



ZONING COMMISSION
AGENDA

April 21, 2026 1:00 PM

Mayor Marc Thompson
Chad Carter, Susan Assi, Heather Phillips, Merideth Wagoner

- I. Call to Order
- II. Citizen Comments
- III. Zoning Code Discussion
 - a. Transient rentals
 - b. Definition of materials
 - c. Defining single family
 - d. Other items for discussion
- IV. Citizen Comments
- V. Next meeting date
- VI. Adjournment

Public comments are limited to three (3) minutes per speaker, unless extended by the Mayor or Council. Comment is permitted only during designated citizen comment periods on the agenda.

Individuals wishing to speak must sign in prior to the meeting, providing: Name; Address; Affiliation (if applicable);
Topic of comment

Council and staff will generally not respond during public comments, but limited responses may be given at the Presiding Officer's discretion. The Presiding Officer may limit repetitive comments on a single topic after 30 minutes, provided viewpoints are not restricted based on content.

The full and complete public comment policy is set forth in Section IV of the Rules of Council.

CHAPTER 715

Short-Term Rental Regulations

715.01 Zoning code compliance.

715.02 Definitions; zoning districts permitted in.

715.03 Regulations.

715.01 ZONING CODE COMPLIANCE.

The Village of New Concord, Ohio hereby creates the ability for short-term rentals to comply with the Village of New Concord, Ohio zoning code.

(Ord. 2024-11-1. Passed 11-18-24.)

715.02 DEFINITION; ZONING DISTRICTS PERMITTED IN.

(a) Any dwelling which is rented wholly or partly in exchange for a compensatory fee for a period of less than thirty (30) consecutive days, and not more than sixty (60) days annually where permitted. Short-term rentals shall be permitted in the following zoning districts contingent on compliance with all other provisions of this ordinance and requirements of the permitting process.

- (1) R2 Medium Density Single Family Residential District
- (2) R3 Multi-Family Residential District
- (3) B1 Local Business District
- (4) B2 Central Business District
- (5) B3 Highway Business District
- (6) I1 General Industrial District

(b) Short-term rentals shall specifically not be permitted in the following:

- (1) S1 Open Space and Conservation District
- (2) O1 Office and Institution District
- (3) R1 Suburban Single Family Residential District

(Ord. 2024-11-1. Passed 11-18-24.)

715.03 REGULATIONS.

(a) There shall not be more than the permitted number of short-term rentals in any zoning district and at any given time.

(b) Each short-term rental shall be at least five hundred (500) feet from any other short-term rental.

(c) Each short-term rental shall annually apply for a yearly rental permit with a fee of fifty dollars (\$50.00). If said application is accepted, each short-term rental shall pay a fee of five hundred dollars (\$500.00) to the Village of New Concord, Ohio due not later than January 31st of each year with no rentals to take place prior to payment. There will be no prorating of fees for a partial year. The short-term rental permit shall be posted in a conspicuous place in the rental.

(d) Each short-term rental shall fully comply with the laws of the Village of New Concord, in the State of Ohio.

(e) No outdoor advertising shall be permitted on the short-term rental.

(f) The owner of each short-term rental shall live no further than twenty-five (25) miles from the short-term rental property.

(g) The short-term rental shall pay the same Lodging tax as hotels.

(h) No short-term rental shall permit standard occupancy of more than two (2) persons per bedroom not more than ten (10) persons in total.

(i) In the event that a short-term rental does not fully comply with the laws of the Village of New Concord, Ohio, the Village shall retain the right to revoke the short-term rental lease.

(Ord. 2024-11-1. Passed 11-18-24.)

CODIFIED ORDINANCES OF NEW CONCORD

Ordinance No. 084 - 2024

Amending Part Eleven Title Five Supplementary District Uses And Structures Adopted By Establishing A New Section 1155.09 Of The Oregon Municipal Code Titled “Short-Term Rentals”: And Declaring An Emergency

Summary And Background

Municipalities across the United States have implemented, or are implementing, regulations and standards for short-term rentals facilities and the online hosting platform industry.

The State of Ohio and City of Oregon currently have no regulations on short-term rentals and online hosting platforms. Council referred the question of regulating short-term rentals within the City of Oregon to the Economic Development Committee to consider whether the City would be best served by implementing restrictions on short-term rentals.

The Economic Development Committee considered the question at its April 15, 2024, meeting and recommended that the City impose restrictions on the use of short-term rentals to maintain the distinct character and family atmosphere of the City of Oregon and **Now, Therefore,**

Be It Ordained By The Council Of The City Of Oregon, Ohio, That:

Section 1. The Oregon Municipal Code Part Eleven, Title Five Supplementary District Uses And Structures Section 1155.09, Short-Term Rentals shall, and hereby is, enacted as shown on Exhibit “A”, attached hereto and made a part hereof.

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 its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Revised Code of Ohio and that the reading and adoption of this ordinance complies with the provisions of Article III, Section 9, of the City Charter, as amended.

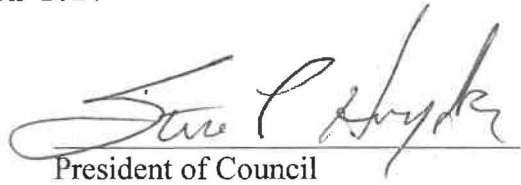
Section 3. This Ordinance is hereby declared to be an emergency measure and shall take effect and be in force upon its passage and signature by the Mayor. The reason for the emergency is to have this new Section 1155.09 in effect as soon as possible.

City of Oregon, Ohio, 5330 Seaman Road, Oregon, OH 43616-2633

Vote on passage as an emergency:

Yeas 6 Nays 0 Abs. 0

Passed as an emergency measure: May 13th 2024



Steve P. Snyder
President of Council

Approved:

Attest:



Grace A. Snyder
Clerk of Council



Michael Seaman
Mayor

EXHIBIT A

CHAPTER 1155 – SUPPLEMENTARY DISTRICT USES AND STRUCTURES

1155.10 SHORT-TERM RENTALS

(a) No person shall operate or advertise a short-term rental in any district lots unless the following conditions are met:

(1) Definitions.

- A. "Hosting Platform" means a person or entity that facilitates the booking of a short-term rental unit. "Facilitate" includes, but is not limited to, the act of allowing an operator to list or advertise, typically for a charge or fee, the short-term rental unit on an internet website, in a print publication, or through another forum provided or maintained by the hosting platform.
- B. "Operator" means the person offering a short-term rental unit, whether as the owner, lessee, or otherwise.
- C. "Person" means an individual, corporation, business trust, estate, trust, partnership, association or cooperative, or any other legal entity.
- D. "Short-Term Rental Unit" means a dwelling unit, a portion of a dwelling unit, or any other structure that is intended for occupancy for dwelling, lodging or sleeping and which is offered for consideration for any period of up to 30 consecutive calendar days and which is advertised on a hosting platform. Short-term rental units shall not include dwelling units facilities licensed by the state as health care facilities, hotels, inns, motels, bed and breakfasts properly approved by the City of Oregon or campgrounds; or dwelling units rented according to a written month-to-month lease.
- E. "Short-Term Rental Accessory" means an accessory to a dwelling unit or any other structure that is intended for occupancy for lodging, sleeping, recreation, or assembly and which is offered for consideration for any period of up to 30 consecutive calendar days and which is advertised on a hosting platform. Short-term rental swimming pools are not considered a "Private Residential Swimming Pool" as defined by the ORC Section 3749.01 and must meet the requirements of the Lucas Co. Health Department

(2) Permit required. No person shall operate or advertise any short-term rental unit within the City of Oregon without first having procured an operating permit pursuant to this chapter.

(3) Application for short-term rental unit operating permit.

- A.** Short-term rental unit operators shall submit an application to the Building and Zoning Department and register with the Department of Taxation to operate any short-term rental unit. The application form shall be provided by the Building and Zoning Department. **Applicants must show proof of residency within the City of Oregon.**
- B.** Applications for short-term rental unit permits shall contain the following:
1. Operator information. The full legal name, mailing address, email address and telephone number of the operator. ~~and in cases where a business entity or trust is the operator, the individual who has responsibility to oversee the operation of the property including the mailing address, email address and telephone number of such individual;~~
 2. **Proof of Residency.** **The owner of the short-term rental property must live in the City of Oregon and provide proof of residency.** ~~Lessee information. If the applicant is a lessee, the application shall include the full legal name of the owner of the short term rental unit, the mailing address, email address and telephone number of the owner and a signature of the owner acknowledging the owner's understanding of the City of Oregon's short-term rental unit rules and verifying the owner's agreement that they are legally responsible and liable for compliance by the operator;~~
 3. Compliance Certificate. Certificate of tax and public utility compliance or evidence of compliance with a payment plan;
 4. Registry Compliance. Evidence of compliance with any applicable rental registry requirements;
 5. Affidavit. Affidavit of Life Safety Compliance verifying the number, locations and operation of the life safety equipment required in Section 1155.10(d)(4) herein.
 6. **Insurance.** Proof of general liability insurance in the amount of at least \$1,000,000.
 7. Local contact person. An individual who shall be available 24 hours a day, seven days a week to respond as necessary, within 45 minutes of notification of a complaint regarding the condition, operation or conduct of occupants of the short-term rental unit and taking remedial action as necessary to resolve an such complaints.

8. Floor Plan and Site Plan. A basic **floor** plan identifying the number of sleeping rooms for maximum occupancy and **a site plan identifying** the number and location of designated off-street parking spaces for the maximum number of vehicles allowed for overnight occupants. **Parking is not permitted on unapproved parking surfaces or lawns.**

9. Spacing Requirements. No short-term rental unit shall be established on a lot or lots within three-hundred (300) linear feet of street frontage of any other short-term rental unit. No two (2) short-term rental units shall be located in the same building or on the same lot.

C. Operators of one or more short-term rental units located within the City of Oregon shall comply with all requirements of this Oregon Municipal Code Section 1155.10 administered through the Department of Building and Zoning by January 1, 2025. Any short-term rental that can demonstrate that they were operating prior to the passage of this ordinance shall be exempt from the spacing requirement in Section (3)B.9. of this Chapter.

(4) Permit Required. The operator of a short-term rental unit must obtain a permit for each unit. A permit must be on display in each short-term rental unit.

A. Permits issued under this section shall be valid for one year from the date of issue and may be renewed annually.

B. All applications shall be accompanied by an application fee of \$250.

(5) Required notification. Within 48 hours of submitting the application for a short-term rental unit operating permit to the Building and Zoning Department, the operator shall send a neighborhood notice by first-class mail or hand delivery to all property owners whose property is adjacent to the property at which the short-term rental unit is proposed. The operators shall provide the Building and Zoning Department with the names and addresses to which notices were sent. For the purposes of this section, adjacent properties are those that abut the proposed short-term rental unit, those directly across the street or alley from the proposed short-term rental unit, and those that are diagonal across the street or alley from the proposed short-term rental unit.

(6) Denial of Permit Or Renewal of Permit. The Commissioner of Building and Zoning shall deny any application for a new registration, or **deny** renewal of registration, **or revocation of an Operating Permit** if any

of the following are shown to have occurred at the short-term rental property:

- A.** The applicant makes a material misrepresentation of fact on the application.
- B.** The short-term rental **Operator** is not in good standing with the City of Oregon Income Tax Division;
- C.** The short-term rental has a documented history of repeated conduct that endangers neighborhood safety or of conditions interfering with the use and enjoyment of property within its vicinity; or of conduct in violation of §1155.09(A)(8).
- D.** Evidence of conduct under divisions (a) and (b) of this section need only be that of de facto violation of law; evidence of conviction is not a prerequisite for denial unless specifically indicated.

(7) Appeal. In the event the applicant has been denied a short-term rental unit permit and/or renewal of a permit by the Commissioner of Building and Zoning, they shall have the right to appeal to the City Administrator from such denial, revocation within ten (10) business days. Notice of appeal shall be filed with the City Administrator's office on a form created by the City Administrator for such purpose, and the City Administrator shall set the date and time of the appeal hearing. The burden of proof in such an appeal shall be upon the appellant to show that the denial or revocation was arbitrary or unreasonable. Any such decision by the City Administrator shall be final.

(8) Transfer. No permit under this chapter shall be transferable to another short- rental operation.

(9) Operating requirements.

- A.** Advertisement. It shall be unlawful to advertise any short-term rental unit without the operating permit number clearly displayed on the advertisement. This includes any means, electronic or non-electronic, intended to promote the availability of the short-term rental unit.
- B.** Maximum occupancy. The number of overnight occupants permitted in a short-term rental unit shall not exceed two occupants per sleeping room. This maximum occupancy shall be identified in the operating permit.
- C.** Parking. The number of overnight vehicles permitted on the property shall be identified in the operating permit.
- D.** Life safety equipment. Each short-term rental unit shall have the following fully functional life safety equipment on the premises and installed to manufacturer specifications:

1. Smoke Alarms. Smoke alarms shall meet the requirements of the Residential Code of Ohio Section 314.
2. Carbon Monoxide Detector. Carbon Monoxide Detector, shall be in the immediate vicinity of all sleeping rooms meeting the requirements of the Residential Code of Ohio Section 315.
3. Fire Extinguisher. A fire extinguisher shall be located inside the premises **as directed by the Oregon Fire Department.**

E. Records. The operator shall require a verification of the identity of the person responsible for booking the short-term rental unit and keep a record on file for 3 years.

(10) Inspection. Upon display of the proper credentials, sworn officers excluded, any employee of the division of police, division of fire, department of building and zoning, or Lucas County Public Health may be permitted to inspect the hotel/motel premises, short-term rental, or applicant's dwelling to ensure compliance with this Chapter.

(11) Operation without a permit. Any short-term rental unit operating or advertising for operation without a valid operating permit shall be deemed to be a public safety hazard.

(b) Penalty. Whoever violates any provision of this chapter shall be guilty of an unclassified misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00). Upon subsequent convictions, the penalty shall be an unclassified misdemeanor, but the guilty party shall be fined not more than one thousand dollars (\$1,000), in addition to any other penalties as imposed by this chapter. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

City of Toledo Short Term Rentals- current 7-24-25

702.01. Definitions.

(a) "Hosting Platform" means a person or entity that facilitates the booking of a short-term rental unit. "Facilitate" includes, but is not limited to, the act of allowing an operator to list or advertise, typically for a charge or fee, the short-term rental unit on an internet website, in a print publication, or through another forum provided or maintained by the hosting platform.

(b) "Operator" means the person offering a short-term rental unit, whether as the owner, lessee, or otherwise.

(c) "Person" means an individual, corporation, business trust, estate, trust, partnership, association or cooperative, or any other legal entity.

(d) "Short-Term Rental Unit" means a dwelling unit, a portion of a dwelling unit, or any other structure that is intended for occupancy for dwelling, lodging or sleeping and which is offered for consideration for a period of up to 30 consecutive calendar days and which is advertised on a hosting platform. Short-term rental units shall not include dwelling units facilities licensed by the state as health care facilities, hotels, inns, motels, bed and breakfasts properly approved by the City of Toledo or campgrounds; or dwelling units rented according to a written month-to-month lease.

(Ord. 267-21. Passed 12-7-21.)

702.02. Permit required.

No person shall operate or advertise any short-term rental unit within the City of Toledo without first having procured an operating permit pursuant to this chapter.

(Ord. 267-21. Passed 12-7-21.)

702.03. Application for short-term rental unit operating permit.

(a) Short-term rental unit operators must submit an application on a form to be provided by the Mayor or his or her designee to the Department of Finance, Division of Taxation to operate any short-term rental unit.

(b) Applications for short-term rental unit permits shall contain the following:

(1) Operator information. The full legal name, mailing address, email address and telephone number of the operator, and in cases where a business entity or trust is the operator, the individual who has responsibility to oversee the operation of the property including the mailing address, email address and telephone number of such individual;

(2) Lessee information. If the applicant is a lessee, the application shall include the full legal name of the owner of the short-term rental unit, the mailing address, email address and telephone number of the owner and a signature of the owner acknowledging the owner's understanding of the City of Toledo's short-term rental unit rules and verifying the owner's agreement that they are legally responsible and liable for compliance by the operator;

(3) Certificate of tax and public utility compliance or evidence of compliance with a payment plan;

(4) Evidence of compliance with any applicable rental registry requirements;

(5) Affidavit of Life Safety Compliance verifying the number, locations and operation of the life safety equipment required in Section [702.04](#)(d) herein.

(6) Proof of general liability insurance in the amount of at least \$1,000,000.

(7) Local contact person. An individual who shall be available 24 hours a day, seven days a week to respond as necessary, within 45 minutes of notification of a complaint regarding the condition, operation or conduct of occupants of the short-term rental unit and taking remedial action as necessary to resolve an such complaints.

(8) A basic site plan identifying the number of sleeping rooms for maximum occupancy and the number and location of designated off-street parking spaces for the maximum number of vehicles allowed for overnight occupants.

(c) The operator of a short-term rental unit must obtain a permit for each unit. A permit must be on display in each short-term rental unit.

(d) Permits issued under this section shall be valid for one year from the date of issue and maybe renewed annually.

(e) All applications shall be accompanied by an application fee of \$50.

(f) Required notification. Within 48 hours of submitting the application for a short-term rental unit operating permit to the Division of Taxation, the operator shall send a neighborhood notice form supplied by the Division of Taxation, by first-class mail or hand delivery to all property owners whose property is adjacent to the property at which the short-term rental unit is proposed. The operators shall provide the Division of Taxation the names and addresses to which notices were sent. For the purposes of this section, adjacent properties are those that abut the proposed short-term rental unit, those directly across the street or alley from the proposed short-term rental unit, and those that are diagonal across the street or alley from the proposed short-term rental unit.

(g) Any person who has been denied a short-term rental unit permit by the Director of Finance may appeal as provided under Section 701.10 herein.

(Ord. 267-21. Passed 12-7-21.)

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702.04. Operating requirements.

(a) It shall be unlawful to advertise any short-term rental unit without the operating permit number clearly displayed on the advertisement. This includes any means, electronic or non-electronic, intended to promote the availability of the short-term rental unit.

(b) Maximum occupancy. The number of overnight occupants permitted in a short-term rental unit shall not exceed two occupants per sleeping room plus two additional occupants. This maximum occupancy shall be identified in the operating permit.

(c) Parking. The number of overnight vehicles permitted on the property shall be identified in the operating permit.

(d) Life safety equipment. Each short-term rental unit shall have the following fully functional life safety equipment on the premises and installed to manufacturer specifications:

(i) Smoke alarms meeting the requirements of Toledo Municipal Code Section [1301.11](#).

(ii) A carbon monoxide detector within 15 feet of all sleeping rooms

(iii) A fire extinguisher.

(e) The operator shall require a verification of the identity of the person responsible for booking the short-term rental unit.

(Ord. 267-21. Passed 12-7-21.)

702.05. Operation without a permit.

Any short-term rental unit operating or advertising for operation without a valid operating permit shall be deemed to be a public safety hazard. The City may issue the operator and/or owner a penalty of \$100 per week up to a maximum of \$500 for operating or advertising for operation without a permit.

(Ord. 267-21. Passed 12-7-21.)

702.06. Effective date for short-term rental unit operating permit requirements.

The provisions of this chapter relating to short-term rental unit operating permit requirements shall take effect 60 days after its adoption.

(Ord. 267-21. Passed 12-7-21.)

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Current 7-24-25

**CHAPTER 1369
Transient Rental Property**

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| 1369.01 Purpose. | 1369.08 Change of Ownership or Control. |
| 1369.02 Transient Rental Registration Certificate. | 1369.09 Hosting Platforms. |
| 1369.03 Limitations on Transient Rental Properties. | 1369.10 Hearing and Appeals. |
| 1369.04 Fees. | 1369.11 Severability. |
| 1369.05 Owner Responsibilities. | 1369.12 Enforcement. |
| 1369.06 Inspections. | 1369.13 Notice of Violations. |
| 1369.07 Nuisance. | 1369.98 Definitions. |
| | 1369.99 Penalty; legal action. |

CROSS REFERENCES

- Building standards - see BLDG. Title 13
- Condemnation proceedings - see BLDG. Ch. 1357
- Hearing and Appeal - see ZONING. Ch. 1139
- Planning and zoning - see ZONING Ch. 1133
- Removal of unsafe buildings - see BLDG. Ch. 1358
- Taxation - see ADMIN. Ch. 189

1369.01 PURPOSE.

The purpose and intent of this Chapter is to regulate and ensure the peace, health, safety, and wellness of the public, including the Owners, Transient Guests, and neighboring property owners or occupants of any Transient Rental Property; to ensure the continued vibrancy, character, and charm of the City of Huron as a community; to protect and preserve the quality, character, and tranquility of residential neighborhoods; to protect property values, and to preserve the availability of affordable housing stock for permanent residents of the City of Huron.

1369.02 TRANSIENT RENTAL REGISTRATION CERTIFICATE.

- (a) Required. Effective January 1, 2020, the City created a Transient Rental Property Registration System for the City of Huron that requires an Owner of Transient Rental Property to register with the City on an annual basis each and every individual Transient Rental Property in the City.
 - (1) Beginning on the effective date of this Ordinance for new transient rental Applications, and beginning as of the date of expiration, lapse or revocation for an Owner holding one or more current and valid Department-issued Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), every Transient Rental Property must be issued a

Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate (as the case may be) before being used, advertised, promoted, offered, listed with a Hosting Platform, or otherwise made available for use as Transient Rental Property. It shall be prima facie evidence of use as a Transient Rental Property if a Transient Guest is found to be occupying a Residential Premises or the Residential Premises is advertised on a Hosting Platform.

- (2) All Transient Rental Property must be in full compliance at all times with all applicable provisions of the Codified Ordinances of the City of Huron.
- (b) Display of Certificate. Each Transient Rental Property must display the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate (as the case may be) in a conspicuous location that can be easily observed from public streets or sidewalks.
- (1) No Owner of a Transient Rental Property shall allow a Transient Rental Property to be used, advertised, promoted, offered, listed or made available for use to Transient Guests if the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate (as the case may be) has been suspended, revoked, or denied, nor shall an Owner display a Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate (as the case may be) that has expired or been suspended, revoked, denied, altered, or defaced.
 - (2) No person shall make a Transient Rental Property available for use by Transient Guests if such Transient Rental Property is in violation of any applicable provision of the City of Huron's health code, building code, zoning regulations, or any covenant, condition, or restriction enacted in accordance with Chapter 5312 of the Ohio Revised Code, if applicable.
- (c) Issuance.
- (1) The Application for a Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate required by this Chapter shall be made by an Owner by supplying the information required on the Application supplied by the Department and agreeing to comply with all requirements of this Chapter. Applications may be submitted at any time, subject to the limitations and restrictions set forth in **1369.03**.
 - (2) A Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate shall not be issued to an Owner unless the Owner or an Authorized Representative can arrive at and access the Transient Rental Property within one (1) hour.
 - (3) Upon submission of the Application (or renewal Application), the Department shall schedule a Life Safety Inspection, in accordance with Section **1369.06** of these Codified Ordinances, of the Residential Premises prior to issuing or renewing a Transient Rental Registration Certificate.

- (4) No Transient Rental Registration Certificate shall be issued or renewed until the Department completes a Life Safety Inspection of the Residential Premises and determines that the Residential Premises complies with all applicable health, building, and safety codes and the requirements of this Chapter.
 - (5) After the Life Safety Inspection is completed and the Residential Premises is found to be in full compliance with all applicable building, health, and safety codes, the Department shall issue or renew a Transient Rental Registration Certificate for such Residential Premises which shall contain the following information:
 - i. the name, email address, and telephone number of the Owner or Authorized Representative responsible for maintenance of the Transient Rental Property and ensuring compliance with this Chapter;
 - ii. the address of the Transient Rental Property;
 - iii. the expiration date of the Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate (as the case may be); and
 - iv. the maximum occupancy of the Transient Rental Property, which shall be limited to three (3) persons per Residential Premises plus two (2) persons per bedroom.
 - (6) Upon obtaining a Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate, the Owner shall comply with the provisions of this Chapter.
- (d) Revocation or Lapse. The Department shall revoke a Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate for any of the following:
- (1) the Owner provides any material misrepresentation of fact on the Application;
 - (2) the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate is not timely renewed;
 - (3) noncompliance with the requirements of this Chapter;
 - (4) failure to correct any deficiency identified in the Inspection Report within thirty (30) days of the date the Inspection Report is issued;
 - (5) failure to collect and remit taxes required by Chapter 189 of the Codified Ordinances;
 - (6) upon a determination by a Court of competent jurisdiction that the Transient Rental Property has become a nuisance as further defined in Section **1369.07** of the Codified Ordinances or other controlling Ohio law.

Notwithstanding any contrary provision of this Chapter, any Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate that expires, is revoked, or becomes invalid for any reason is not assignable nor renewable and

shall be considered a new Transient Rental Property for which a new Application is required for all purposes under this Chapter.

- (e) Limitations on Assignment. Except as otherwise provided in Section **1369.08**, a Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate may not be sold, transferred, or assigned to any property other than the Transient Rental Property for which it was issued.
- (f) Term. A Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate issued pursuant to this Chapter shall be valid for twelve (12) months from the date of issuance or unless and until such certificate expires, lapses, or is revoked in accordance with **1369.02(d)** of the Codified Ordinance.

1369.03 LIMITATIONS ON TRANSIENT RENTAL PROPERTIES.

Beginning on the effective date of this Ordinance, there shall be a maximum combined aggregate total of **two hundred (200)** Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificates, and Renewal Transient Rental Registration Certificates issued for Transient Rental Property located within the City at any one time, provided that no renewal Application for a Renewal Transient Rental Registration Certificate will be denied solely on the basis that approving the Application will cause the foregoing maximum combined aggregate total number of Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Occupancy Registration Certificates, and Renewal Transient Rental Registration Certificates to be exceeded.

- (a) Subject to the provisions of the foregoing paragraph, Applications accepted for an available Transient Rental Registration Certificate are on a first come basis. The Department shall maintain a waiting list in the event the maximum number of Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificates, and Renewal Transient Rental Registration Certificates issued for Transient Rental Property located within the City at any one time equals two hundred (200). At such time as there are a combined aggregate total of two hundred (200) Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificates, and Renewal Transient Rental Registration Certificates issued for Transient Rental Property located within the City, new Applications shall only be considered on a “one (1) new Application for every one (1) Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate that is cancelled, revoked, lapses or terminates for any reason” basis, to ensure the total combined maximum aggregate number of Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificates, and Renewal Transient Rental Registration Certificates issued does not exceed two hundred (200). Subject to limitations found elsewhere in this Chapter, renewal Applications shall continue

to be accepted and Renewal Transient Rental Registration Certificates issued in accordance with Section **1369.02** provided that the Application for a Renewal Transient Rental Registration Certificate is submitted to the Department before the expiration of the existing Transient Occupancy Registration Certificate (issued prior to the effective date of this Ordinance) or before the expiration of any Renewal Transient Rental Registration Certificate.

- (b) No Transient Rental Property which had a Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate revoked under Sections **1369.02(d)(3)-(6)** shall be eligible for issuance of a Transient Rental Registration Certificate for a period of two (2) years from the date of revocation unless a change in ownership or control of the Residential Premises has occurred, as determined by the Department in its reasonable discretion.

1369.04 FEES.

All fees set forth in this Chapter shall be approved and adopted by City Council in accordance with Article III of the City's Charter and the Codified Ordinances. The effective date of any changes to such fees shall be in accordance with Section 3.06 of the Charter unless a different date is set forth in the adopting Ordinance.

1369.05 OWNER RESPONSIBILITIES.

In addition to general requirements that all Transient Rental Property be in full compliance with all applicable laws, statutes, regulations, and ordinances, the following additional responsibilities are applicable to an Owner of Transient Rental Property:

- (a) The Owner of every Transient Rental Property shall be responsible for the maintenance thereof in good repair and in a safe and sanitary condition in compliance with the applicable requirements of Title 13 of the Codified Ordinances and the requirements established by the City administratively.
- (b) Subject to the provisions and limitations contained in Section 1369.06(a)(2) of this Chapter, the Owner shall prepare and maintain a parking plan to designate off-street parking for the use of all vehicles associated with the Transient Rental Property in accordance with Chapter 1133 of the Codified Ordinances.
- (c) The Owner or Authorized Representative shall be required to be physically present in person at the Transient Rental Property within sixty (60) minutes of any notification by a member of law enforcement or the fire department or emergency assistance of any kind relating to a Call for Service to the Transient Rental Property.
- (d) The Owner shall provide proof of procurement and maintenance of general liability and premises liability insurance for the Transient Rental Property as may be periodically requested by the Department, which insurance(s) shall meet all of the following requirements:

- (1) Provide coverage of not less than Three Hundred Thousand Dollars (\$300,000.00) and issued in accordance with Chapter 3902 of the Ohio Revised Code.
- (2) Provide notice of cancellation of insurance to the Department at least ten (10) days prior to cancellation.

Failure to maintain insurance required by this Section shall result in a revocation of the Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate (as the case may be).

(e) Records.

- (1) The Owner or Authorized Representative shall maintain a registry of Transient Guests for a period of at least three (3) years from the date such Transient Guests occupied the Transient Rental Property which shall include the following:
 - i. The name and address of the persons who entered into the rental agreement for use of the Transient Rental Property;
 - ii. The date(s) each such Transient Guest had use or occupancy of the Transient Rental Property;
 - iii. The number of persons scheduled to stay for the night of the Rental Period; and
 - iv. The rate charged per each rental period.
 - (2) The Owner or Authorized Representative shall provide the records required by this section upon request by a member of law enforcement, the Department, or in accordance with any lawful order issued by a Court or tribunal having jurisdiction thereof.
 - (3) The Owner or Authorized Representative shall be deemed to comply with this provision if such records are kept and maintained by a Hosting Platform which is identified and disclosed to the City on the initial Application or any renewal Application.
- (f) No Owner shall lease a Transient Rental Property to a Transient Guest if the Transient Guest's use of the Transient Rental Property would violate Section 2950.034 of the Ohio Revised Code.

1369.06 INSPECTIONS.

- (a) License Issuance and Renewal Inspections:
- (1) Prior to issuing a new or Renewal Transient Rental Registration Certificate, or in the event of the transfer and assignment of a valid a Transient Rental Registration Certificate, the Department shall conduct a Life Safety Inspection of the Residential Premises within fourteen (14) days from the date the new Application or renewal Application is received by the City (or in the event a waiting list is maintained by the Department pursuant to Section 1369.03(a), within fourteen (14) days that the new Owner is notified by the Department that the new Application is being considered), which Life Safety Inspection shall consist of the following:

- i. Inspection of all electrical receptacles;
 - ii. Check for and test smoke detectors and carbon monoxide detectors;
 - iii. Check for improper wiring;
 - iv. Check electrical panel;
 - v. Check all light fixtures at all stairways and exterior doors;
 - vi. Check furnace and water heaters;
 - vii. Check for leaking water, gas and waste lines;
 - viii. Check for removal of all refuse, garbage and debris;
 - ix. Check for building code compliance, including necessary handrails;
 - x. Check for presence of accessible dry chemical fire extinguishers of a minimum 5-lb. ABC class;
 - xi. Determine maximum occupancy for overnight Transient Guests which shall be limited to:
 1. three (3) persons per Residential Premises plus;
 2. two (2) persons per bedroom.
 3. All areas of a Residential Premises designated as bedroom space shall be used predominantly for sleeping, have a minimum of one or more beds of a size and number equal to the expected occupants, and two (2) separate means of accessible ingress and egress.
- (2) In conjunction with completing a Life Safety Inspection, and for new Transient Rental Registration Certificates issued from and after the effective date of this Ordinance, the Department shall also review the Owner's parking plan to determine compliance with Chapter 1133 of the Codified Ordinances. No parking plan shall be required of an Owner that is the holder of a current and valid Transient Occupancy Registration Certificate (issued prior to the effective date of this Ordinance) provided such Transient Occupancy Registration Certificate is timely and continuously renewed and is not later suspended, revoked, denied, or permitted to lapse, in which case a new Application shall be required and all provisions of this Ordinance shall be apply to such new Application, including not limited to the parking plan requirements identified in this Section 1369.06(a)(2).
 - (3) To the extent an Owner is subject to the parking plan requirements of Section 1369.06(a)(2) of this Chapter, and if a particular Transient Rental Property permits occupancy that cannot be accommodated based on the parking requirements set forth in Section 1133.03(c)(6), the permitted and approved occupancy for such Transient Rental Property shall automatically be reduced by the Department to ensure compliance with the parking requirements set forth in Section 1133.03(c)(6) of the Codified Ordinances.
 - (4) Within fourteen (14) days of completing a Life Safety Inspection, an Inspection Report shall be issued to the Owner of the Transient Rental Property.
 - (5) The Department shall maintain a copy of the Life Safety Inspection Report for each Transient Rental Property for a period of three (3) years. Copies of all reports of Life Safety Inspections shall be made available to the public in accordance with §149.43 of the Ohio Revised Code.

- (b) Violations enumerated in the Inspection Report shall be abated by the Owner of the Transient Rental Property within thirty (30) days from the date of the Inspection Report. A reinspection shall be required to verify that the violations have been corrected. The Owner of the Transient Rental Property shall contact the Department to schedule the required reinspection, which shall occur within forty-five (45) days from the date the Inspection Report is issued. A reinspection fee set in accordance with Section **1369.04** shall be paid at the time a reinspection is scheduled.
- (c) Failure to correct any violations contained within the Inspection Report within thirty (30) days from the date of the Inspection Report shall constitute a violation of this chapter and may result in the revocation of a Transient Rental Registration Certificate or Renewal Transient Occupancy Registration (as the case may be) and/or penalties or other legal action in accordance with Section **1369.99**.
- (d) Failure to permit a reinspection of the Transient Rental Property within forty-five (45) days of the date of the Inspection Report shall constitute a violation of this chapter and may result in the revocation of the Transient Rental Registration Certificate or Renewal Transient Occupancy Registration (as the case may be) and/or penalties or other legal action in accordance with Section **1369.99**.
- (e) Upon display of the proper credentials, any member of the Department, law enforcement, fire department, emergency assistance, or public health official shall be permitted to inspect the Transient Rental Property to ensure compliance with this Chapter.
 - (1) In the event access to Transient Rental Property is refused, an officer or employee of the entity requesting to inspect the Transient Rental Property may, with the assistance of the Law Director, obtain an administrative warrant from a court of competent jurisdiction in order to gain access to the property.
 - (2) In the event an administrative warrant cannot be obtained, then the inspection shall include only those items which can be inspected by lawful means. This chapter shall not be construed to require an Owner, Authorized Representative, or occupant to consent to a warrantless inspection of private property.
 - (3) A repeated failure to permit inspection may be cause for revocation of the Transient Rental Registration Certificate or Renewal Transient Occupancy Registration (as the case may be).

1369.07 NUISANCE.

The operation of Transient Rental Property may be found to constitute a public nuisance upon a determination by the Department or a court of competent jurisdiction that any of the following apply:

- (a) The Transient Rental Property has been the site of a repeated criminal activity involving prostitution, felony drug possession, gang activity, or acts of violence as such terms are defined in Chapter 29 of the Ohio Revised Code.

- (b) The Transient Rental Property is a nuisance as that is defined under Section 3767.01 of the Ohio Revised Code.
- (c) The Transient Rental Property has had in excess of three (3) Calls for Service within any consecutive twelve (12) month period.
- (d) The Transient Rental Property has a documented history of repeated conduct that endangers neighborhood safety.

1369.08 CHANGE OF OWNERSHIP OR CONTROL.

- (a) Any person selling or otherwise relinquishing ownership or control of a Transient Rental Property, including an Authorized Representative or Owner, shall notify the Department of the proposed effective date of the change in ownership or control.
- (b) In order to transfer and assign a valid Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Occupancy Registration, the Owner and holder of the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Occupancy Registration shall notify the Department of the change in ownership and control. The notice required by this section shall be in writing and shall include the following:
 - (1) the name, address, email address, and telephone number of the new Authorized Representative or Owner;
 - (2) the name, address, email address and telephone number of the previous Authorized Representative or Owner;
 - (3) the person or entity maintaining the records required to be maintained by Section **1369.05(e)**.
 - (4) the effective date of such change in ownership or control.

Within fourteen (14) days of acquiring the Transient Rental Property (as evidenced by the new Owner receiving recorded legal title to same), the new Owner shall complete an Application for purposes of the new Owner acknowledging the rights, duties and obligations of an Owner under this Chapter, including permitting the Department to conduct a Life Safety Inspection in accordance with **Section 1369.06** of this Chapter. The new Owner shall be required to pay a reinspection fee in accordance with the Codified Ordinances of the City. Provided the Application is approved, the Life Safety Inspection is approved, and the new Owner pays the reinspection fee, the City shall consider then-existing Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate (as the case may) assigned and transferred to the new Owner, thereby permitting the new Owner to utilize then-existing Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration

Certificate (as the case may be) for the unexpired portion of the term of the relevant certificate.

- (c) A failure to notify the Department in accordance with this Section within fourteen (14) calendar days of any change of ownership or control (as evidenced by the new Owner receiving recorded legal title to same) will result in a violation of this Chapter and a revocation of the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Occupancy Registration (as the case may be) and/or penalties or other legal action in accordance with Section **1369.99**.

1369.09 HOSTING PLATFORMS.

- (a) Listing, Advertising, or Promoting. No Hosting Platform shall list, advertise, promote, or accept reservations for any Transient Rental Property within the City of Huron that does not have a Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate or Renewal Transient Occupancy Registration. Upon notification by the Department that the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Occupancy Registration has expired or been revoked, the Hosting Platform shall remove or deactivate that Transient Rental Property from all listings, advertisements, or promotions of any kind within three (3) business days.
- (b) Records Required. To the extent the Hosting Platforms collects the information required to be kept and maintained by an Owner or Authorized Representative in accordance pursuant to Section **1369.05(e)** of this Chapter, it shall maintain such information for a period of three (3) years for all Transient Rental Properties that are leased to Transient Guests through such Hosting Platform, and shall provide such records upon request in accordance with Section **1369.05(e)**.
- (c) Taxation. All Hosting Platforms are subject to taxation in accordance with Chapter 185 of the Codified Ordinances.

1369.10 HEARING AND APPEALS.

Subject to Section **1369.03**, any person who has been denied, or refused a Transient Rental Registration Certificate or renewal thereof, or whose Transient Rental Registration Certificate or Renewal Transient Occupancy Registration has been revoked pursuant to Section **1369.02(d)** may appeal such decision to the Board of Building and Zoning Appeals as provided in Section 1139.02 of the Codified Ordinances.

1369.11 SEVERABILITY.

The provisions of these regulations shall be severable and should any section or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or

invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1369.12 ENFORCEMENT.

No person shall violate any provision of this chapter or any rule or regulation promulgated thereunder or fail to comply therewith or with any written notice or written order issued thereunder by the Department.

1369.13 NOTICE OF VIOLATIONS

- (a) Upon discovery of a violation of this Chapter, the Department shall issue a written notice of the violation to the Owner.
- (b) The notice required in this Section shall be delivered by one or more of the following methods:
 - a. certified mail delivery (return receipt requested), which shall be deemed effective as of the date of receipt identified on the return receipt or as noted by the U.S. Postal Service;
 - b. courier service, which shall be deemed effective as of the date of receipt as identified by the courier service;
 - c. hand or personal delivery, which shall be effective when delivered to an adult at the Owner's address;
 - d. facsimile delivery, which shall be is effective when the facsimile transmission has been transmitted to the facsimile number provided for that purpose and the Department has received confirmation of the facsimile transmission;
 - e. electronic mail delivery is effective when the electronic mail has been sent to the Owner's electronic mail address without notice of rejection of message.
- (c) It is not a defense to any subsequent enforcement action that the notice provided by the Department was not actually delivered to the Owner provided that one of the methods of delivery set forth in Section **1369.13(b)** was attempted in good faith by the Department but was not accomplished through no fault of the Department.

1369.98 DEFINITIONS.

As used in this chapter:

- (a) "Authorized Representative" means any individual, person, firm, partnership, corporation or company, other than an Owner, acting on behalf of an Owner of a Transient Rental Property responsible for ensuring compliance with all provisions of this Chapter and registered as the Owner's Authorized Representative with the Department.
 - (1) For purposes of this Chapter, actions taken by an Authorized Representative acting on behalf of the Owner shall have the same legal force and effect as if such acts were taken by the Owner.

- (2) No Owner shall be absolved of individual liability solely on the basis that acts were taken by an Authorized Representative and not the Owner.
- (b) “Application” means the submission of all information required by this Chapter, and payment of the required fees, for registering: (i) a Residential Premises as new Transient Rental Property to obtain a Transient Rental Registration Certificate; or (ii) to obtain a Renewal Transient Rental Registration Certificate. For avoidance of doubt, a new Transient Rental Property shall be considered a Transient Rental Property for which the Owner of has failed to maintain a valid or renewable Transient Rental Registration Certificate.
- (c) “Calls for Service” means any and all calls, including, but not limited to, those to law enforcement, fire department, or emergency assistance of any kind when those calls result in a representative of a law enforcement agency, a fire department, or another emergency assistance service being dispatched or directed to the Residential Premises and;
- (1) allege criminal activity, including, but not limited to, disturbance of the peace that results in an arrest, charge or citation of persons occupying or on the premises of a Transient Rental Property; or
- (2) result in a finding of an imminent threat to safety of person(s) or property as a result of activities occurring on a Transient Rental Property.
- (d) “Department” shall mean and refer to the Building and Zoning Department of the City of Huron.
- (e) “Hosting Platform” means any person or entity in any form, format, or media that, in exchange for a fee, assists, facilitates, or provides a means through which an Owner may offer Residential Premises as Transient Rental Property and through which a Transient Guest can arrange use of a Transient Rental Property, whether the payment for the use of the Transient Rental Property is directly to the Owner or to the Hosting Platform.
- (f) “Inspection Report” means the report issued by the Department containing the results of the Life Safety Inspection.
- (g) “Life Safety Inspection” means that inspection performed by the Department prior to issuing or renewing a Transient Rental Registration Certificate.
- (h) “Owner” means an individual, corporation, firm, partnership, association, organization, or any other person or entity (jointly or in combination) who has legal title to a Residential Premises. For purpose of this Chapter, an Owner includes anyone possessing a fee simple interest, vendee interest in a land contract, an estate for life or for years, in the Residential Premises including through a trust instrument or other conveyance of real property, or otherwise entitled to have legal or equitable title to real property registered in accordance with Sections 5309.05 or 5309.42 of the Ohio Revised Code.

- (i) “Renewal Transient Rental Registration Certificate” means the Transient Rental Registration Certificate issued to a Residential Premises that was previously identified as a Transient Rental Property if the Application is approved prior to the date of expiration identified on the Transient Rental Registration Certificate.
- (j) “Residential Premises” means any building, structure, or the part of a building or structure that is used or intended to be used as a home, residence, or sleeping place by one (1) or more persons and any adjacent or attached structures, grounds, areas, and facilities for the use of occupants generally or the use of which is promised an occupant, including Transient Guests.
- (k) “Transient Guests” means persons, who in exchange for money or other financial compensation, occupy a room or rooms, Residential Premises or other property used for sleeping accommodations for less than thirty (30) consecutive days.
- (l) “Transient Rental Registration Certificate” means the certificate issued with respect to a Transient Rental Property evidencing compliance with the requirements of this Chapter.
- (m) “Transient Rental Property” means any Residential Premises, or part thereof, being utilized or otherwise made available to a Transient Guest within the City, if such Residential Premises is used by or made available to a Transient Guest for a period in excess of a combined period of thirty (30) days in any calendar year. “Transient Rental Property” does not include any Residential Premises which is the primary residence of the Owner if such Residential Premises is not occupied or made available to a Transient Guest in excess of a combined period of thirty (30) days in a calendar year.

1369.99 PENALTY; LEGAL ACTION.

- (a) Except as otherwise expressly provided for elsewhere under the Codified Ordinance or the Ohio Revised Code, whoever violates any provision of this chapter or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a first degree misdemeanor and subject to a fine of not less than five hundred dollars (\$500.00) or a maximum imprisonment term of six (6) months or both. Each day that such violation exists shall constitute a separate and distinct offense. Multiple violations can occur during a single guest stay and may be noticed and heard in a single action.
- (b) The imposition of any penalty as provided for in this chapter shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful use of property, require repair or maintenance, restrain, correct or abate a violation, prevent the occupancy of a Residential Premises, revoke a Transient s Registration Certificate, or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations.

VILLAGE OF OTTAWA HILLS, OHIO

ORDINANCE No.

AN ORDINANCE ENACTING AN ADDENDUM TO THE ZONING CODE (ORDINANCE NO. 2002-08) OF THE VILLAGE OF OTTAWA HILLS TO REGULATE TRANSIENT RENTALS; ESTABLISHING DEFINITIONS, PERMITTED USES, AND STANDARDS; AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Ottawa Hills is a primarily residential community with a strong interest in preserving neighborhood character, stability, and quality of life; and

WHEREAS, the increasing use of dwelling units as short-term or transient rentals has the potential to impact residential neighborhoods through increased traffic, noise, parking demands, and changes in the character of occupancy; and

WHEREAS, the Village Council finds it necessary and appropriate to establish regulations governing transient rentals to protect the public health, safety, and welfare, while allowing for reasonable use of residential property; and

WHEREAS, the Village desires to clarify the status of transient rentals within its zoning code and to establish uniform standards and administrative procedures for their operation; and

WHEREAS, the Planning and Zoning Commission has reviewed and recommended adoption of regulations addressing transient rentals;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OTTAWA HILLS, THAT:

SECTION 1. That this Addendum of the Codified Ordinances of the Village of Ottawa Hills, titled "Transient Rentals," is hereby enacted to read as follows:

ARTICLE I Purpose

The purpose and intent of this Chapter is to regulate and ensure the peace, health, safety, and wellness of the public, including the Owners, Transient Guests, and neighboring property owners or occupants of any Transient Rental Property; to ensure the continued vibrancy, character, and charm of the Village of Ottawa Hills as a community; to protect and preserve the quality, character, and tranquility of residential neighborhoods; to protect property values, and to preserve the availability of affordable housing stock for permanent residents of the Village of Ottawa Hills.

ARTICLE II Transient Rental Certificate and Requirements

Definitions.

(a) "Hosting Platform" means a person or entity that facilitates the booking of a short-term rental unit. "Facilitate" includes, but is not limited to, the act of allowing an operator to list or advertise, typically for a charge or fee, the short-term rental unit on an internet website, in a print publication, or through another forum provided or maintained by the hosting platform.

(b) "Operator" means the person offering a short-term rental unit, whether as the owner, lessee, or otherwise.

(c) "Person" means an individual, corporation, business trust, estate, trust, partnership, association or cooperative, or any other legal entity.

(d) "Short-Term Rental Unit" means a dwelling unit, a portion of a dwelling unit, or any other

structure that is intended for occupancy for dwelling, lodging or sleeping and which is offered for consideration for a period of up to 30 consecutive calendar days and which is advertised on a hosting platform. Short-term rental units shall not include dwelling unit facilities licensed by the state as health care facilities, hotels, inns, motels, bed and breakfasts properly approved by the Village of Ottawa Hills.

Permit required.

No person shall operate or advertise any short-term rental unit within the Village of Ottawa Hills without first having procured an operating permit pursuant to this chapter.

Application for short-term rental unit operating permit.

(a) Short-term rental unit operators must submit an application on a form to be provided by the Administrator or his or her designee to operate any short-term rental unit.

(b) Applications for short-term rental unit permits shall contain the following:

(1) Operator information. The full legal name, mailing address, email address and telephone number of the operator, and in cases where a business entity or trust is the operator, the individual who has responsibility to oversee the operation of the property including the mailing address, email address and telephone number of such individual;

(2) Proof of Residency. The owner of the short-term rental property must live in the City of Oregon and provide proof of residency.

(3) Certificate of tax and public utility compliance or evidence of compliance with a payment plan;

(4) Evidence of compliance with any applicable rental registry requirements;

(5) Affidavit of Life Safety Compliance verifying the number, locations and operation of the life safety equipment required herein.

(6) Proof of general liability insurance in the amount of at least \$1,000,000.

(7) Local contact person. An individual who shall be available 24 hours a day, seven days a week to respond as necessary, within 30 minutes of notification of a complaint regarding the condition, operation or conduct of occupants of the short-term rental unit and taking remedial action as necessary to resolve such complaints.

(8) A basic site plan identifying the number of sleeping rooms for maximum occupancy and the number and location of designated off-street parking spaces for the maximum number of vehicles allowed for overnight occupants.

(c) The operator of a short-term rental unit must obtain a permit for each unit. A permit must be on display in each short-term rental unit.

(d) Permits issued under this section shall be valid for one year from the date of issue and maybe renewed annually.

(e) All applications shall be accompanied by an application fee of \$250.

(f) Required notification. Within 48 hours of submitting the application for a short-term rental unit operating permit to the Village of Ottawa Hills, the operator shall send a neighborhood notice form supplied by the Village of Ottawa Hills, by first-class mail or hand delivery to all property owners whose property is adjacent to the property at which the short-term rental unit is proposed. The operators shall provide the Administrator's office the names and addresses to which notices were sent. For the purposes of this section, adjacent properties are those that abut the proposed short-term rental unit, those directly across the street or alley from the proposed short-term rental unit, and those that are diagonal across the street or alley from the proposed short-term rental unit.

(g) Any person who has been denied a short-term rental unit permit by the Administrator may appeal as provided under herein.

Operating requirements.

(a) It shall be unlawful to advertise any short-term rental unit without the operating permit number clearly displayed on the advertisement. This includes any means, electronic or non-electronic, intended to promote the availability of the short-term rental unit.

(b) Maximum occupancy. The number of overnight occupants permitted in a short-term rental unit shall not exceed two occupants per sleeping room plus two additional occupants. This maximum occupancy shall be identified in the operating permit.

(c) Parking. The number of overnight vehicles permitted on the property shall be identified in the operating permit.

(d) Life safety equipment. Each short-term rental unit shall have the following fully functional life safety equipment on the premises and installed to manufacturer specifications:

(i) Smoke alarms

(ii) A carbon monoxide detector within 15 feet of all sleeping rooms

(iii) A fire extinguisher.

(e) The operator shall require a verification of the identity of the person responsible for booking the short-term rental unit.

Length of Stay

No short-term rental shall be for a period shorter than 30 days.

Inspection

Upon display of the proper credentials, sworn officers excluded, any employee of the division of police, division of fire, department of building and zoning, or Lucas County Public Health may be permitted to inspect the, short-term rental, or applicant's dwelling to ensure compliance with this Chapter.

Denial, Revocation, or Renewal of Permit

The Administrator or his or her designee shall deny any application for a new registration, or deny any renewal of registration, or revoke of an Operating Permit if any of the following are shown to have occurred at the short-term rental property:

- (a) The applicant makes a material misrepresentation of fact on the application
- (b) The short-term rental Operator is not in good standing with the Village of Ottawa Hills with respect to any applicable taxes, fees, or other obligations.
- (c) The short-term rental has a documented history of repeated conduct that endangers neighborhood safety or of conditions interfering with the use and enjoyment of property within its vicinity.
- (d) Evidence of conduct under divisions (a) and (b) of this section need only be that of de facto violation of law; evidence of conviction is not a prerequisite for denial unless specifically indicated.

Appeal

In the event the applicant has been denied a short-term rental unit permit and/or renewal of a permit by the Administrator or his/her designee, they shall have the right to appeal to the Zoning Commission from such denial, revocation within ten (10) business days. Notice of appeal shall be filed with the Village Administrator's office on a form created by the Village Administrator for such purpose, and the Village Administrator shall set the date and time of the appeal hearing. The burden of proof in such an appeal shall be upon the appellant to show that the denial or revocation was arbitrary or unreasonable. Any such decision by the Zoning Commission shall be final.

Operation Without a Permit.

Any short-term rental unit operating or advertising for operation without a valid operating permit shall be deemed to be a public safety hazard. The Village may issue the operator and/or owner a penalty of \$100 per week up to a maximum of \$500 for operating or advertising for operation without a permit.

Transfer

No permit under this chapter shall be transferable to another short- rental operation.

Effective date for short-term rental unit operating permit requirements.

The provisions of this chapter relating to short-term rental unit operating permit requirements shall take effect 60 days after its adoption.

VILLAGE OF OTTAWA HILLS, OHIO

ORDINANCE No.

ESTABLISHING A NEW ZONING CODE,
ADOPTING A NEW ZONING DISTRICT MAP,
REPEALING ORDINANCE NOS. 724, 78-5, 78-
11 AND 79-29, 07-2; 02-08; 07-2; 88.25; 80-7; and
88.15

WHEREAS, Council of the Village of Ottawa Hills upon its Motion requested the Zoning Commission to undertake a study and recommend changes to the Zoning Code as enacted with the passage of Ordinance No. 724 on December 21, 1959; and

WHEREAS, the Zoning Commission after having conducted an extensive study, has recommended the repeal of the old Zoning Code and the adoption of a new Zoning Code and a new Zoning District Map; and

WHEREAS, the Zoning Commission and Council after study and public hearing, as required by law, has approved the repeal of the old Zoning Code and the adoption of a new Zoning Code and a new Zoning District Map; and

WHEREAS, proper notices, as required by law, have been given and public hearings thereon held as required by law.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OTTAWA HILLS, THAT:

SECTION 1. That Ordinance Nos. 724, 78-5, 78-11 AND 79-29, 07-2; 02-08; 07-2; 88.25; 80-7; and 88.15 as the same are presently written be, and the same hereby are repealed.

SECTION 2. There be and hereby is adopted and enacted the following Zoning Code and Zoning District Map for the Village of Ottawa Hills, Ohio:

PREAMBLE

This Zoning Code is enacted by the Council of the Village of Ottawa Hills pursuant to the authority granted by the Constitution and laws of the State of Ohio for the purpose of promoting and protecting the public health, safety, welfare, and general aesthetic character of the Village and its inhabitants.

The provisions herein are intended to preserve and enhance the unique park-like character, aesthetic quality, and overall livability of the Village of Ottawa Hills. This Code is written to regulate land use and development in accordance with existing conditions and foreseeable needs. The Council recognizes, however, that no zoning code can anticipate every circumstance or advancement that may arise in the future.

Accordingly, this Code shall be administered and interpreted with sound judgment and reasonable discretion by the Village administration to ensure that its application remains consistent with the purpose, spirit, and intent of maintaining the health, safety, welfare, and distinctive aesthetic character of the Village of Ottawa Hills.

ARTICLE I Definitions

Section 1.1 For the purpose of this ordinance certain terms and words are hereby defined as follows:

Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word “building” includes the word “structure,” the word “shall” is mandatory and not directory.

ACCESSORY STRUCTURE: A subordinate structure the use of which is incidental to that of the main structure. Accessory structures shall include but not be limited to: detached garages, storage sheds, fountains, pet runs, sculptures, playground equipment, pool house, gazebos. Accessory structures are permitted only in the rear yard. (Section 8.5)

APARTMENT BUILDING: See Dwelling, Multiple.

BUILDING: A permanent enclosed structure constructed over a plat of land for habitable use.

BUILDING, HEIGHT OF: The perpendicular distance measured in a straight vertical line through the center of the front elevation from the natural ground level to the highest point of the roof. If the natural ground is on more than one level, the measurement is to be taken from the lowest ground level that corresponds to the front of the building. (Section 7.1)

BUILDING FOOTPRINT: The area enclosed by the outside perimeter wall of a building where it meets the natural ground.

CORNER LOT SET BACK: For lots which occupy a corner lot, the front of the lot shall be defined as the direction in which the primary entrance of the building faces. For the side of the property which abuts the street but is not the front, the corner lot setback is the distance between the side property line and the side of the building or any projection. (Exhibit 1)

DEER FENCE: “Deer fence” means a mesh-type black plastic fence designed and constructed for the purpose of preventing deer from gaining access to any part or all of a parcel of property or for protecting a garden, orchard, or other point of horticultural interest from damage by deer.

Fine mesh deer fencing is defined as mesh less than 1 inch squares. Medium mesh deer fencing is defined as mesh squares greater than 1 inch but less than or equal to 2 ½ inches. Large mesh deer fencing is defined as mesh squares greater than 2 ½ inches. (2010-7 Amended)

DWELLING, PRIVATE: A building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY: A building designed for and occupied exclusively by two families or households living independently of each other.

DWELLING, MULTIPLE: A building or portion thereof used or designed as a residence for three or more families or households living independently of each other.

EARTHEN MOUNDS: An artificial bank or hill of earth. (Section 8.10)

ESTABLISHED GRADE: The grade that existed on the effective date of this Ordinance.

FRONT SET BACK: The horizontal distance between the front property line and the front line of the building or any projection thereof, excluding steps and unenclosed porches. (Exhibit 1)

FRONT YARD: A yard between the front property line and the front line of the building or any projection thereof, excluding steps and unenclosed porches, extending from one side property line to the other side property line. (Exhibit 1)

GAME COURT: A structure having a playing surface, paved or unpaved, designed to be used for playing or practicing tennis, badminton, volleyball, paddle tennis, handball, racquetball, squash, platform tennis, or similar games; provided, that such game court is maintained by an individual primarily for the sole use of his household and guests and not for the purposes of profit or in connection with any business operating for profit.

GARAGE: A building or portion thereof used primarily for housing of motor vehicles. (Article X)

HOME OCCUPATION: A business activity intended for financial gain which results in a product or service, is conducted in whole or in part in a dwelling unit, and is subordinate to the residential use of the dwelling unit. (Article III)

INVISIBLE/ELECTRIC FENCE: An electronic pet containment system that creates a boundary to restrict the movement of animals within a defined area by means of radio signals, GPS, buried wires, transmitters, receiver devices, or other wireless technologies.

LOT: Land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under this ordinance, and having its principal frontage upon a street or officially approved place.

LOT AREA: The actual measurement in square feet of the area of a lot. (Section 7.1)

LOT COVERAGE: An area percentage determined by dividing the building footprint of the main building and all enclosed accessory structures by the lot area. (Section 8.1)

LOT LINES: The lines bounding a lot as defined herein.

NON-CONFORMING USE: the use, height, size or location of a structure or pavement which does not conform to the use, height, size or location restrictions of the district in which it is situated.

PARKING SPACE: A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than 9 feet by 18 feet (162 sq. ft.), exclusive of driveways, permanently reserved for the temporary placement of one motor vehicle and connected with a street or alley by a paved driveway.

PAVED AREA: The percentage of the lot area covered by paved driveways, unenclosed parking areas and garage aprons which has been paved with concrete, asphalt or other similar materials. This area does not include sidewalks or patios that are inaccessible for vehicles.

PLAYGROUND STRUCTURE: Any accessory structure or equipment designed and used for outdoor recreational play by children, including, but not limited to, swing sets, slides, climbing structures, playsets, playhouses, and treehouses, whether temporary or permanent in nature.

PRIVACY SCREEN: A structure or arrangement designed to limit visibility between adjoining properties or from the public right-of-way. A privacy screen may consist of fencing panels, lattice, trellises, pergolas, or similar structures. A privacy screen is limited in length and location to provide screening for patios, decks, pools, or other outdoor living areas, and is not intended to serve as a continuous enclosure of the entire yard or property as a fence would.

PRIVATE RESIDENCE SWIMMING POOL: A for water, or an artificial pool water having a depth at any point of more than two (2) feet, intended for the purpose of immersion or partial immersion therein of human beings, and including appurtenant equipment constructed installed and maintained in or above the ground outside of a building used for a single family dwelling unit; provided that such private residential swimming pool is maintained by an individual primarily for the sole use of their household and guests and not for the purpose of profit or in connection with any business operated for profit. No out-of-doors swimming pool intended for the use of members and their guests of a non-profit club or organization, or limited to house residents of a multiple dwelling unit, a block, subdivision, neighborhood, community or other specified area of residence shall be permitted in the Village of Ottawa Hills.

REAR YARD: A yard, unoccupied except by an accessory structure as hereinafter permitted, extending across the full width of the lot between the rear line of the building and the rear line of the lot. (Exhibit 1)

On a corner lot the rear yard shall consist of the yard between the rear line of the building and the rear line of the lot extending from the side yard on the street side to the property line on the other side. (Exhibit 1)

SIDE YARD: A yard between the building and the side property line of the lot extending from the rear line of the front yard to the front most line of the rear yard. On the street side of a corner lot the side yard shall consist of the yard extending from the rear line of the front yard to the rear line of the lot. (Exhibit 1)

STREET: A public thoroughfare more than thirty (30) feet wide.

STRUCTURE: Anything constructed or erected, the use of which requires a permanent location on the soil, or which is attached to something having a permanent location on the soil.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

TEMPORARY STRUCTURE: A structure which does not have a footing or some other permanent attachment to the soil. (2007-1 Amended)

STRUCTURE: Anything constructed or erected, the use of which requires a permanent location on the soil, or which is attached to something having a permanent location on the soil. (2007-1 Amended)

UTILITY EQUIPMENT: Equipment necessary to provide essential services such as heating, cooling, electricity, gas, water, sewage, or communications to a principal building or use. Examples include air-conditioning condensers, transformers, generators, cable boxes, and similar installations. Utility structures shall be screened or located in compliance with setback and noise provisions of this Code.

UTILITY SCREEN: A structure, wall, fence, or landscaping feature designed and maintained to conceal or visually buffer mechanical or utility equipment from view. Utility screens may be used to shield air conditioning units, generators, transformers, refuse containers, or similar equipment, and shall be constructed of materials compatible with the principal structure or surrounding landscape. A utility screen is intended for localized screening purposes only and is not considered a fence or privacy screen.

YARD: An open space on the same lot with a building unoccupied and unobstructed from the ground upward except as otherwise provided herein.

ARTICLE II Districts and Maps

Section 2.1 In order to carry out the intent and purpose of this ordinance, the Village of Ottawa Hills is hereby divided into the following districts:

A-1 Single-family residence

- A-2 Single-family residence
- A-3 Single-family residence
- A-4 Single-family residence
- A-5 Single-family residence
- A-6 Single-family residence
- A-7 Single-family residence
- A-8 Single-family residence
- A-9 Single-family residence
- A-10 Single-family residence
- A-11 Single-family residence
- A-12 Single-family residence
- A-13 Single-family residence
- A-14 Single-family residence
- A-15 Single-family residence
- A-16 Single-family residence
- A-17 Single-family residence
- B-1 Two-family residence
- B-2 Multiple dwelling
- B-3 Multiple dwelling
- C-1 Commercial

Section 2.2 The boundaries of said districts are shown upon the maps designated as “District Maps” filed in the office of the Village Manager or designee and approved and adopted by Council as a part of this ordinance. Said District Maps and all the notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said District Maps were fully set forth and described herein.

Section 2.3 The district boundary lines are intended to follow the center line of streets or alleys or their extensions, or lot lines or their extensions, unless otherwise shown; in unsubdivided property, the district boundary lines shall be determined by use of the scale contained on the District Map accompanying and made part of this ordinance.

Section 2.4 Whenever any areas are annexed to Ottawa Hills, one of the following conditions will prevail:

- (A) All lots, tracts, or land within any of the unincorporated townships, incorporated villages or cities of Lucas County, Ohio, which may be hereafter annexed to the Village of Ottawa Hills shall be classified as being in whichever district of this ordinance most closely conforms to the zoning that existed in the annexed area, such classification to be recommended by the Planning Commission to the Village Council and the Council shall approve same by resolution.
- (B) If any lots, tracts or land are not subject to zoning at the time of annexation, they shall be classified A-1, single- family residence whenever the land is vacant and otherwise into whatever district of this ordinance most closely conforms to the existing use of the annexed area. Such classification to be approved in the same manner as described for property that is zoned when annexed.

Section 2.5 In all cases, within a reasonable time after annexation there shall be a public hearing on the question of permanent zoning classification which shall follow the procedure to change to establish permanent zoning herein provided.

ARTICLE III
Permitted uses in Single-Family Residence Districts

Section 3.1 A building or lot within the A-1 through A-17 single-family residence districts shall be used only for the following purposes:

- (A) Single-family dwellings
- (B) Accessory structures and accessory uses customarily incident to the above uses.
- (C) Home occupation is a permitted use in a single-family dwelling unit provided that the following conditions are fully and completely complied with:
 - (1) The home occupation shall be subject to the income tax ordinance of the Village of Ottawa Hills.
 - (2) No sign nor any exterior indication of home occupation related activity is visible from the exterior of the dwelling.
 - (3) Motor vehicles which identify the home occupation are not permitted to be parked at the location of the dwelling.
 - (4) The home occupation shall be operated by a resident or residents of the dwelling who may employ one other employee who is not a resident of the dwelling.
 - (5) The home occupation does not generate additional traffic or parking in a manner which is detrimental to the adjoining properties or to the residential integrity of the area surrounding the dwelling.
 - (6) The activity shall in no way diminish or adversely impact public safety.
 - (7) There shall be no adverse environmental impact including but not limited to excessive noise, odor and emissions.
 - (8) No inventory or stock of materials which is detrimental to the residential integrity of the area surrounding the dwelling shall be maintained on the premises.
 - (9) There shall be no outside storage of material, inventory or equipment.
 - (10) The principal use of the dwelling must be maintained as a residential use and the home occupation cannot occupy more than 20% of the square feet of the main dwelling.

Section 3.2 The above uses shall be subject to the following requirements:

- (A) Maximum and minimum height and maximum and minimum lot areas as required by Section 7.1.
- (B) Yards, lot coverage, paved area and setbacks as required by Section 8.1.
- (C) Off-street parking as required by Section 10.1.

ARTICLE IV
Two-family residence

Section 4.1 A building or lot within the B-1 two-family residence district shall be used only for the following purposes:

- (A) Any use permitted in the A-1 through A-17 single family residence districts.
- (B) Two-family dwellings with accessory buildings complying with the provisions of Section 3.1.

Section 4.2 The above uses shall be subject to the following requirements:

- (A) Maximum and minimum height and maximum and minimum lot areas as required by Section 7.1.
- (B) Yards, lot coverage, paved area and setbacks as required by Section 8.1.
- (C) Off-street parking as required by Section 10.1

ARTICLE V
Multiple Dwelling District

Section 5.1 A building or lot within the B-2 multiple dwelling district shall be used for the following purposes:

- (A) Any use permitted in the B-1 two-family residence district.
- (B) Multiple dwellings designated as resident for not more than four (4) families or households living independently of each other, with accessory buildings complying with the provisions of Section 3.1.

Section 5.2 The building or lot within the B-3 multiple dwelling district shall be used only for the following purposes:

- (A) Any use permitted in the B-2 multiple dwelling district.
- (B) Multiple dwellings.
- (C) A storage garage accessory to the permitted building or use.

Section 5.3 The above uses shall be subject to the following requirements:

- (A) Maximum and minimum height and maximum and minimum lot areas as required by Section 7.1.
- (B) Yards, lot coverage, paved area and setbacks as required by Section 8.1.
- (C) Off-street parking as required by Section 10.1

ARTICLE VI
Commercial District

Section 6.1 A building lot within the C-1 commercial district shall be used only for the following purposes:

- (A) Specialized retail uses and shops including but not limited to furriers, wearing apparel, antique shops, jewelry stores, gift shops, book stores, florist shops, garden supplies, photographer or artist studio, barber shop, beauty parlor and apothecary, but not including any that involve the storage or sale of food products in any form nor any retail outlet that sells a large variety of items such as drugs, department and variety stores.
- (B) Banks, including drive-in banks, medical and dental clinics and offices, business and sales offices.
- (C) Gasoline stations, parking lots, storage garages and municipal buildings including garages.
- (D) Accessory uses customarily incident to the above uses including signs not exceeding 100 square feet in gross surface area for each building which shall not overhang a required yard.

Section 6.2 The above uses shall be subject to the following requirements:

- (A) Maximum and minimum height and maximum and minimum lot areas as required by Section 7.1.
- (B) Yards, lot coverage, paved area and setbacks as required by Section 8.1.
- (C) Off-street parking as required by Section 10.1

ARTICLE VII
Height and Lot Area

Section 7.1 Section 7.1 The height (in feet) and lot area (in square feet) maximum and minimums required for each district are established as follows:

ZONING	BUILDING HEIGHT MIN	BUILDING HEIGHT MAX	LOT AREA MIN	LOT AREA MAX
A-1	20	32	11,000	28,000
A-2	20	30	7,500	12,000
A-3	20	32	15,000	32,000
A-4	17	25	5,000	13,000
A-5	17	27	9,000	14,000
A-6	17	27	13,000	20,000
A-7	17	25	11,000	18,000
A-8	19	27	11,000	18,000
A-9	15	25	27,000	43,500
A-10	20	32	15,000	28,000
A-11	15	22	13,000	28,000
A-12	20	35	35,000	70,000
A-13	15	27	12,000	18,000
A-14	20	32	16,000	37,000
A-15	20	30	9,000	21,000
A-16	20	30	9,000	24,000
A-17	20	30	4,400	6,300
B-1	20	25	15,000	22,000
B-2	20	25	15,000	22,000
B-3	24	30	9,500	20,000
C-1	25	35	None	None

Section 7.1 Public buildings, schools, churches and other places of worship may be erected to a height not exceeding sixty (60) feet when the required side and rear yards are each increased by one (1) foot for each foot of additional building height above the height regulations for the district in which the building is located.

Section 7.2 Chimneys, steeples, ornamental towers and spires, cooling towers, and television or radio towers for use only by the property on which it is located may be erected in accordance with this ordinance and shall not be included in determining compliance with height restrictions under this ordinance.

ARTICLE VIII

Yard Requirements

Section 8.1 The required front, side and rear yards for each district shall be as follows:

Zoning	Lot Coverage Max	Front Setback Min	Front Setback Max	Min Aggregate Side yard	Side Yard Min One Side	Rear Setback Min	Corner Lot Setback Min	Paved Area Max
A-1	15%	40	45	30*	12*	25	20	10%
A-2	23%	40	45	20	10	25	30	15%
A-3	18%	40	62	30*	15*	25	30	10%
A-4	33%	40	33	13	5	25	8	10%
A-5	17%	40	45	30*	12*	25	25	10%
A-6	20%	40	45	30*	12*	25	35	10%
A-7	29%	40	50	20	10	25	15	10%
A-8	20%	40	50	20	10	25	30	10%
A-9	18%	40	100	32	16	25	30	7%
A-10	12%	60	70	30*	16*	25	20	7%
A-11	25%	40	50	24	12	25	22	10%
A-12	13%	40	100	44*	22*	25	50	10%
A-13	25%	40	50	30*	12*	25	20	10%
A-14	20%	40	50	30*	12*	25	30	10%
A-15*	22%	20	20	16	4	25	20	15%
A-16	45%	40	35	16	12	25	35	15%
A-17	55%	40	12	0	7	25	7	10%
B-1	30%	40	40	30	18	25	12	25%
B-2	35%	40	40	30	15	25	10	25%
B-3	40%	40	30	30	12	25	10	30%
C-1	40%	40	25	30*	5*	25	5	30%

*A-15 (2007-4 Amended)

* Lots with frontage of 70 feet or more shall have an aggregate side yard of 50% of the building width (minimum 30 feet). The minimum side yard for one side shall be 40% of the minimum aggregate side yard.

Section 8.2 Every part of a required yard shall be open to the sky, unobstructed by any building except for accessory buildings in a rear yard and except for sills, cornices and eaves extending not more than twelve (12) inches from any building.

Section 8.3 Steps, uncovered porches and terraces, no part of which is above the first floor level of the building, may project into a required yard, provided they shall be at least ten (10) feet from the nearest lot line. An unenclosed porch or vestibule may extend into the front yard not more than ten (10) feet or into the side yard not more than three (3) feet. A porch which is screened or has jalousies shall be considered an enclosed porch.

Section 8.4 The minimum setback shall be as identified in Section 8.1, or the average setback of structures on the same side of the street between two intersection streets in the same zoning district, whichever is greater. (2007-1 Amended)

Section 8.5 Accessory structures

- (A) Accessory Structures shall be located only in a rear yard and shall be in a location and of a color to minimize visibility from nearby properties and from nearby streets.
- (B) Such accessory structures shall be located not less than 5 feet from any lot line unless the visibility of the structure from nearby properties would be diminished by locating the structures less than 5 feet from any lot line.
- (C) Accessory structures shall compliment the style and material of the main structure.
- (D) All such accessory structures shall be screened from nearby properties and streets, as deemed necessary and appropriate, by evergreen vegetation of a type, quality, and size acceptable to the Village. Such screening shall be identified in detail in plans submitted with the application for the zoning permit. Such screening shall be maintained and repaired by the property owner as needed.
- (E) Accessory structures shall not exceed 15 feet in height or the height of the nearest adjacent structure, whichever is less. Accessory structures shall not exceed 576 square feet in area. The dimension of the long axis of an accessory structure shall not be greater than 2 times the dimension of the short axis and the greater dimension shall not exceed 26 feet in length. (2013- 1 Amended)
- (F) No property shall have more than one of the following: detached garage, storage shed, pool house or similar structure.
- (G) No temporary structure shall be permitted for a period of time in excess of 45 days. (2007-1 Amended)
- (H) In evaluating applications for accessory structures, consideration shall be given to the size and configuration of the lot. On larger lots, reasonable exceptions to the maximum area and dimensional limitations set forth in subsection (E) may be granted by the Village Administrator when such exceptions are compatible with the scale of the principal structure and the surrounding properties, and when the overall park-like character of the Village will be maintained.

Section 8.6 Utility Equipment

- (A) Utility equipment shall be in a location to minimize visibility from nearby properties and from nearby streets.
- (B) Such utility structures shall be located not less than 5 feet from any lot line unless the visibility of the structure from nearby properties would be diminished by locating the structures less than 5 feet from any lot line.
- (C) All such utility structures shall be screened from nearby properties and streets, as deemed necessary and appropriate, by evergreen vegetation of a type, quality, and size acceptable to the Village. Such screening shall be identified in detail in plans submitted with the application for the zoning permit. Such screening shall be maintained and repaired by the property owner as needed.

Section 8.7 Playground Structure

- (A) Playground Structures shall be permitted with approval of the Administrator, or their designee.
- (B) Preferred placement of playground structures is in the rear yard, to the extent reasonably practicable, so as to minimize visibility from adjoining properties and public rights-of-way.

- (C) Placement shall be consistent with the general intent and applicable provisions governing accessory structures set forth in Section 8.5, including, but not limited to, setbacks, screening, and preservation of neighborhood character.

Section 8.8 Fences (2017-1 Amended)

(A) Prohibited Fences include:

- (1) Chain Link Fences
- (2) Barbed Wire Fences
- (3) Above ground electrical fences
- (4) Wire fences, except for farm fence of 19 gauge wire attached to the outside of a split rail fence
- (5) Solid/privacy fence, including shadow box fencing

(B) Fence Standards

- (1) Fence permit shall be obtained by the Village of Ottawa Hills prior to erection, construction, or placement.
- (2) Fences shall not exceed 48” in height above established grade. Established grade shall not be adjusted or modified prior to erection or construction of a fence. Fence posts shall not exceed fence height by more than 4 inches and shall not exceed a maximum of height of 52 inches.
- (3) Fences shall not be located closer to the street than the setback of the house.
- (4) Fences shall be maintained in a state of good repair at all times.
- (5) Be at least 50% OPEN for the free passage of light and air. For the purpose of this section 50% OPEN shall mean that the amount of open space shall equal or exceed the amount of fence material for any portion of the fence between two rails.
- (6) Where applicable, fences shall be constructed in such a manner that structural members shall be placed on the interior side of the fence in order to minimize their visibility off premises.
- (7) To the extent possible, while complying with this ordinance, fences shall be similar in style, color and materials with other fences on or adjacent to the property.
- (8) All gates shall be constructed and maintained so that they do not open into the public right-of-way or encroach upon Village-owned property.

(C) Materials

- (1) Fence materials shall be wood, aluminum, iron, metal or polyvinyl chloride (PVC). All materials must closely simulate wood, aluminum, iron or metal.
- (2) Fence materials shall be of a color which will minimize visibility of the fence from surrounding properties, except for white picket style fences which meet all other requirements of this zoning code.
- (3) A list of previously approved materials will be kept with the Village Administrator.

(D) Temporary Fencing

- (1) Temporary fencing for safety purposes, or other valid reasons, may be permitted when approved by the Village Manager under such conditions and limitations as the Village Manager may delineate.

(E) Fence Replacement

- (1) An existing fence that does not conform to the requirements of this Code (“nonconforming fence”) that has deteriorated or fallen into disrepair may be replaced as follows:

- (2) Identical replacement. The nonconforming fence may be replaced in its entirety with a new fence of the same height, location, material and design as the existing nonconforming fence
 - (3) Conforming replacement. Alternatively, the nonconforming fence may be replaced with a fence that complies fully with the current fencing requirements of this Code.
 - (4) Nothing in this Section shall be construed to allow the enlargement or expansion of a nonconforming fence beyond its original dimensions or location.
- (F) Deer Fencing
- (1) General Requirements
 - i. Deer fencing including fence posts, rails, any ties shall be in black only
 - ii. Deer fencing shall not be more than 96 inches above established grade when erected
 - (2) Deer Fencing on Residential Lots
 - i. Fine mesh deer fencing may be used in front yards commencing November 1st and shall be removed by April 30th of the subsequent year.
 - ii. Fine mesh deer fencing may be erected and maintained on a year round basis in side or rear yards.
 - iii. Fine Mesh deer fencing which is not attached to fence posts or other structure shall not be considered as fencing for purposes of Section 8.8.
 - iv. Medium mesh deer fencing may be used only in a rear or side yard and may only be in place between November 1st to April 30th of the subsequent year.
- (G) Special Reforestation Areas
- (1) In order to be considered a Special Reforestation Area, the parcel of property in question must be of a size of two acres or more. A specifically identified Reforestation Plan approved by Zoning Commission must be submitted identifying deer damage or potential damage from deer as a specific threat to reforestation efforts. Fine mesh, medium, or large mesh may be permitted in Special Reforestation Areas on a year round basis.
- (H) Privacy Screens
- (1) Privacy screens shall comply with all requirements of Section 8.8, except (B)(2) and (B)(5) and are encouraged to include an architectural element.
 - (2) Location
 - i. Screens for privacy purposes shall not be erected in the area between the house and the side or front lot line. The location of a privacy screen is further restricted to areas adjacent to patios, porches, or decks and one end of each screen must be immediately adjacent to the primary structure on the lot.
 - (3) Height
 - i. Privacy screens shall not exceed a height of six feet (6') above the existing grade where such screen is erected.
 - (4) Length
 - i. The cumulative length of all privacy screens on a lot shall be limited to 12 linear feet, measured along the center line of the screen
- (I) Utility Screens
- (1) Utility Screens shall be designed to allow full access to the equipment for repair or replacement. Screens shall not interfere with the safe operation or ventilation of the enclosed equipment.
 - (2) Location

- i. Utility screens shall be located on the same lot as the equipment they are intended to conceal.
- ii. Screens shall not extend into the public right-of-way or obstruct pedestrian/vehicular sight lines.
- iii. Screens shall maintain required clearances from property lines unless otherwise permitted by this Code.

(3) Height

- i. The height of a utility screen shall be sufficient to fully obscure the equipment from view at grade level but shall not exceed 6 feet in height.
- ii. Utility screens shall not be taller than the equipment they enclose by more than 2 feet unless otherwise approved by the Zoning Administrator.

(4) Design and Materials

- i. Utility screens may consist of fencing, masonry walls, wood panels, or dense landscaping. Materials shall be compatible in color, texture, and style with the principal structure or surrounding landscape. Openings shall be permitted as necessary for ventilation and access to equipment for maintenance.

(J) Pool Fences

- (1) All private swimming pools, hot tubs, and spas capable of holding water to a depth greater than 24 inches shall be enclosed by a fence or barrier in compliance with this Section.

(2) Height

- i. The fence or barrier shall be not less than 48 inches in height, measured from the outside grade.

(3) Construction.

- i. Openings shall not permit passage of a sphere greater than 4 inches in diameter.
- ii. If a variance is granted for a chain link fence, chain link fences shall have a maximum mesh size of 1¾ inches unless slats are installed to reduce openings to 1¼ inches. Horizontal members shall be spaced not less than 45 inches apart on the outside of the fence, or otherwise constructed to prevent climbing.

(4) Location.

- i. The fence or barrier shall completely surround the pool and deck area, except where the pool is above-ground with sides at least 48 inches high and access is controlled by a compliant gate or ladder enclosure.

(5) Gates and Access. All gates providing access to the pool area shall be:

- i. Self-closing and self-latching.
- ii. Equipped with a locking mechanism.
- iii. Designed so that the latch release is located on the pool-side of the gate, at least 54 inches above the outside grade, or otherwise inaccessible to small children.
- iv. Gates shall open outward away from the pool area.

(6) Exemptions and Alternatives

- i. Spas or hot tubs with a lockable safety cover meeting ASTM F1346 shall be exempt from fencing requirements.

(7) Maintenance

- i. All pool fences and barriers shall be maintained in good condition, upright, and functional at all times. Failure to maintain required fencing or barriers shall constitute a zoning violation subject to enforcement under this Code.

(K) Invisible/Electric Fence

- (1) Any owner, keeper, or harbinger of an animal relying upon an electronic fence, “Invisible Fence, or similar containment system, must post visible signage evidencing that such containment system is in place.
 - (2) An electronic fence, “Invisible Fence”, or similar containment system, must have its boundary no less than three (3) feet from the property line of the property on which the electronic fence, “Invisible Fence”, or other similar containment is constructed.
 - (3) No one shall construct or install any electronic fence, “Invisible Fence”, or similar containment system, on any property that abuts or is contiguous with any public park or public walkway, not to include sidewalks which run parallel to any public street.
- (L) Fence configurations shall be consistent with the examples set forth in Exhibit 2.

Section 8.9 Exterior Building Materials and Approval

- (A) Buildings, including accessory buildings, erected or altered in any district of Ottawa Hills must be primarily clad in wood, masonry, or stucco, or materials which closely simulate wood, masonry or stucco. This shall not be interpreted to restrict windows or the use of glass, metal or other materials as accents in the design.
- (B) Materials not expressly listed above may be approved at the discretion of the Village Administrator, provided that such materials are consistent with the aesthetic character of the Village and have been previously approved by the Zoning Commission for use within the Village. The Village shall maintain and make available on its official website a list of building materials and products that have received prior approval by the Zoning Commission.

Section 8.10 Earthen mounds

- (A) No earthen mound over 12 inches above established grade shall be constructed or maintained in a front yard until a plan showing the dimensions, height, slope and landscaping has been submitted to the Village and a permit issued by the Village conditioned upon full compliance with this ordinance.
- (B) Earthen mounds shall not block or disrupt any drainage course.
- (C) No structures or fences shall be placed on any earthen mounds
- (D) Consistent with the landscape plan submitted and approved, any such earthen mound shall be covered with grass or ground cover. Subject to Section 8.10(F) trees and shrubbery may be planted on such mound.
- (E) An earthen mound may not exceed 36 inches in height above surrounding grade. Any such mound shall have a slope of not more than one foot in height for every three feet of horizontal distance.
- (F) No earthen mound shall be permitted to diminish the public peace, health, safety and welfare in any manner.

Section 8.11 Motor vehicles identified as “for sale” shall not be placed, parked or displayed in any residential district.

Section 8.12 Solar Energy Systems (2011-10 Amended)

- (A) Installation of a solar energy system will require a zoning permit prior to the commencement of installation.
- (B) Roof Mounted Solar Energy System Shall:
 - (1) Not be placed on any front facing or street facing roof.
 - (2) Not extend more than 10 inches above the existing roof.

- (3) Not be higher than the existing roof ridge.
 - (4) Be placed on a main structure or detached garage.
 - (5) Be parallel to the roof.
 - (6) Not extend beyond the edge of the roof of any structure, and
 - (7) Not be placed in such a manner that the glare from an installed solar energy system shall adversely affect nearby properties or the public right-of-way.
- (C) Solar panel installation shall not commence until all requirements of the Residential Code of Ohio (one, two or three family) or the Ohio Building Code have been satisfied and the appropriate permits have been issued by the Building Regulations Department of Lucas County. Prior to commencement of the installation a copy of the permit issued by the Building Regulation Department of Lucas County shall be provided to the Zoning Office of the Village by the property owner or the owner's agent.

Section 8.13 Signs (2012-4 Amended) (Section number error.)

- (A) Prior to the erection or modification of any sign a permit must be issued by the Village of Ottawa Hills. Appropriate fee schedules and administrative procedures will be established and may be modified from time to time to provide for the efficient collection of permit fees and issuance of sign permits.
- (B) Any sign involving flashing or blinking lights, beacons, pendants or flags is prohibited.
- (C) Portable signs such as signs designed to be moved from site to site by being mounted on wheels are prohibited.
- (D) Signs in public right-of-way:
 - (1) No sign as defined by this ordinance shall be permitted in the public right-of-way, unless specific authorization is provided by the Council of the Village of Ottawa Hills. Included in this prohibition shall be placement of any type of vehicle in the public right-of-way which contains a sign, such as a for sale sign or any other sign that may meet the definition of a sign as described in this ordinance.
 - (2) When unusual characteristics of a specific parcel of property would render ineffective a sign placed on private property, a special permit for a sign on the public right-of-way may be granted. Such a special permit shall only be granted when the requested sign meets the requirements established for such a special permit, and in no way constitutes a public nuisance, or detracts from public peace, health safety or welfare.
 - (3) Permanent signs located in the public right-of-way on the effective date of this ordinance shall be considered non-conforming uses and shall be permitted, but shall not be expanded or increased in any way after the effective date of this legislation.
- (E) Signs on commercial property:
 - (1) Permanent signs existing on commercial property on the effective date of this ordinance shall be considered pre-existing non-conforming uses and are allowable under the provisions of this ordinance.
 - (2) The total sign area of a sign on commercial property in existence on the effective date of this ordinance shall be the maximum amount of total area allowable on that property and shall not increase through the erection of new signs.
 - (3) A sign which predates this ordinance on commercial property may be modified as allowed by this ordinance so long as the total sign area does not exceed that which existed on the effective date of this ordinance.
 - (4) No sign on commercial property may be:
 - i. Located nearer than 25 feet from the intersection of 2 streets.
 - ii. Have a maximum height in excess of 48" above grade.

- iii. Constitute a visual obstruction which may be detrimental to the public peace, health, safety or welfare.
 - iv. Shall not exceed 20 square feet in sign area for all signs, except as provided in Section 8.13(H)(2).
- (F) Except as described in this section external lighting may be used to illuminate a sign in a commercial district. Such lighting shall not adversely impact on any neighboring property, nor shall such lighting diminish public safety in any manner.
- (G) Electronic/digital signs shall:
 - (1) Meet all other requirements of this sign code.
 - (2) Operate with automatic dimming.
 - (3) Not exceed 5000 nits maximum brightness during daylight hours.
 - (4) Not exceed 500 nits maximum brightness between sunset and sunrise.
 - (5) Not include any audio or pyrotechnic display.
 - (6) Be located at least 100 feet from any residential property line.
 - (7) Be static.
 - (8) Not blink, flash, move, or scroll or include effects of movement, automation or similar effects.
 - (9) Be programmed so that the message or image on the sign changes no more often than once every 60 seconds.
 - (10) Be programmed so that changes of images shall be instantaneous as seen by the human eye and shall not use blinking, fading, rolling, shading or similar effects as part of the change.
- (H) Signs on residential property. Signs erected after the effective date of this ordinance on residential property:
 - (1) Shall not exceed 48" in height above grade.
 - (2) Shall not exceed 10 square feet in total square feet of all signs.
 - (3) Shall be located not nearer than 25 feet from the intersection of 2 streets.
 - (4) Shall not be located in the public right-of-way.
 - (5) Shall not be lighted in any manner.
- (I) Unapproved signs.
 - (1) Signs located in the public right-of-way and signs which are in violation of this ordinance are hereby considered a nuisance and a threat to the public safety, and are subject to immediate confiscation and destruction by authorized personnel of the Village of Ottawa Hills.
 - (2) Owners or persons having control of property where violations of this ordinance occur, or owners of any sign which violates any section of this ordinance, except Sections 8.13 (E)(4)(iii)), (H)(1), and (I)(1) shall be provided a written notice to correct the violation within 48 hours.
 - (3) Failure to correct the violation shall constitute a violation of this ordinance.
 - (4) Violation of this ordinance shall be considered a minor misdemeanor.

ARTICLE IX
Special Use Exceptions

Section 9.1 Village Council may, by special permit, and subject to such protective restrictions as are deemed necessary, authorize the location, extension or structural alteration of any of the following buildings or uses, or an increase in their height, in any district from which these are prohibited or limited by this Zoning Code. Any modification to an existing sign or

installation of a new sign on church or school property shall require a special use permit. If recommended by the Zoning Commission, such permit may be authorized by vote of a majority of members elected to Council. Otherwise, the same shall require the concurrence of four members thereto.

- (A) Churches or other places of worship.
- (B) Public or private schools.
- (C) Public parks, playgrounds, libraries and community centers owned and operated by public agencies.
- (D) Two-family dwellings or multiple dwellings in A-16, B-1 and B-2 districts.

Section 9.2 Before issuance of any special permit for any of the above buildings or uses, the following conditions shall be complied with:

- A. A public hearing in relation thereto shall be held before the Village Zoning Commission. Notice by regular mail shall be sent no later than five (5) days prior to the date of said hearing by the Secretary of the Zoning Commission to property owners of record within a perimeter of 300 feet from the boundaries of the proposed buildings or land use.
- B. The Village Zoning Commission shall study and within sixty (60) days after the date of such public hearing report to the Village Council regarding the effect of such proposed building or use upon the character of the neighborhood and upon traffic conditions, public utility facilities, and other matters pertaining to public safety, or general welfare. No action shall be taken upon any application for a proposed building or use above referred to until the report of the Zoning Commission has been filed, unless such Commission fails to report within the time aforesaid.

ARTICLE X

Off Street Parking/Garages Section 10.1 Off-Street Parking

Section 10.1 Off-Street Parking

- (A) In the A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, A-12, A-13, A-14, A-15, A-16 and A-17 districts, there shall be provided, at the time any building is erected or structurally altered, two or more off- street parking spaces for each dwelling.
- (B) In a B-1, B-2 or B-3 two-family residence or multiple dwelling district there shall be provided, at the time any building is erected or structurally altered, one off-street parking space for each dwelling unit.
- (C) For other permitted uses the following off-street parking spaces shall be provided:
 - (1) Churches or other places of worship – one parking space for each six seats in the main auditorium.
 - (2) Public or private schools – one parking space for each ten seats in the auditorium or three spaces for each classroom, whichever is greater.
 - (3) Libraries and community centers – one parking space for each ten seats.
 - (4) Specialized retail uses and shops as permitted by Section 6.1(A) and banks, medical and dental clinics and offices, business and sales offices as permitted by Section 6.1(B) – one parking space for each 200 square feet of floor area.
- (D) All parking spaces required herein shall be located on the same lot as the building using the parking spaces and shall be easily accessible from a street or alley without substantial interference with traffic. All parking lots abutting on residential property shall be constructed so as to provide a minimum fifteen (15) foot set back from the property line.

Section 10.2 Garages

- (A) Each dwelling unit shall have a minimum of one (1) two-car garage and not more garage space than necessary to accommodate four (4) cars.
- (B) No existing garage may be removed or altered in such a manner as to cease functioning as a garage without being replaced by a garage of equal or greater size.
- (C) Except in an A-15 zone, no part of an attached garage may sit forward from the front line of the main part of the building. (2007-4 Amended)
- (D) In A-1, A-2, A-3, A-15 and A-16 districts, attached garages must be side or rear loading.
- (E) Detached garages are allowed in all districts and must be located in the rear yard.
- (F) B-1, B-2 and B-3 districts, garages must be detached and located in the rear yard.

ARTICLE XI

Pools

Section 11.1 Location

- (A) Private residential swimming pools shall be permitted in single family residence districts only.
- (B) No portion of a private residential swimming pool, including any walk adjacent thereto, shall be located at a distance less than ten (10) feet from any side or rear property line, or building line. Pumps, filters and pool water disinfection equipment installations shall be located at a distance not less than ten (10) feet from any side or rear property line. On any corner lots, the pool shall be located behind the rear building line of the house and shall not be located within twenty (20) feet of the building line on the side street; provided, however, that this section shall not be so constructed as to permit any pool, including walks, fence and appurtenances to extend beyond the established building line for residence purposes on such side street.
- (C) The top of pool coverings, walls, decks, walks or other installations of a private residential swimming pool shall not project more the one foot above the average finished grade of the pool site or portion of the lot immediately surrounding the pool.
- (D) Private residential swimming pools, walls and floor shall be constructed of any impervious material which will provide a tight tank with finished, easily cleaned surfaces. The side and end walls shall be vertical and shall present a smooth finish. The floor or bottom surface of the pool shall have a non-slip finish as smooth as possible

Section 11.2 Pool Fences (See Also Section 8.8(J)).

- (A) All private swimming pools, hot tubs, and spas capable of holding water to a depth greater than 24 inches shall be enclosed by a fence or barrier in compliance with this Section.
- (B) Height.
 - (1) The fence or barrier shall be not less than 48 inches in height, measured from the outside grade.
- (C) Construction.
 - (1) Openings shall not permit passage of a sphere greater than 4 inches in diameter.
 - (2) If a variance is granted for a chain link fence, chain link fences shall have a maximum mesh size of 1¾ inches unless slats are installed to reduce openings to 1¼ inches. Horizontal members shall be spaced not less than 45 inches apart on the outside of the fence, or otherwise constructed to prevent climbing.
- (D) Location.

- (1) The fence or barrier shall completely surround the pool and deck area, except where the pool is above-ground with sides at least 48 inches high and access is controlled by a compliant gate or ladder enclosure.
- (E) Gates and Access. All gates providing access to the pool area shall be:
 - (1) Self-closing and self-latching.
 - (2) Equipped with a locking mechanism.
 - (3) Designed so that the latch release is located on the pool-side of the gate, at least 54 inches above the outside grade, or otherwise inaccessible to small children.
 - (4) Gates shall open outward away from the pool area.
- (F) Exemptions and Alternatives
 - (1) Spas or hot tubs with a lockable safety cover meeting ASTM F1346 shall be exempt from fencing requirements.
- (G) Maintenance.
 - (1) All pool fences and barriers shall be maintained in good condition, upright, and functional at all times. Failure to maintain required fencing or barriers shall constitute a zoning violation subject to enforcement under this Code.

Section 11.3 Permits, plans, materials, etc.

- (A) It shall be unlawful to proceed with the construction, installation, enlargement, or alteration of any private residential swimming pool and appurtenances within the Village unless permits therefor shall have first been obtained from the building commissioner of the Village of Ottawa Hills.
- (B) All drawings and plans for the construction, installation, enlargement, or alteration of any private residential swimming pool and appurtenances for which a permit is shall first be presented to the administrator of the Village of Ottawa Hills for examination and approval as to location, construction, and use.
- (C) No person shall construct, enlarge, alter or use any private residential swimming pool and appurtenances until plans have been examined and approved by the administrator of the Village of Ottawa Hills
- (D) All private residential swimming pool, appurtenances water supply, and drainage systems shall be constructed in conformity with the approved plans. If any deviations from such plans are desired, a supplementary plan covering that portion of the work involved shall be filed for approval and shall conform to the provisions of this code.
- (E) Private residential swimming pool, walls, and floor shall be constructed of any impervious material which will provide a tight tank with white or light colored, finished, easily cleaned surfaces. The side and end walls shall be vertical and, shall present a smooth finish. The floor or bottom surface of the pool shall have a non-slip, finish as smooth as possible.
- (F) The structural design and construction of private residential swimming pool shall be such that the pools are designed to withstand the water pressure from within and to resist pressure of the earth when the pool is empty. Unobstructed side areas not less than four (4) feet, wide shall be provided to extend entirely around the pool. The walk area shall be constructed of impervious material and surfaces shall be such as to be smooth and easily cleaned and of non-slip construction, and shall drain away from the pool.

Section 11.4 Miscellaneous

- (A) All private residential swimming pools shall be maintained in a clean and sanitary condition, and shall be constructed and maintained in a satisfactory operating condition

- and in accordance with all laws and ordinances of the Village of Ottawa Hills and any rules and regulations governing the use of the same.
- (B) No private residential swimming pools shall be used, kept, maintained, or operated in the Village, if such use, keeping, maintaining, or operating shall be the occasion of any nuisance or shall be dangerous to life or detrimental to health.
 - (C) The administrator may inspect all private residential swimming pools to determine whether or not the provisions of this ordinance are being complied with.
 - (D) No private residential swimming pool shall be used between the hours of 11:00 p.m. and 7:00 a.m.

ARTICLE XII Game Courts

Section 12.1 Location

- (A) Game courts shall be permitted in single family residence districts only, provided, however, that no portion of any game court shall be located in front of any private dwelling.
- (B) No portion of any game court shall be located at a distance less than ten (10) feet from any side or rear property line, or building line. On any corner lot, a game court shall be located behind the rear building line of the house and shall not be located within twenty (20) feet of the building line on a side street; provided, however, that this section shall not be so constructed as to permit any game court, including game court enclosures and appurtenances to extend beyond the established building line for residence purposes on such side street.
- (C) No portion of any game court shall be located over or on top of any private dwelling without the approval of the Zoning Commission. The Zoning Commission may impose such conditions upon granting such approval as it deems necessary to protect the peace, health, safety and privacy of the adjoining residences.

Section 12.2 Permits, Plans, and Materials

- (A) No person shall construct, enlarge, alter or use a game court and appurtenances thereto until the plans and materials have been examined and approved and a permit has been issued by the Commissioner of Buildings of the Village of Ottawa Hills.
- (B) The Building Commission shall issue each permit, provided the applicant submits a written application upon forms provided and approved by the Building Commission, along with a plot plan of the lot, premises or land parcel attached, showing the exact location and dimensions of the proposed game court; a description of the kind of game court proposed; the exact location and dimensions of all buildings or structures; construction plans and specifications showing the elevations of the proposed game court upon completion, sound proofing, landscaping, construction and use. Each application shall specify among other things the name and address of the owner of the real estate; the person who prepared the construction plans and specifications; and the person to be permitted to construct the proposed game court.
- (C) The applicant shall submit with each application the sum of fifty dollars (\$50.00) which represents the permit fee. The permit fee shall cover the costs of reviewing the

- construction plans and specifications, inspecting the final construction and processing the application.
- (D) The Building Commissioner must notify by certified mail owners of real estate adjoining the property upon which the proposed game court is to be erected at least ten (10) days before issuing a permit.
 - (E) All game courts and appurtenances thereto shall be constructed in conformity with the approved plans and materials. If any alteration, deviation or modification from such plans is desired, a supplemental plan covering that portion of such alteration, deviation or modification shall be filed for approval and shall conform to the provisions of this Ordinance.

Section 12.3 Enclosures

- (A) Any game court enclosure shall not exceed ten (10) feet in height, shall be designed to confine the activity conducted on the game court, and shall be constructed in accordance with the plans approved by the Building Commissioner pursuant to Section 12.2 of this Zoning Code.

Section 12.4 Regulation of hours of Use

- (A) No game court wherever located shall be used between the hours of 10:00 p.m. and 9:00 a.m.

Section 12.5 Penalty

- (A) Any person violating any of the provisions of this Zoning Code, upon conviction thereof, shall be deemed guilty of a minor misdemeanor and, each day such violation shall be permitted to exist shall constitute a separate offense.
- (B) No portion of a private residential swimming pool, including any walk adjacent thereto, shall be located at a distance less than ten (10) feet from any side or rear property line, or building line. Pumps, filters and pool water disinfection equipment installations shall be located at a distance not less than ten (10) feet from any side or rear property line. On any corner lots, the pool shall be located behind the rear building line of the house and shall not be located within twenty (20) feet of the building line on the side street; provided, however, that this section shall not be so constructed as to permit any pool, including walks, fence and appurtenances to extend beyond the established building line for residence purposes on such side street.

ARTICLE XIII

Drainage

Section 13.1 Required for Permit

- (A) No zoning permit shall be issued by the Village of Ottawa Hills until all relevant conditions of these rules and regulations are fully and completely satisfied.
- (B) It shall be the responsibility of the permit applicant (responsible party) and/or the property owner (responsible party) to assure compliance with these requirements.
- (C) See attached Exhibit 3: Erosion and Sediment Control Fact Sheet.

Section 13.2 Drainage/Storm Water Runoff Control During Construction

- (A) It shall be the duty of the responsible parties and any person operating or driving a concrete delivery vehicle to assure that no cleanout of any concrete truck will occur in a

- manner which allows waste water from that cleanout operation to flow on the public right-of-way, any paved street, into any catch basin or manhole in the Village of Ottawa Hills.
- (B) Any responsible party or person driving or operating a concrete deliver vehicle who allows waste water from a cleanout operation to flow onto the public right-of-way, any paved street, into any catch basin or manhole in the Village of Ottawa Hills shall be guilty of a minor misdemeanor for the first offense. Each subsequent offense in a 24 month period shall be a misdemeanor of the fourth degree.
- (C) Additionally, any responsible party or person driving or operating a concrete delivery vehicle who allows waste water from a cleanout operation to flow onto the public right-of-way, any paved street, into any catch basin or manhole in the Village of Ottawa Hills shall be responsible to reimburse the Village of Ottawa Hills and other public agencies involved the cost of any cleanup necessary.
- (D) Any construction or reconstruction or improvement involving excavation, disturbance of soil, and/or clearing of an area in excess of 1 acre (43,560 sq. ft.) shall include a storm water management plan approved by the Village of Ottawa Hills. Such plan shall have the following minimum requirements and each such requirement shall be implemented using best management practices as approved by the Village of Ottawa Hills. The Village will provide specifications regarding best management practices for requirements.
- (1) Minimize soil disruption - area of disruption must be identified on a plot plan.
 - (2) Sod, seed or site stabilization must occur as soon as possible - may be temporary.
 - (3) Silt fencing shall be in place and maintained - prior to excavation, clearing, grading, or grubbing.
 - (4) Storm drain inlet protection may be required - prior to excavation, clearing or grubbing.
 - (5) Streets must be kept clean and free from mud, dirt and stone from the construction site. The Village may require appropriate construction site entrances in order to aid in maintaining the street cleaning.
 - (6) Each construction site shall also:
 - i. Have on-site restroom facilities available for use by construction workers
 - ii. Be maintained in a professional, workmanlike manner, kept free of excessive litter, waste materials, etc.
- (E) To assure that no trash, liter or debris is permitted to accumulate in such a manner as to be an eyesore or detrimental to nearby properties the Village may require a covered dumpster to be on site during construction.
- (F) A plan must be submitted which provides for compliance with these requirements. Failure to comply with the requirements of the plan, once approved by the Village, may result in revocation of the zoning permit and issuance of a stop work order. The property may be assessed for cost incurred by the Village, plus an administrative fee to assure compliance with the approved plan.
- (G) The Village of Ottawa Hills reserves the right to require other storm water runoff control measures in addition to those identified above, and to waive such requirements including items D(1)-(6) above if they are deemed unnecessary by the Village. The Village may require a storm water management plan for excavation, disturbance of soil and/or clearance of an area of less than one acre if particular features of the site warrant such a plan.

- (H) Any responsible party failing to comply with these requirements shall be guilty of a minor misdemeanor for the first offense. Each subsequent offense shall be a misdemeanor of the fourth degree.

Section 13.3 Drainage/Storm Water Runoff Control Post Construction

- (A) These drainage/storm water runoff control rules and regulations shall be applicable when the amount of impervious surface on a parcel or lot increases by more than 200 sq. ft. on a lot or parcel less than 35,000 sq. ft. or increases by more than 500 sq. ft. on a lot or parcel in excess of 35,000 sq. ft.
- (B) These requirements may be waived by the Village when the applicant can articulate specific conditions which make the compliance with this portion of the drainage/storm water plans unnecessary. Such articulated conditions may include location of the lot or parcel, location of existing drainage courses, or other circumstances which, in the judgment of the Village, make the following requirements unnecessary.
- (C) After the effective date of these rules, direct connection of downspouts, yard drains, privately installed catch basins, or similar devices to the public storm sewer system shall be prohibited. Such connections existing prior to the effective date may be required to be disconnected if such connection can be shown as detrimental to the functioning of the storm sewer system.
- (D) For purposes of these rules impervious surface shall include but not be limited to increased roof area, pool decks, asphalt or concrete driveways, patios or other impervious surfaces. Excluded in any calculations regarding impervious surfaces will be wooden decks or pervious surfaces.
- (E) Prior to issuance of a zoning permit a plan must be submitted and approved by the Village, when applicable, which includes the following:
- (1) The plan must be certified by a landscape architect or professional engineer registered in the State of Ohio
 - (2) The plan must include
 - i. Plot plan identifying existing and proposed impervious surfaces.
 - ii. Information identifying the amount of additional impervious surface-in square feet.
 - iii. Existing and proposed drainage patterns.
 - iv. A twenty year storm calculations regarding run-off created by the additional impervious surface.
 - v. Proposed drainage for all new impervious surface.
 - vi. A statement by the landscape architect or engineer that there will be no adverse impact on any nearby property caused by the run-off from the additional impervious surface.
 - vii. A statement describing the ability of the existing storm sewer system to accommodate the additional flow, if appropriate.
 - viii. Additional info l mation as may be required by the Village.
- (F) New home construction shall include the following additional information.
- (1) Plot Plan.
 - (2) A grading plan for the lot.
 - (3) Elevations at each corner of the lot.
 - (4) Proposed elevation of the home at grade.
 - (5) Elevations of structures at grade on adjoining property.
 - (6) Benchmark used to detem l ine elevation (may be local benchmark).

ARTICLE XIV
Zoning Commission

Section 14.1 There is hereby created a Zoning Commission of five (5) members consisting of the Mayor of Ottawa Hills, one member of the Council of Ottawa Hills to be elected by Council for the duration of his/her term as a member of Council, and three (3) citizens of the Village of Ottawa Hills to be appointed by the Mayor for terms of six years each, except that the term of one of the members of the first commission shall be for four (4) years and one for two (2) years. In the event of a vacancy, the Mayor shall appoint a qualified person to serve the unexpired term.

Section 14.2 The Zoning Commission shall have all powers now or hereafter authorized by law to be delegated to any administrative board with respect to any planning or zoning ordinance.

Section 14.3 The Zoning Commission may adopt its own rules of procedure not inconsistent with the terms of this ordinance and shall keep a record of its proceedings. The presence of three (3) members shall be necessary to constitute a quorum and no action shall be taken or decision made by the Zoning Commission except by the vote of at least three (3) of its members. The Zoning Commission shall meet at the Municipal Building, Richards Road, in the Village of Ottawa Hills, upon call of the Mayor or a majority of the members of the Commission, and all meetings shall comply with the open meeting statutes of the State of Ohio.

Section 14.4 Appeal from a ruling or decision of the Village Manager or designee may be taken to the Zoning Commission within ten (10) days of said decision by filing with the Village Manager or designee and with the Zoning Commission a Notice of Appeal specifying the decision or order appealed from. The Village Manager or designee shall forthwith transmit to the Zoning Commission all the papers constituting the record upon which the decision or order appealed from was taken. Reasonable notice of the time of the hearing upon such appeal shall be given to the party appealing, and to Village of Ottawa Hills property owners within 200 feet of the property which is the subject of the appeal.

Section 14.5 The Zoning Commission may in specific cases permit a variation of the application of the use, height, and area district regulations, herein established in harmony with general purpose and intent as follows:

- (A) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Village Manager or designee in the enforcement of this ordinance.
- (B) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.
- (C) In exercising the above mentioned powers the Zoning Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or

- determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.
- (D) An appeal under Section 14.5 may not be submitted more than one time in a twelve month period.

ARTICLE XV
Permits and Occupancy

Section 15.1 No vacant land shall be occupied or used and no structure shall be erected or structurally altered until a zoning permit has been issued by the Village Manager or designee.

Section 15.2 The Village Manager or designee shall issue such permit within 10 days of receipt of application for a zoning permit provided that such proposed use, structure or structural alteration is in conformance with these zoning regulations.

Section 15.3 The application for a zoning permit shall be accompanied by a plan, in triplicate, drawn to scale showing actual dimensions of the lot and the dimensions of the proposed structure and such other information as may be necessary to provide for the enforcement of this ordinance. A record of such application and plans shall be kept in the office of the Village Manager or designee.

Section 15.4 Applications for zoning permits which have an estimated project cost in excess of \$50,000.00 and include changes in exterior dimensions shall only be issued to approved contractors. In order for a contractor to be approved the following conditions must be satisfied:

- (A) The contractor shall provide to the Village Manager the following:
- (1) Satisfactory proof of liability insurance coverage which is in full force and effect, and
 - (2) A Workers Compensation Certificate issued by the State of Ohio which is in full force and effect, if applicable
- (B) In order to be designated an approved contractor, the contractor must also satisfy two of the following five conditions:
- (1) Evidence of receipt of a minimum of ten (10) building permits issued to the contractor by Lucas County, Ohio or any adjoining County for the last three years.
 - (2) Evidence the contractor has complied with municipal income tax ordinances in effect at previous project sites during the last three years.
 - (3) Evidence of membership in the Home Builders Association of Greater Toledo.
 - (4) Evidence of licenses issued to the contractor by the City of Toledo, the State of Michigan or the State of Ohio for home construction, remodeling or repair.
 - (5) Satisfactory evidence that the contractor has completed construction projects in Lucas County or any adjoining county in the minimum amount of \$500,000.00 for the last two years.

Section 15.5 Upon satisfactory proof of the criteria set forth above in paragraphs (a) and (b) the Village Manager shall designate the contractor as an approved contractor. The Village Manager will maintain a list of approved contractors which shall be available for public inspection.

Section 15.6 Construction must commence within 90 days of issuance of the permit. Once construction begins, a zoning permit is valid for a period of 12 months. Failure to commence construction within 90 days will invalidate the zoning permit.

Section 15.7 Application for one 90 day extension beyond the original 12 months period may be granted by the Village Manager or designee upon finding that:

- (A) Substantial progress toward project completion has occurred, and
- (B) The project has a reasonable expectation of completion.

Section 15.8 If the Village Manager or designee does not issue a permit extension as described in Section 15.7 or if the project is not substantially complete at the conclusion of such one 90 day extension an applicant may request an extension from the Zoning Commission.

The Zoning Commission will consider such request at a public hearing after providing notice of such hearing to all property owners within 400 feet of the property. The Zoning Commission shall consider all relevant factors including but not limited to the size and nature of the project, weather conditions and progress made to date. The Zoning Commission may determine the duration of the extension, if any.

Section 15.9 If the project is not substantially complete when such permit and any extensions expire, the property may be declared a public nuisance and appropriate actions by the Village maybe undertaken to abate the nuisance. Expenses incurred by the Village to abate the nuisance, plus an administrative fee, shall be billed to the property owner. If the property owner fails to pay the bill within 30 days, the full amount of the bill will be placed as a lien upon the property.

(A) Consideration of substantial completion shall include but not be limited to:

- (1) Exterior completion including landscaping.
- (2) Internal completion.
- (3) Issuance by Lucas County of a certificate of occupancy.

Section 15.10 Failure of an owner/contractor to keep any job site in a clean, orderly and workmanlike condition shall constitute a nuisance. The Village shall provide notice to the owner of the nuisance condition and give the owner written notification of such condition. The owner shall have five (5) days to correct any nuisance conditions. If the owner fails to correct any such conditions the Village shall undertake action to abate the nuisance. Expenses incurred by the Village to abate the nuisance, plus an administrative fee, shall be billed to the property owner. If the property owner fails to pay the bill within 30 days, the full amount of the bill will be placed as a lien upon the property.

ARTICLE XVI Non-conforming Uses

Section 16.1 Except as hereinafter provided the lawful use of a building or a structure or of any land or premises existing at the time of the effective date of this ordinance, or at the time of a change in the district map, may be continued although such use does not conform to the provisions hereof.

Section 16.2 In the event that a non-conforming use of any building, structure or land is voluntarily discontinued for a period of two (2) years the use of the same shall thereafter conform to the use permitted in the district in which it is located.

Section 16.3 When a building or structure the use of which does not conform to the provisions of this ordinance has been damaged by explosion, fire, hurricane or tornado to the extent of more than 60% of its fair market value, it shall not be restored or reconstructed except in conformity with the district regulations of the district in which the building is situated.

Section 16.4 Non-conforming uses shall not be expanded in such a manner so as to increase the non-conformity.

ARTICLE XVII Interpretation; Enforcement

Section 17.1 In interpreting and applying the provisions of this ordinance they shall be held to the minimum requirements for the promotion of public safety, health, convenience, comfort and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of a building or premises or upon the height of a building or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or permits or by easement, covenants or agreements the provisions of this ordinance shall govern.

Section 17.2 Should any section, clause or provision of this ordinance be declared by the courts to be invalid or unconstitutional the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the section, clause or provision so declared to be invalid or unconstitutional.

Section 17.3 Any person, firm or corporation who shall violate any of the provisions of this ordinance or who shall fail to comply therewith or with any of the requirements thereof or who shall erect or alter any building or commence the erection or alteration thereof in violation of any detailed statement or plan submitted or approved hereunder shall, for each and every violation or noncompliance be deemed guilty of a misdemeanor of the fourth degree and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises where anything in violation of this ordinance shall be placed or shall exist and any builder or contractor, agent or corporation employed in connection therewith who may be assisting in the commission of any such violation, shall be guilty of a separate offense and, upon conviction, shall be subject to the penalties herein provided.

Section 17.4 Any permit or certificate issued pursuant to this ordinance upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Zoning Commission, the permit or certificate shall be revoked by notice in writing to be delivered to the holder of the void permit or certificate upon the premises concerned, or, if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new

permit or certificate in accordance with this ordinance shall be deemed guilty of violation thereof.

Section 17.5 It shall be the duty of the Village Manager or designee to enforce this ordinance, and it shall also be the duty of all officers and employees of the Village to report to him upon any new construction, reconstruction or new land uses and apparent violations. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this ordinance or any amendment or supplement thereto, the Village Manager or designee, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings, to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

ARTICLE XVIII
Amendment and Repealer

Section 18.1 Village Council may, after public notice and hearing as herein provided, and after report by the Zoning Commission to be made within sixty (60) days after referral to the Commission, amend, supplement or change this ordinance or the district maps herein OR SUBSEQUENTLY ESTABLISHED. Failure of the Zoning Commission to report within sixty (60) days shall be construed as approval of the proposed amendment or change.

Section 18.2 Notice of such hearing before the Village Council shall be given by publishing the same at least once in a newspaper of general circulation within the Village at least thirty (30) days in advance of such hearing, which notice shall state the time and place thereof. Such further notice shall be given to the owners of property in the vicinity of the property affected by such amendment as may be required by law or specified by Village Council. During the thirty (30) days preceding the hearing before the Village Council the proposed amendment to the ordinance and district maps shall be available for public examination at the office of the Village Manager or designee, together with any report prepared by the Zoning Commission and filed with the Village Manager or designee.

ARTICLE XIX
Violations & Penalty

Section 19.1 Violations

- (A) Failure to Obtain a Required Permit or Approval. Failure to obtain a zoning permit, Certificate of Zoning Compliance, or other approval as required by specific Sections of this Zoning Code shall be a violation of this Zoning Code and punishable under Section 19.2
- (B) Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates. Zoning permits or other approvals issued on the basis of plans, plats and/or applications authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Section 19.2

Section 19.2 Penalty

- (A) Violation of any provision of this Zoning Code or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Ordinance) shall constitute a misdemeanor. Any person who violates this Zoning Code or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred fifty dollars (\$500.00). Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from such other lawful action as is necessary to prevent or remedy any violations.
- (B) Penalties as above shall apply unless penalties are defined for specific Sections of this Zoning Code, in which case the penalties so defined in those sections shall apply.

Exhibit 1 (Lot Examples)

Exhibit 2 (Fence Examples)

Exhibit 3: Erosion and Sediment Control Fact Sheet.

Previous Running List

Section	Topic	Notes/ Comments	Notes/ Comments - RICH EFFLER
Accessory Structure	Definitions for garage, shed, pool house, pergola, gazebo, game courts, pools, hot tubs, play structures temporary structures, A/C units, mini split units, etc.	Could divide into major, minor, and utility sub categories: major - garage, poolhouse; minor - shed, playhouse; utility: AC unit, pool equipment (cc)	These should be clearly defined with some items recategorized. AC Units, pool equipment, etc. should not fall under the same category as an addition/pool house; Landscape/playground structures separately categorized as well
	Does breezeway attachment make part of main structure		Suggest that a breezeway, even if open air, with complementary or matching roof and structure, should qualify as an attachment
	Applicable location, screening, setback requirements		
	Maximum number, size, lot coverage	Consider tiering the requirements by Zone/Plat (cc)	Need to revisit allowable size /height/etc. of accessory structures
	Pool equipment screening		Vegetative or other
	Vegetative screening requirements around accessory structure		
	All play structures required or only those of a certain type/size? Swingset allowed but if enclosed play areas, count as accessory structure?	Could set size threshold of the equipment that would determine need for permit. (cc)	All play structures should be required for zoning approval
	Front yard accessory structures - does this include swings, badminton nets, etc.?		
	Accessory structure vs. part of the main structure - does an open breezeway make the second?		
	Resin type materials for sheds (PVC)		AZEK or other synthetic materials that look like wood and are paintable should be allowed (Not vinyl/etc)
Pool equipment - blocking from view especially side of house (allow wall? brick extension of house? is the half brick wall and extension of the house or a wall/fence?)			
Incorporate pool and fencing guidance into zoning code (hp)	Where is additional pool guidance that has been referenced in Zoning meetings? I cannot find anything about pool fencing requirements or other specifics in the zoning code or drainage ordinance about specifics related to pools - fences, height, size, etc... (hp)		
Game Court		Is there special consideration for permeable surfaces? (cc)	
	Incorporate game court ordinance		
	Game court rules		
Fencing			
	Definition for fence		
	Review allowable fence heights		
	Allowable fence materials - prohibit vinyl fences		
	Privacy screening	Could set size and setback limitations to prevent abuse(cc)	
	Front yard invisible fences	Establish set distance from fence to public walkway (cc)	
	Fence height and openness revisit		
	Resin type materials for fence (PVC)?	Limit to paintable and non-glossy (cc)	Should be considered
	Reaccess if fencing code change is working as hoped, residents putting up walls of greenery to avoid seeing neighbors instead of fences.		
Landscaping			
	Raised flower and vegetable gardens		
	Allowable landscaping materials		
	Stone and gravel for landscaping vs. mulch		
Impervious Surfaces			
	Impervious surface area maximum		
	Items counted toward impervious surface area		Non driveway IMPERVIOUS paved surfaces should have a max lot coverage that is in addition to the driveway - treat them separately but same logic
	Pavement requirements		

	Paved areas in front yards (not including driveways)		
	Impervious surfaces not drives (Pool decking, patios, sidewalks, pool itself)		
	Deck vs. concrete (is deck impermeable)		
	Pavers w/ spacing vs. concrete		Should have max lot coverage for PERMEABLE surfaces.. but different calculation % than IMPERMEABLE
	Differentiate permeable vs. impermeable surface		lots of ways to interpret..
	Include all impervious surfaces when calculating paved area, home, driveway, patios, game courts, pools, and any other accessory structures. Consider change to allow percentage if everything is included.		ALL INCLUDED - however separate percentages
	No gravel driveways		
Single-Family Homes			
	Review definitions for "dwelling, private" related to extended families, home workers, etc.		
	Short-term rentals		
	Accessory dwelling units		
	Group homes/transitional housing		
	Home occupations		
	Bay Village has a short term prohibition in its zoning code since 2019:		
	1365.07 Definitions		
	use, occupancy or possession, of a rental dwelling through a rental for		
	1365.17 Short-term rental prohibition.		
	available, any rental dwelling in the City of Bay Village for the purpose of a		
	eye on - Menkaus, et al. v. City of Milford, Ohio, et al.		
	Case number is 1:2022cv00568		
	Not much has happened in the case yet.		
	Further clarify definition for corner lots and any differences to meeting the zoning requirements, with graphics (hp)		
	Determine if a different definition for "single family" is needed, or alternate way of describing this type of home (hp)		
Pool			
	Incorporate pool ordinance		
	Hot tubs vs. above ground pools - are hot tubs allowed and what size before considered an above ground pool		
	Pool code allows unbroken wall, fence code does not		
Non-Conforming Uses			
	Review current provisions regarding replacement when damaged		
	Non-compliance use - current code seems to allow for replacement of non-conforming uses if not damaged more than 60% by explosion, fire, hurricane or tornado		
Non-compliance			
	Defining enforcement for non-compliance		
	penalties for non-compliance		
Set-backs/yards			

	Clarity definition of rear yard setback for homes on irregular lots	For special corner lot cases, there could be a formula which determines the amount of allowable lot area percentage that can be fenced in. It could provide relief to those with small backyards that want fences. I.E., if the area of the official rear yard is less than 10%(?) of the overall lot size, an exception can be made on the allowable area of fencing in front of the edge of the house. (cc)	
Site plan review	Comprehensive review and recommendations; checklist development		
	Detailed survey/site drawing showing all existing conditions and proposed changes to those conditions (existing structures plus new structures, existing driveway vs. expanded driveways, etc required and proposed set back lines		
	Should also list neighboring property owners on all sides and any proposed new landscape screening, etc.		
	Detailed floor plans showing existing structures vs. new all new builds and or additions renovations/accessory building		
	Exterior elevations of proposed building/additions, including calling out overall height and proposed exterior materials		
	Code data list calling existing setbacks, proposed new set backs, % of coverages allowed and proposed, allowable height and proposed height, etc.		
	Hardship/variance request letter stating the reason they are seeking the variances	Like the idea of a variance checklist/form for homeowner (hp)	agree - like the idea of a variance checklist form
	photos/images as needed		
	Incorporate Drainage ordinance		
Misc.	Permit fee review and recommendations		
	Permit applications review and recommendatons; make into fillable online pdf		
	Consider rental registration and vacant property registration ordinance		
	Review and update PUD section and incorporate into the zoning code		
	Definitions update		
	Approved contractors must recertify every 5 years		
	PODS and Storage containers		
	Temporary structure - clean up the restrictions (really are none other than can have 45 days)		
	PUD Ordinance		
	Permits for signs during political season		
	Maximum sign area (allow 3 signs)?	Consider defining a standard sign size as reference (ex. not 3 giant signs but 3 standard 18x24 or 12x18) (hp)	
	Allowable materials for exterior finishes of structures (primary and accessory structure)		
	Assess solar requirements to determine if still sufficient or if updates needed (hp)		
	Municipal building and service department currently in C-1 Commercial District. Assess definition of C-1 and determine if that is the correct zoning definition/type for this property moving forward (hp)		
	Ensure final code is an easily searchable online document for residents (hp)		
	General formatting for final document to include table of contents and index of key terms (hp)		

