or similar materials is permitted. The exterior siding must extend from the roof-line to the ground level, or to the type of the foundation when a solid concrete or masonry perimeter foundation is used. The use of smooth, ribbed or corrugated metal, fiberglass or plastic materials is prohibited.

4. In the event the Zoning Inspector disapproved the use of items in 3A to 3D, the applicant may have his request reviewed and acted upon by the Zoning Board of Appeals.

5. Premanufactured storage sheds, accessory buildings, pole buildings shall be permitted provided they are assembled to the manufacturer's specifications.

ARTICLE VIII. HOME OCCUPATIONS

1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation.

2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of floor area of the dwelling unit shall be used in the conduct of the home occupation.

3. There shall be no change in the outside appearance of the building or premises, outside storage of materials, incidental to the home occupation, nor other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding eight (8) square feet in area, nonilluminated.

4. No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated for conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance, and shall not be located in a required front yard;

5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses on the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations, in line voltage off the premises.

ARTICLE IX. NON-CONFORMING USES

1. A non-conforming use existing at the time this amended Ordinance takes effect may be continued, except that if it is voluntarily discontinued for two or more years, it shall be deemed abandoned and any further use must be in conformity with the uses permitted in such district.

2. Any building arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of this Ordinance, but not completed, may be completed and put to such non-conforming use, provided it is done within one year after this Ordinance takes effect.

3. Any structure or building, existing as a non-conforming use at the time this Ordinance takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within two years from the date of said destruction, and is rebuilt as nearly as possible to conform with the zoning ordinances within the district in which is located.

4. Any building or structure or land area devoted to a non-conforming use at the time this Ordinance takes effect may not be altered or enlarged so as to extend said non-conforming use more than 25% of the original area, providing the alterations or enlargement is toward conformity with the zoning Ordinances within the district in which it is located.

5. When a non-conforming use has been changed to a more restricted use or to be a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

ARTICLE X. GENERAL PROVISIONS

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 what said front or side yard shall be exceptions to this requirement. Fences not over 42 inches in height may be built in front or side yards, but no fence shall be constructed in such manner as to disrupt vision on public highways of operators of vehicles

thereon.

2. Where uncertainty exists with respect to the boundary of the districts as indicated on the zoning maps the following rules shall apply; district boundary lines are the center lines of railroads, highways, streets, alleys or the boundary lines of lots existing unless otherwise indicated.

3. In the areas not subdivided into lots or blocks wherever a district is indicated as a strip adjacent to or paralleling an adjacent street or highway, the depth of such strip shall be 300 feet measured at right angles from the street or highway line and the length of the frontage shall be the entire tract of land along such street or highway unless otherwise indicated.

4. Swimming pools, other than children's wading pools capable of holding water no more than 18 inches in depth, must be placed within the rear and side yard setbacks and must be enclosed with a fence at least 48 inches high. The fence, which must be capable of being locked, may enclose the property or rear yard in which the pool is located, or may enclose the pool area only. Above ground pools with side walls at least 48" high and with steps or a ladder capable of being removed or locked to prevent unauthorized entry, are not required to be fenced.

ARTICLES XI. ADMINISTRATION

Section 1. Purpose

This article sets forth the powers and duties of the Zoning Inspector, Board of Zoning Appeals, Zoning Commission, and Village Council with respect to the administration of the provisions of this Ordinance.

Section 2. Zoning Inspector

A Zoning Inspector designated by the Village Council shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Village Council may direct.

Section 3. Responsibilities of Zoning Inspector

For the purpose of this Ordinance, the Zoning Inspector shall have the following duties:

1. Enforce the provisions of this Ordinance and interpret the meaning and application of itsprovisions.

2. Respond to questions concerning applications for amendments to the Zoning Ordinance text and the Official Zoning District Map.

3. Issue zoning permits and certificates of occupancy as provided by this Ordinance, and keep a record of same with a notation of any special conditions involved.

4. Act on all applications upon which he is authorized to act by the provisions of this Ordinance within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.

5. Conduct inspections of buildings and uses of land to determine compliance with this Ordinance, and in the case of any violation, to notify in writing the person (s) responsible, specifying the nature of the violation and ordering corrective action.

6. Maintain in current status of the Official Zoning District Map which shall be kept on permanent display in the township office.

7. Maintain permanent and current records required by this Ordinance, including but not limited to zoning permits, zoning certificates, inspection documents, and records of all variances, amendments and special uses.

8. Make such records available for the use of the Village Council, the Zoning Commission and the Board of Zoning Appeals and the public.

9. Revise and approve site plans pursuant to this Ordinance.

10. Determine the existence of any violations of this Ordinance, and cause such notifications, revocation notices, stop orders, or tickets to be issued or initiate such other administrative or legal action as needed, to address such violation.

11. Prepare and submit an annual report to the Village Council and Planning Commission on the administration of this Ordinance, setting forth such information as may be of interest and value in advancing and furthering its purpose and making recommendations concerning the schedule of fees.

Section 4. Board of Zoning Appeals

1. Membership There is hereby established a Village Board of Zoning Appeals which shall consist of five (5) members, who are residents of the incorporated Village included in the area zoned. Members shall be appointed, and vacancies on the Board shall be filed by a majority vote of the Village Council. The five (5) members first appointed shall serve for terms of one (1), two (2), three (3), four (4) and five (5) year terms. Vacancies shall be filled by Village Council and shall be for the respective unexpired term.

2. Hearings, Rules, Etc. The hearings of the Board of Zoning Appeals shall be public. The Board shall organize annually and elect a Chairman, Vice-Chairman, and Secretary. The Board shall act by motion documented in its Minutes, in which three (3) members must concur. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance. the Board shall hear any owner of property adjacent to the lot for which the granting of any zoning permit is pending, and shall also hear any other parties having substantial interest as determined by the Board.

3. Minutes and Records The Board shall keep minutes of its proceedings, showing the vote of each members upon each question; or if absent or failing to vote,indicating such fact; and shall keep records of its examinations and other official actions all of which all shall immediately be filed in the Office of the Village Clerk of Custar and shall be a public record.

4. Witnesses, Oaths, etc. The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

5. Assistance The Board may call upon the various officials and employees of the village for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

Section 5. Planning Commission

1. Organization and Duties of Planning Commission The Village Planning Commission shall hold an annual election for the purpose of selecting its officers which shall include a chairman, vice chairman and secretary. The election of such officers shall be held in January of each year at a regularly scheduled meeting. The Commission shall adopt its own by-laws for the transaction of its business. An official record of the Commission's meetings, actions, and determinations shall be kept. A copy of the agenda and minutes of each meeting and public hearing shall be supplied to Village Council for its own file.

2. General Duties

A. Amendments

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Village Council may by Ordinance -- after receipt of recommendation thereon from the Planning Commission, and subject to the procedure provided by law -- amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance or amendments thereof. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to Village Council.

B. Temporary Permits

The Commission shall have the power to grant temporary permits for the

following purposes and subject to the following conditions:

1. A temporary permit may be granted for the use of a manufactured home as a residence in connection with the granting of a building permit for the construction of a dwelling. The permit shall allow such use on the premises on which the dwelling is to be constructed and shall expire on completion or occupancy of the dwelling, and in any event, within one year of the date granted. Such manufactured home must be equipped with adequate sanitary facilities which shall include connection to a septic tank and leachbed.

2. A temporary permit may be granted for the use of a manufactured home as a residence on a lot or tract of land which has a dwelling thereon. Such manufactured home shall not be required to have the sanitary facilities required in Paragraph 1 if used in connection with a dwelling having indoor bathroom. Such permit shall expire in thirty days.

3. A temporary permit may be granted for the erection and use of construction buildings in connection with the granting of any building permit. Such permit must expire within 30 days of completion of the construction.

Section 6. Schedule of Fees

The Village Council shall by Resolution or Ordinance establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals and other procedures and services pertaining to the administration and enforcement of this Ordinance, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended by the Village Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

ARTICLE XII. ENFORCEMENT

Section 1. General

This article stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approvals under this Ordinance.

Section 2. Zoning Permits Required

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written order from the

Board of Zoning Appeals deciding an appeal, or variance.

Section 3. Contents of Application for Zoning Permit

The application for zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2½) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

1. Name, address and phone number of applicant
2. Legal description of property
3. Existing use
4. Proposed use
5. Zoning district
6. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alterations
7. Building heights
8. Number of off-street parking spaces and their layout
9. Location and design of access drives
10. Number of dwelling units
11. If applicable, application for a sign permit or a conditional, special, or temporary use permit, unless previously submitted;
12. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of this Ordinance.

Section 4. Approval of Zoning Permit

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All zoning permits shall, however, be conditional upon the commencement or work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans similarly marked, shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Ordinance.

Section 5. Expiration of Zoning Permit

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector and

written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one half (2½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be give to the persons affected, together with notice that further work as described in the canceller permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

Section 6. Certificate of Occupancy

It shall be unlawful to use or occupy or permit the occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy shall have been issued therefor by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance. The issuance of a use certificate in no way relieves the recipient from compliance with all the requirements of this Ordinance and other regulations.

Section 7. Temporary Certificate of Occupancy

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy, and copies shall be furnished, upon request and upon payment of the established fee, to any person.

Section 8. Record of Zoning Permits and Certificate of Occupancy

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy, and copies shall be furnished, upon request and upon payment of the established fee, to any person.

Section 9. Failure to Obtain a Zoning Permit or Certificate of Occupancy

Failure to obtain a zoning permit or certificate of occupancy shall be a punishable violation of this Ordinance as determined in Article XII.

Section 10. Construction and Use to Be as Provided in Applications, Plans, Permits, and Certificates

Zoning permits and certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Ordinance.

Section 11. Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Board of Appeals. The Zoning Board of Appeals shall record properly such complaint, immediately request the zoning inspector to investigate it, and take action thereon as provided by this Ordinance.

Section 12. Entry and Inspection of Property

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Ordinance. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the Village Solicitor or the County Prosecutor in securing a valid search warrant prior to entry.

Section 13. Stop Work Order

Subsequent to his determination that work is being done contrary to this Ordinance, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Ordinance.

Section 14. Zoning Permit Revocation

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this ordinance because of misrepresentation in the application.

Section 15. Notice of Violation

Whenever the Zoning Inspector or his agent determines that there is a violation of any provision of this Ordinance, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

A. Be in writing
B. Identify the violation
C. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated; and
D. State the time by which the violation shall be corrected

Service of notice of violation shall be as follows:

A. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or

B. By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, the service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or

C. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

ARTICLE XIII. PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

Section 1. General

Appeals and variances shall conform to the procedures and requirements of Sections 2 to 12 inclusive, of this ordinance. As specified in Section 3, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 2. Appeals

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by the decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

Section 3. Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal

is taken or due cause shown.

Section 4. Variances

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings or in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the ground of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.

Section 5. Application and Standard for Variance

Except as otherwise permitted in this Ordinance, no variance in the strict application of the provisions of this Ordinance shall be granted by the Board of Zoning Appeals unless the Board finds that the written application for the request variance contains all of the following requirements.

1. Name, address and phone number of applicant(s)
2. Legal description of the property
3. Description or nature of variance requested
4. A fee as established by Ordinance
5. Narrative statements establishing and substantiating that the variance conforms to the following standards:

   A. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the area or detrimental to the public welfare.

   B. The Granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.

   C. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this

Ordinance would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.

D. There must be proof of hardship created by the strict application of this Ordinance. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created, nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.

E. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish purpose.

F. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

G. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

Section 6. Additional Conditions and Safegrounds

The Board may further prescribe any conditions and safeguards that it deems necessary to insure that the objective of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted; shall be deemed a punishable violation under this Ordinance.

Section 7. Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

Section 8. Notice to Parties in Interest

Before conducting the public hearing required in Section 7, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. In the alternative, notice shall be posted at the Custar Post Office and at the Custar Bank in a place accessible by the public at least ten (10) days before the hearing.

Section 9. Notice to Parties in Interest

Before conducting the public hearing required in Section 7, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 8.

Section 10. Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 7, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 6, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the applications justify the granting of the variance that will make possible a reasonable use of land, building or structure. Appeals from Board decision shall be made by the Court of Common Pleas.

Section 11. Term of Variance

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

Section 12. Authorized Variances

Variances from the regulations of this Ordinance shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 5, have been met by the applicant. Variances may be granted as guided by the following:

- To permit any yard or setback less than the yard or setback required by the applicable regulations.

- To permit the use of a lot or lots for a use otherwise prohibit solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width.

- To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.

- To increase the maximum gross floor area for any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.

ARTICLE XIV. VALIDITY

Should any section clause or provision of this Ordinance be declared by courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE XV. VIOLATIONS AND PENALTIES

Any person, firm or corporation who violates, disobey, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance or amendment thereto, or submits false plans, evidence or testimony with the intent thereby of obtaining any permit or privilege by trick or subterfuge, shall be deemed guilty of a misdemeanor and shall be fined in a sum not more than Two Hundred Fifty dollars ($250), or imprisoned for a term not exceeding thirty (30) days, for each offense.

Each day that a violation is permitted to exist shall constitute a separate offense.

ARTICLE XVI. EFFECTIVE DATE

This Ordinance shall be effective from and after its passage at the earliest period by law.

Roll Call Vote: _____yea, _____nye.

Passed:_____ Mayor:_____

Attest: _____
Clerk-Treasurer

CUSTAR CORPORATION ZONING MAP

RESIDENTIAL COMMERCIAL AGRICULTURAL INDUSTRIAL SPECIAL

