

VILLAGE OF OTTAWA HILLS, OHIO

ORDINANCE No. 2002-08

ESTABLISHING A NEW ZONING CODE, ADOPTING
A NEW ZONING DISTRICT MAP AND REPEALING
ORDINANCE NOS. 724, 78-5, 78-11 AND 79-29.

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 That Ordinance Nos. 724, 78-5, 78-11 and 79-29 as the same are presently written be, and the same hereby are repealed.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:

ARTICLE I

Definitions

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

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

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

APARTMENT BUILDING: See Dwelling, Multiple.

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

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

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

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

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

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

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

EARTHEN MOUNDS: An artificial bank or hill of earth. (Section 8.8)

ESTABLISHED GRADE: The grade that existed on the effective date of this Ordinance. (Sections 8.7, 8.8)

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

ARTICLE II
Districts and Maps

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

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

Section 2.2 The boundaries of said districts are shown upon the maps designated as “District Maps” filed in the office of the Village Manager or designee and

approved and adopted by Council as a part of this ordinance. Said District Maps and all the notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said District Maps were fully set forth and described herein.

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

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

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

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

ARTICLE III

Permitted uses in Single-Family Residence Districts

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

- a) Single-family dwellings
- b) Accessory structures and accessory uses customarily incident to the above uses.
- c) Home occupation is a permitted use in a single-family dwelling unit provided that the following conditions are fully and completely complied with:
 - 1) The home occupation shall be subject to the income tax ordinance of the Village of Ottawa Hills.

- 2) No sign nor any exterior indication of home occupation related activity is visible from the exterior of the dwelling.
- 3) Motor vehicles which identify the home occupation are not permitted to be parked at the location of the dwelling.
- 4) The home occupation shall be operated by a resident or residents of the dwelling who may employ one other employee who is not a resident of the dwelling.
- 5) The home occupation does not generate additional traffic or parking in a manner which is detrimental to the adjoining properties or to the residential integrity of the area surrounding the dwelling.
- 6) The activity shall in no way diminish or adversely impact public safety.
- 7) There shall be no adverse environmental impact including but not limited to excessive noise, odor and emissions.
- 8) No inventory or stock of materials which is detrimental to the residential integrity of the area surrounding the dwelling shall be maintained on the premises.
- 9) There shall be no outside storage of material, inventory or equipment.
- 10) The principal use of the dwelling must be maintained as a residential use and the home occupation cannot occupy more than 20% of the square feet of the main dwelling.

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

- a) Maximum and minimum height and maximum and minimum lot areas as required by Section 7.1.
- b) Yards, lot coverage, paved area and setbacks as required by Section 8.1.
- c) Off-street parking as required by Section 10.1.

ARTICLE IV Two-family residence

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

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

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

- a) Maximum and minimum height and maximum and minimum lot areas as required by Section 7.1.
- b) Yards, lot coverage, paved area and setbacks as required by Section 8.1.
- c) Off-street parking as required by Section 10.1

ARTICLE V

Multiple Dwelling District

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

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

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

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

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

- a) Maximum and minimum height and maximum and minimum lot areas as required by Section 7.1.
- b) Yards, lot coverage, paved area and setbacks as required by Section 8.1.
- c) Off-street parking as required by Section 10.1

ARTICLE VI Commercial District

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

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

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

- a) Maximum and minimum height and maximum and minimum lot areas as required by Section 7.1.
- b) Yards, lot coverage, paved area and setbacks as required by Section 8.1.
- c) Off-street parking as required by Section 10.1

ARTICLE VII

Height and Lot Area

Section 7.1 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 7.2 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 7.3 Chimneys, steeples, ornamental towers and spires, cooling towers, and television or radio towers for use only by the property on which it is located may be erected in accordance with this ordinance and shall not be included in determining compliance with height restrictions under this ordinance.

ARTICLE VIII

Yard Requirements

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

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

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

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

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

Section 8.4 Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is developed with buildings having a front yard greater or lesser than required by this ordinance, no building hereafter erected or structurally altered shall project beyond the average setback line so established, but a building may be erected or structurally altered using the setback line so established.

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.
- f) No property shall have more than one of the following: detached garage, storage shed, pool house or similar structure.

Section 8.6 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.

Section 8.7 Fences

- a) No fence shall be erected nearer to the street line than the setback line for any house or building constructed on a lot where such fence is located.
- b) No fence which is more than four feet in height above the level of the established grade shall be erected or constructed. Established grade shall not be adjusted or modified prior to erection or construction of a fence.
- c) No fence shall be erected nor shall any addition or alteration in any existing fence be made until a plan showing the dimensions, height, material and location of such fence shall have been submitted to the Village and a permit issued by the Village conditioned upon full compliance with this ordinance.
- d) Fences shall be of a color and material which will minimize the visibility of the fence from surrounding properties. Fences must be maintained and in good repair at all times. All fences erected or constructed shall have a finished side on the outside.

Section 8.8 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 8.8F trees and shrubbery may be planted on such mound.
- e) An earthen mound may not exceed 36 inches in height above surrounding grade. Any such mound shall have a slope of not more than one foot in height for every three feet of horizontal distance.
- f) No earthen mound shall be permitted to diminish the public peace, health, safety and welfare in any manner.

Section 8.9 Motor vehicles identified as “for sale” shall not be placed, parked or displayed in any residential district.

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. 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 Commissions 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 set back from the property line.

Section 10.2 Garages

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

ARTICLE XI Zoning Commission

Section 11.1 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 11.2 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 11.3 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 11.4 Appeal from a ruling or decision of the Village Manager or designee may be taken to the Zoning Commission within ten (10) days of said decision by filing with the Village Manager or designee and with the Zoning Commission a Notice of Appeal specifying the decision or order appealed from. The Village Manager or designee shall forthwith transmit to the Zoning Commission all the papers constituting the record upon which the decision or order appealed from was taken. Reasonable notice of the time of the hearing upon such appeal shall be given to the party appealing, and to Village of Ottawa Hills property owners within 200 feet of the property which is the subject of the appeal.

Section 11.5 The Zoning Commission may in specific cases permit a variation of the application of the use, height, and area district regulations, herein established in harmony with general purpose and intent as follows:

- a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Village Manager or designee in the enforcement of this ordinance.
- b) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.
- c) In exercising the above mentioned powers the Zoning Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.
- d) An appeal under Section 11.5 may not be submitted more than one time

in a twelve month period.

ARTICLE XII
Permits and Occupancy

Section 12.1 No vacant land shall be occupied or used and no structure shall be erected or structurally altered until a zoning permit has been issued by the Village Manager or designee.

Section 12.2 The Village Manager or designee shall issue such permit within 10 days of receipt of application for a zoning permit provided that such proposed use, structure or structural alteration is in conformance with these zoning regulations.

Section 12.3 The application for a zoning permit shall be accompanied by a plan, in triplicate, drawn to scale showing actual dimensions of the lot and the dimensions of the proposed structure and such other information as may be necessary to provide for the enforcement of this ordinance. A record of such application and plans shall be kept in the office of the Village Manager or designee.

Section 12.4 Applications for zoning permits which have an estimated project cost in excess of \$50,000.00 and include changes in exterior dimensions shall only be issued to approved contractors. In order for a contractor to be approved the following conditions must be satisfied:

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

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

Section 12.5 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 12.6 Application for one 90 day extension beyond the original 12 months period may be granted by the Village Manager or designee upon finding that:

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

Section 12.7 If the Village Manager or designee does not issue a permit extension as described in Section 12.6 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 12.8 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.

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

- a) Exterior completion including landscaping.
- b) Internal completion.
- c) Issuance by Lucas County of an certificate of occupancy.

Section 12.9 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 XIII Non-conforming Uses

Section 13.1 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 13.2 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 13.3 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 13.4 Non-conforming uses shall not be expanded in such a manner so as to increase the non-conformity.

ARTICLE XIV
Interpretation; Enforcement

Section 14.1 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 14.2 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 14.3 Any person, firm or corporation who shall violate any of the provisions of this ordinance or who shall fail to comply therewith or with any of the requirements thereof or who shall erect or alter any building or commence the erection or alteration thereof in violation of any detailed statement or plan submitted or approved hereunder shall, for each and every violation or noncompliance be deemed guilty of a misdemeanor of the fourth degree and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises where anything in violation of this ordinance shall be placed or shall exist and any builder or contractor, agent or corporation employed in connection therewith who may be assisting in the commission of any such violation, shall be guilty of a separate offense and, upon conviction, shall be subject to the penalties herein provided.

Section 14.4 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 14.5 It shall be the duty of the Village Manager or designee to enforce this ordinance, and it shall also be the duty of all officers and employees of the Village to report to him upon any new construction, reconstruction or new land uses and apparent violations. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this ordinance or any amendment or supplement thereto, the Village Manager or designee, in addition to other remedies provided by law,

