



ZONING COMMISSION AGENDA

September 2, 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
- 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.

Changes

1. Added pergola and green house to accessory structure definition
 - a. STRUCTURE, 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, pool house, gazebos, pergolas, greenhouses. Accessory structures are permitted only in the rear yard.
2. Added Raised Garden Beds
 - a. Section 8.11-pg 19

Section 8.1 Raised Garden Beds

- (A) Raised garden beds shall be permitted only in the rear yard.
 - (B) A raised garden bed shall not exceed thirty (30) inches in height above established grade or fifty (50) square feet in area. The cumulative area of all raised garden beds on a lot shall not exceed/ two hundred (200) square feet total.
 - (C) Raised garden beds shall be located at least three (3) feet from any lot line and shall not obstruct or adversely affect any drainage course or stormwater runoff.
 - (D) Raised garden beds complying with this Section shall not be considered accessory structures and shall not require a zoning permit.
- b. Definition pg-7
 - i. RAISED GARDEN BED: A planting area elevated above the surrounding finished grade and enclosed by wood, masonry, metal, or similar material, used primarily for the cultivation of flowers, vegetables, herbs, or other plants.
3. Moved section 8.9 to new section 7.3-pg. 13
 - a. Added see also at 8.9
 4. Pools
 - a. Pg 22
 - b. Above-ground swimming pools are prohibited. All private residential swimming pools shall be constructed in-ground.
 5. Signs
 - a. Definition-Pg. 7
 - i. From OMAA
 - ii. SIGN: Text, illustrations, or shapes which are affixed to, portrayed, or depicted directly or indirectly upon any surface for outdoor public view. This definition includes all signs visible from any public right-of-way or adjacent property.
 - b. Temporary Signs subject to size and location restrictions contained in this chapter.
 - c. TEMPORARY SIGN: A sign constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other similar material and intended to be displayed for a period of not more than sixty (60) consecutive days.
 6. 11.3(B)-changed to:
 - a. All drawings and plans for the construction, installation, enlargement, or alteration of any private residential swimming pool or appurtenances for which a

permit is required shall first be submitted to the Administrator of the Village of Ottawa Hills for examination and approval as to location, construction, and use.

b. Fixed typo.

7. Use of the word permitted issue

a. Art. III / §§3.1, 4.1, 5.1, 5.2, 6.1

i. “Permitted Uses”

ii. This language is typically used in zoning codes. Keep.

b. STRUCTURE, 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, pool house, gazebos, pergolas, greenhouses. Accessory structures are ~~permitted~~ may be located only in the rear yard.

i. Changed “permitted” to “may be located only”

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

i. Changed “permitted” to “as otherwise authorized by this code”

d. Section 3.1(C)(3)

i. Motor vehicles which identify the home occupation ~~are not permitted to be parked~~ shall not be parked at the location of the dwelling.

e. 8.7 Playground Structures

i. Playground Structures ~~shall be permitted~~ may be installed with approval of the Administrator, or their designee.

f. 8.8 Temporary Fencing

i. Temporary fencing for safety purposes, or other valid reasons, may be ~~permitted when approved by the Administrator~~ authorized by the Administrator under such conditions and limitations as the Administrator may delineate.

g. 8.8 (G) Reforestation

i. 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~~ authorized in Special Reforestation Areas on a year round basis.

h. 8.8(I)(2)(iii)

i. Screens shall maintain required clearances from property lines unless otherwise ~~permitted~~ authorized by this Code.

i. 8.8(I)(4)

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~~ may be provided as necessary for ventilation and access to equipment for maintenance.

- j. 8.10(F) Earthen Mounds
 - i. No earthen mound ~~shall be permitted to diminish~~ shall diminish or adversely affect the public peace, health, safety, or welfare
 - ii. the public peace, health, safety and welfare in any manner.
 - k. 8.14(D)(1) Signs
 - i. No sign as defined by this ordinance shall be ~~permitted~~ located 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.
 - l. 8.14(D)(3)
 - i. 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~~ may continue as lawful nonconforming uses, but shall not be expanded or increased in any way after the effective date of this legislation.
 - ii.
 - m. 10.2(E)
 - i. Detached garages are ~~allowed~~ permitted in all districts and must be located in the rear yard.
 - 1. Here detached garages are permitted.
8. 11.1(C)
- a. 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~~ authorize any pool, including walks, fence and appurtenances to extend beyond the established building line for residence purposes on such side street.
9. 12.1(B)
- a. 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~~ to authorize any game court, including game court enclosures and appurtenances to extend beyond the established building line for residence purposes on such side street.
10. 12.2(B)
- a. 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~~ who will construct the proposed game court.

i. Permitted adds unnecessary ambiguity

11. 12.5 / §17.3

- 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~~ the violation continues ~~shall be permitted to exist~~ shall constitute a separate offense.
- b. 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~~ the violation continues ~~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.

12. 13.2(E)

- a. To assure that no trash, liter or debris ~~is permitted to accumulate~~ accumulates 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.

13. 14.5

- a. The Zoning Commission may in specific cases ~~permit a variation of the~~ grant a variance from the application of the use, height, and area district regulations, herein established in harmony with general purpose and intent as follows:

14. Cross referencing issues

- a. Signs 8.14(E)(4)(iv)

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:

TABLE OF CONTENTS

PREAMBLE

ARTICLE I — Definitions

Section 1.1 Definitions

ARTICLE II — Districts and Maps

Section 2.1 Zoning Districts

Section 2.2 District Maps

Section 2.3 District Boundary Lines

Section 2.4 Annexed Areas

Section 2.5 Permanent Zoning Classification After Annexation

ARTICLE III — Permitted Uses in Single-Family Residence Districts

Section 3.1 Permitted Uses

Section 3.2 Applicable Requirements

ARTICLE IV — Two-Family Residence

Section 4.1 Permitted Uses

Section 4.2 Applicable Requirements

ARTICLE V — Multiple Dwelling District

Section 5.1 B-2 Multiple Dwelling District

Section 5.2 B-3 Multiple Dwelling District

Section 5.3 Applicable Requirements

ARTICLE VI — Commercial District

Section 6.1 Permitted Uses

Section 6.2 Applicable Requirements

ARTICLE VII — Height and Lot Area

Section 7.1 Height and Lot Area Requirements

Section 7.2 Exceptions to Height Restrictions

ARTICLE VIII — Yard Requirements

Section 8.1 Yard, Setback, Lot Coverage, and Paved Area Requirements

Section 8.2 Required Yards to Remain Open

Section 8.3 Projections into Required Yards

Section 8.4 Minimum Setback

Section 8.5 Accessory Structures

Section 8.6 Utility Equipment

Section 8.7 Playground Structures

Section 8.8 Fences

Section 8.9 Exterior Building Materials and Approval

Section 8.10 Earthen Mounds

Section 8.11 Raised Garden Beds

Section 8.12 Motor Vehicles Identified “For Sale”

Section 8.13 Solar Energy Systems

Section 8.14 Signs

ARTICLE IX — Special Use Exceptions

Section 9.1 Special Permits

Section 9.2 Procedure and Conditions for Special Permits

ARTICLE X — Off-Street Parking/Garages

Section 10.1 Off-Street Parking

Section 10.2 Garages

ARTICLE XI — Pools

Section 11.1 Location

Section 11.2 Pool Fences

Section 11.3 Permits, Plans, Materials, etc.

Section 11.4 Miscellaneous

ARTICLE XII — Game Courts

Section 12.1 Location

Section 12.2 Permits, Plans, and Materials

Section 12.3 Enclosures

Section 12.4 Regulation of Hours of Use

Section 12.5 Penalty

ARTICLE XIII — Drainage

Section 13.1 Required for Permit

Section 13.2 Drainage/Storm Water Runoff Control During Construction

Section 13.3 Drainage/Storm Water Runoff Control Post Construction

ARTICLE XIV — Zoning Commission

Section 14.1 Creation and Membership

Section 14.2 Powers

Section 14.3 Rules, Meetings, and Quorum

Section 14.4 Appeals

Section 14.5 Variances

ARTICLE XV — Permits and Occupancy

Section 15.1 Zoning Permit Required

Section 15.2 Issuance of Permit

Section 15.3 Application Requirements

Section 15.4 Approved Contractors

Section 15.5 Approved Contractor List

Section 15.6 Permit Duration

Section 15.7 Administrative Extension

Section 15.8 Zoning Commission Extension

Section 15.9 Expired Permits and Nuisance Abatement

Section 15.10 Job Site Nuisance Conditions

ARTICLE XVI — Non-Conforming Uses

Section 16.1 Continuation of Lawful Non-Conforming Uses

Section 16.2 Discontinuance

Section 16.3 Damage or Destruction

Section 16.4 Expansion Prohibited

ARTICLE XVII — Interpretation; Enforcement

Section 17.1 Interpretation
Section 17.2 Severability
Section 17.3 Violations
Section 17.4 False Statements
Section 17.5 Enforcement Authority

ARTICLE XVIII — Amendment and Repealer
Section 18.1 Amendments
Section 18.2 Notice and Public Hearing

ARTICLE XIX — Violations & Penalty
Section 19.1 Violations
Section 19.2 Penalty

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: See Structure, Accessory Structure.

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.

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

CORNER LOT SETBACK: See Setback, Corner Lot Setback.

DEER FENCE: See Fence, Deer Fence.

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.

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

FENCE, 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).

FENCE, 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.

FENCE, POOL FENCE: A fence or barrier that completely surrounds a private residential swimming pool, hot tub, spa, and any associated deck area, and is designed to restrict unauthorized access. A pool fence shall be not less than forty-eight (48) inches in height, shall be constructed so that openings do not permit passage of a sphere greater than four (4) inches in diameter, and shall include self-closing, self-latching gates equipped with locking mechanisms. A pool fence shall comply with all requirements of Sections 8.8(J) and 11.2 of this Code.

FENCE, PRIVACY SCREEN: See Screen, Privacy Screen.

FENCE, UTILITY SCREEN: See Screen, Utility Screen.

FRONT SETBACK: See Setback, Front Setback

FRONT YARD: See, Yard, Front Yard.

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: See Structure, Garage.

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: See Fence, Invisible/Electric Fence.

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.

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

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: See Structure, Playground Structure.

POOL FENCE: See Fence, Pool Fence.

PRIVACY SCREEN: See Screen, Privacy Screen

PRIVATE RESIDENCE SWIMMING POOL: A body 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.

RAISED GARDEN BED: A planting area elevated above the surrounding finished grade and enclosed by wood, masonry, metal, or similar material, used primarily for the cultivation of flowers, vegetables, herbs, or other plants.

REAR YARD: See Yard, Rear Yard.

SCREEN, 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.

SCREEN, UTILITY SCREEN: A structure, wall, fence, landscaping feature, or combination thereof, designed and maintained to conceal or visually buffer utility and service equipment from view. Utility screens may be used to shield air-conditioning condensers, generators, transformers, cable boxes, pool pumps, pool heaters, pool filters, chlorination or sanitation equipment, refuse containers, and similar utility or service equipment. Utility screens shall be constructed of materials compatible with the principal structure or surrounding landscape and maintained in good condition. A utility screen is intended for localized screening purposes only and shall not be considered a fence or privacy screen for purposes of this Code.

SETBACK, CORNER LOT SETBACK: 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).

SETBACK, FRONT SETBACK: 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).

SIDE YARD: See Yard, Side Yard.

SIGN: Text, illustrations, or shapes which are affixed to, portrayed, or depicted directly or indirectly upon any surface for outdoor public view. This definition includes all signs visible from any public right-of-way or adjacent property.

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. (2007-1 Amended).

STRUCTURE, 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, pool house, gazebos, pergolas, greenhouses. Accessory structures are may be located only in the rear yard.

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

STRUCTURE, 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.

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

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

TEMPORARY SIGNS: A sign constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other similar material and intended to be displayed for a period of not more than sixty (60) consecutive days.

TEMPORARY STRUCTURE: See Structure, Temporary Structure.

UTILITY EQUIPMENT: Equipment necessary to provide essential services to a principal building, use, or accessory use, including but not limited to heating, cooling, electricity, gas, water, sewage, communications, or the operation and maintenance of a swimming pool. Examples include air-conditioning condensers, transformers, generators, cable boxes, pool pumps, pool heaters, pool filters, chlorination or sanitation equipment, and similar installations. Utility and service equipment shall be screened or located in compliance with the setback, screening, and noise provisions of this Code.

UTILITY SCREEN: See Screen, Utility Screen.

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

YARD, 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).

YARD, REAR YARD: A yard, unoccupied except by an accessory structure as hereinafter as otherwise authorized by this code, 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).

YARD, 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).

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 Administrator 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 shall not 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.

Section 7.3 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 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.

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 жалусии 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 remain on any property for a period exceeding forty-five (45) consecutive days.
- (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 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 may be installed 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 Administrator.
- (D) Temporary Fencing
 - (1) Temporary fencing for safety purposes, or other valid reasons, may be authorized by the Administrator under such conditions and limitations as the Administrator 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 authorized 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. Utility 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. 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 authorized 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 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 may be provided 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) See Section 7.3

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 shall diminish or adversely affect the public peace, health, safety, or welfare the public peace, health, safety and welfare in any manner.

Section 8.11 Raised Garden Beds

- (A) Raised garden beds may be located only only in the rear yard.
- (B) A raised garden bed shall not exceed thirty (30) inches in height above established grade or fifty (50) square feet in area. The cumulative area of all raised garden beds on a lot shall not exceed/ two hundred (200) square feet total.
- (C) Raised garden beds shall be located at least three (3) feet from any lot line and shall not obstruct or adversely affect any drainage course or stormwater runoff.
- (D) Raised garden beds complying with this Section shall not be considered accessory structures and shall not require a zoning permit.

Section 8.12 Motor vehicles identified as “for sale” shall not be placed, parked or displayed in any residential district.

Section 8.13 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 8.14 Signs (2012-4 Amended)

- (A) Prior to the erection or modification of any sign a permit must be issued by the Village of Ottawa Hills except that no permit shall be required for a temporary sign as defined in Section 1.1. Temporary signs shall otherwise comply with all applicable requirements of this Section. 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 located 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 may continue as lawful nonconforming uses, 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 8.14(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 Section 8.14.
- (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

- (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 setback 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 permitted 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) Above-ground swimming pools are prohibited. All private residential swimming pools shall be constructed in-ground.
- (C) 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 authorize any pool, including walks, fence and appurtenances to extend beyond the established building line for residence purposes on such side street.
- (D) No portion of a private residential swimming pool, including pool walls, decks, walks, or related appurtenances, shall extend more than twelve (12) inches above the average finished grade immediately surrounding the pool.
- (E) 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 Administrator.
- (B) All drawings and plans for the construction, installation, enlargement, or alteration of any private residential swimming pool or appurtenances for which a permit is required shall first be submitted 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 ordinances 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 to authorize 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 Administrator 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 who will 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 Administrator 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 the violation continues shall constitute a separate offense.

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 accumulates 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 information 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 determine 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 Administrator or designee may be taken to the Zoning Commission within ten (10) days of said decision by filing with the Administrator or designee and with the Zoning Commission a Notice of Appeal specifying the decision or order appealed from. The Administrator 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 grant a variance from 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 Administrator 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 Administrator or designee.

Section 15.2 The Administrator 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 Administrator 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 Administrator 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 Administrator shall designate the contractor as an approved contractor. The Administrator 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 Administrator 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 Administrator 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 the violation continues 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 Administrator 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 Administrator 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 constructed 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 Administrator or designee, together with any report prepared by the Zoning Commission and filed with the Administrator 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 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.