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- c. to occupy a greater percentage of lot area.
- d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.

than is permitted by this Ordinance, or in any other manner contrary to the provisions of this Ordinance.

- 3. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements set forth herein.

(Ord. 27-2000)

SECTION 2905: Supplementary Conditions and Safeguards.

For conditional uses not addressed within this Chapter, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance to ensure the health, safety and welfare of the Village of Holland.

(Ord. 27-2000)

SECTION 2910: Official Schedule of District Regulations Adopted.

District regulations shall be as set forth in the Official Schedule of District Regulations, **Section 2845**, and as in Supplementary District Regulation, Chapter 3000, hereby adopted and declared to *be* a part of this Ordinance.

(Ord. 27-2000)

SECTION 2932: Exotic Animals Prohibited.

The keeping of exotic animals is hereby prohibited.

(Ord. 27-2000)

SECTION 2933: Traffic Visibility Across Corner Lots.

In any district on any corner lot, no fence, structure or planting shall be erected or maintained within **thirty (30)** feet of the “corner” at a height between **two and one half (2 ½) and ten (10)** feet above the curb or street grade, or so as to interfere with traffic visibility across the corner. The “corner” shall be the point of intersection of the two right of way lines.

(Ord. 27-2000)

SECTION 2935: Specific Criteria for Conditional Uses.

Specific requirements for conditional uses for the zoning districts as outlined in **Chapter 2800** are contained in **Sections 2945-2995**, inclusive.

(Ord. 27-2000)

SECTION 2945: Private Swimming Pools.

No private swimming pool, provided it is located in the buildable portion of a lot or in the required rear yard, with a diameter greater than **twelve (12)** feet or with an area of more than **one hundred (100)**

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square feet or with a capacity of **five hundred (500)** gallons or more, shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
2. It may not be located closer than **ten (10)** feet to any side property line and the principal structure on said property.
3. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall not be less than **forty-two (42)** inches in height, and shall be maintained in good condition with a gate and lock. As an alternative to installing a separate fence or wall around an above ground pool, the wall of the pool and, if necessary, a railing built around the top of the pool wall to a height not less than **forty-two (42)** inches may be considered the enclosure for the pool. All ladders for this type of pool shall be removed or locked when the pool is not in use or is left unattended.
4. It may not be located closer than **ten (10)** feet to any public right-of-way.
5. No pool shall be erected unless a permit is secured from the Zoning Administrator.
(Ord. 27-2000)

SECTION 2950: Community Swimming Pools.

Community and club swimming pools are conditional uses in any commercial district, but shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures, including the areas used by the swimmers, shall not be closer than **one hundred (100)** feet to any property line on which they are located, except with approval by the Planning Commission.
3. The swimming pool and all of the area used by the swimmers shall be enclosed with a wall or fence to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not be less than **six (6)** feet in height, and shall be maintained in good condition with a gate and lock.
4. The pool area must be illuminated so as to make the pool visible for exterior inspection.
(Ord. 27-2000)

SECTION 2951: Large Scale Commercial.

Large scale commercial uses must meet the following requirements:

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1. Parking areas and other facilities comprising a shopping center or superstore shall be laid out and developed as a unit or series of units in suitable locations to serve residential communities.
2. Minimum tract of land **two (2)** acres or more in area.
3. Any entity in this district is subject to architectural standards of the surrounding area and landscaping standards set by the Planning Commission.
4. Applicants must submit a site plan, traffic study, market study, and other components required by the Planning Commission.
5. For small shopping center proposals, generally those under **ten (10)** acres, the Planning Commission may grant a waiver for the submittal of the market report and traffic survey.
(Ord. 27-2000)

SECTION 2952: Large Trash Dumpsters and Receptacles.

Trash dumpsters and receptacles of **two (2)** cubic yards or larger are prohibited in R-1 and R-2 districts unless they are completely concealed from view in a properly zoned structure. Temporary **ten (10)** day use of dumpsters may be permitted during construction.
(Ord. 27-2000)

SECTION 2953: Special Review Requirements for B-2 Districts.

Sites containing **two (2)** acres or more shall be reviewed under Section 2951.
(Ord. 27-2000)

SECTION 2957: Adult Entertainment Facilities.

All adult entertainment facilities shall be **fifteen hundred (1500)** feet from the nearest church, school, library, day care, and residential neighborhood. In addition, all adult entertainment facilities shall be at least **fifteen hundred (1500)** feet from the nearest adult entertainment facility.
(Ord. 27-2000)

SECTION 2960: Quarrying and Mining Operations.

An approved conditional use permit shall be required for all quarrying and mining operations and shall be required for the expansion or substantial change of operation of such use. A permit will be issued only after the Zoning Administrator has been notified by the Planning Commission that the following conditions have been met:

1. There shall be filed with the Zoning Administrator a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.
2. Such uses shall not be conducted closer than **five hundred (500)** feet from any residential district, nor closer than **two hundred (200)** feet from any structure used for human habitation in any other district.

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3. Information shall be submitted on the anticipate depth of excavations and on depth and probable effect on the existing water table and coordinated with the Ohio Division of Water.
4. All uses which are not conducted within an enclosed building shall confine all operations on the property to the hours set at the discretion of the Planning Commission.
5. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the Planning Commission.
6. All private access roads leading off any public street or highway onto property used for mining and quarrying shall be paved, with asphalt or concrete surfacing not less than three inches in thickness, for the first **fifty (50)** feet of the access road.
7. There shall be filed with the Planning Commission a detailed plan for the restoration of the area to be mined, which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.
8. All excavation shall be made either to a water producing depth, such depth to be not less than **five (5)** feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids, to ensure that:
 - a. the excavated area shall not collect and retain stagnant water, or
 - b. the surface of the excavated area which is not permanently submerged is graded or backfilled so as to reduce the peaks and depressions thereof, in order to produce a gently running surface that will minimize erosion due to rainfall and which will be in conformity to the adjoining land area. The banks of all excavations not backfilled shall be sloped at a ratio of **three (3)** feet horizontal to **one (1)** foot vertical and said banks shall be seeded.
9. There shall be filed with the Planning Commission a bond, payable to the Village and conditioned on the faithful performance of all requirements contained in the approval restoration plan. The rate of the required bond shall be fixed by Village Council. The bond shall be released upon written certification of the Zoning Administrator and the appropriate state authorities that the restoration is complete and in compliance with the restoration plan.
10. Prior to the start of any quarrying or mining operations, the outer boundaries of the entire property shall be continuously enclosed by a **six (6)** foot high fence. Where adjacent to a public street or residentially zoned area, required fencing shall be a view-obstructing fence, wall or landscaped berm.
11. The outer boundaries of all property used for quarrying and mining operations shall be posted with signs carrying the message "**Danger: Quarry Zone**" in letters not less than four inches in height. These signs shall be posted not more than **five hundred (500)** feet apart, with signs placed at each change in direction of the boundary lines of the property

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and displayed in such manner as to give reasonable notice to passers-by of the message contained thereon.

12. A forty-eight hour notice must be given to all the residents and business owners within a quarter mile of the blasting area. In addition, a forty-eight hour notice must be given to the Village government.

(Ord. 27-2000)

SECTION 2961: Public Service Facility, Public and Quasi-Public Uses.

1. All permanent buildings shall be constructed and designed so as to conform with the setback and building design of the existing uses in the district.
2. Screening and plantings, maintained in good condition, shall buffer any structures, such as storage areas, other than buildings, from adjacent residential uses.

(Ord. 27-2000)

SECTION 2962: Church.

1. The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
2. The church building shall be setback from any adjacent residential property line a minimum of **fifty (50)** feet.
3. Parking shall not be permitted within **ten (10)** feet of any side or rear property line.
4. A cemetery shall not be a permitted use in conjunction with the church.
5. All outside lighting shall be directed so that no direct or reflected light or glare should be present on adjacent property.
6. No outdoor activities shall be conducted after 10 PM, unless a time extension is granted by the Planning Commission.

(Ord. 27-2000)

SECTION 2963: Cemetery.

1. The site shall have direct access to a road that the Planning Commission determines is adequate to serve the size of the facility proposed.
2. Cemeteries shall be located on sites containing not less than **twenty-five (25)** acres.
3. No buildings, including but not limited to mausoleums and maintenance buildings, shall be located within **fifty (50)** feet of any property line.
4. All graves or burial lots shall be set back not less than **fifteen (15)** feet from any property line.

(Ord. 27-2000)

SECTION 2964: Professional Activities.

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1. Parking spaces shall be provided as required in this Ordinance. However, the Planning Commission has the authority to adjust the number of required spaces on the basis of the nature of the office and generally known parking conditions in the neighborhood.
2. The design, location, and surface of the parking area shall be subject to approval of the Planning Commission so as to reduce the impact on the residential character of the neighborhood.
3. One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.

(Ord. 27-2000)

SECTION 2965: Animal Clinics.

1. No outdoor pens and exercise runs shall be located on the premises.
2. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot, considering wind conditions.
3. The applicant shall submit a written statement showing the measures and practices he/she will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.
4. No dead animals shall be buried on the premises, and incineration of dead animals shall not create odors or smoke. Incinerated remains shall be disposed or buried at an off-premises location and in accordance with Ohio Revised Code.

(Ord. 27-2000)

SECTION 2966: Funeral Home.

1. The buildings shall be designed so as to conform with the architectural character of the residential neighborhood.
2. The applicant shall submit a parking and traffic circulation plan to the Planning Commission for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Planning Commission so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for visitors that will not impede other traffic.
3. No cremation on-site.

(Ord. 27-2000)

SECTION 2967: Accessory Structures to Conditional Uses within Floodway.

Structures (temporary or permanent) accessory to conditional uses listed are permitted in the floodway as follows, provided:

1. They have a low flood damage potential.

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2. They are constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.
3. Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of flood flow.
4. Service facilities such as electrical and heating equipment are placed at or above the regulatory flood protection elevation for the particular area or are adequately flood proofed.
5. In addition, the Village Engineer shall review the siting of said structures.
(Ord. 27-2000)

SECTION 2970: Ponds.

Ponds are considered conditional uses in all districts. Ponds can only be located on lots that are 3 acres or larger. The following requirements must be satisfied before a conditional use permit is issued:

1. Ponds must be setback at least **twenty-five (25)** feet from side property lines.
2. Ponds must be setback at least **twenty-five (25)** feet from the road right-of-way.
3. The pond shall not alter the natural drainage of the land and shall conform to current Lucas County Soil & Conservation specifications and guidelines.
4. The soil excavated from the pond shall be contoured and landscaped to be in harmony with the existing terrain and no soil shall be removed from the property.
5. The creation of the pond shall not obstruct the line of sight from adjacent properties.
6. A man-made pond shall have a maximum depth of **ten (10)** feet.
7. Ponds shall not occupy more than 30% of the square footage of the lot.
(Ord. 27-2000)

SECTION 2971: Restaurants.

1. All outside lighting shall be directed so that no direct or reflected light or glare should be present on adjacent property.
2. Bars are allowed as an accessory use if the bar and associated service and preparation area does not exceed thirty percent of the gross floor area of the entire unit of operation.
(Ord. 27-2000)

SECTION 2972: Garage, Service Station.

1. Site plan must be approved by the Planning Commission.
2. A minimum **twenty (20)** foot side yard setback shall be maintained.

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3. No exterior storage of junk, crashed, or disabled vehicles shall be made on the site.
4. Curb openings and driveways shall be a minimum of **twenty (20)** feet in width and a minimum **twenty (20)** feet from an adjacent property.
5. No pumps shall be located within **fifty (50)** feet of any R district.
6. No outside sale or display of goods, unless approval is granted by the Planning Commission.
7. A **six (6)** foot high screen fence shall be provided on all lot lines adjoining an R District.
(Ord. 27-2000)

SECTION 2973: Condominiums and Townhouses.

1. Shall have separate utilities and chimney.
2. Shall have at least **six (6)** hour common firewall.
3. All outside lighting shall be directed so that no direct or reflected light or glare should be present.
(Ord. 27-2000)

SECTION 2974: Nursing Homes, Adult/Child Type B Day Care.

1. Shall have all licenses that are required by the State of Ohio.
2. Outside lighting shall be directed so that no direct or reflected light or glare should be present on adjacent property.
3. The buildings shall be designed so as to conform with the architectural character of the residential neighborhood.
4. Minimum side yard setbacks shall be at least **forty (40)** feet.
5. Play areas for Day Care facilities shall be enclosed by a fence of at least **four (4)** feet in height.
(Ord. 27-2000)

SECTION 2975: Bars and Taverns.

1. All outside lighting shall be directed so that no direct or reflected light or glare should be present on adjacent property.
2. All operations shall cease at time determined by State law.
3. Parking areas shall be kept clean and free of debris.
4. No outdoor seating or alcohol service is permitted on the premises unless approved by the Planning Commission.
(Ord. 27-2000)

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SECTION 2976: Hospital.

1. Hospital must be located on a major road.
2. All site plans must receive approval by the Planning Commission.
(Ord. 27-2000)

SECTION 2977: Convenience Business.

1. All outside lighting shall be directed so that no direct or reflected light or glare should be present on adjacent property.
2. Must be located on a major road, unless approval is given by the Planning Commission for any other location.
3. No outside sale or display of goods, unless approval is granted by the Planning Commission.
(Ord. 27-2000)

SECTION 2981: Lot Coverage Residential Districts.

No more than 40% of the gross site area shall be devoted to coverage by buildings, structures, driveway pavement, parking areas or other impervious materials in a residential district.
(Ord. 31-2004)

SECTION 2983: Reasonable Accommodations Request for Persons with Disabilities.

This section provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Rehabilitation Act, the Americans with Disabilities Act, the Federal Fair Housing Amendments Act and the Ohio Fair Housing Act (the Acts) in the application of the Village of Holland's building codes, zoning laws and other land use regulations, policies and procedures.

A request for reasonable accommodations may be made to the Village by any person with a disability, as defined in the Acts, or by an entity or person acting on behalf of a person or persons with disabilities, or handicaps, when that person believes that it is necessary for there to be relief from the provisions of a Village building code, zoning law, or other land use regulation, policy or practice and when such requested accommodations are necessary to give people with disabilities equal housing opportunities.

A request for reasonable accommodation may include a modification or exception to rules, standards and practices when such modification or exception is necessary to give people with disabilities equal housing opportunities. Requests for reasonable accommodation shall be made to the Village Zoning Administrator on a form provided by the Village. All requests shall be considered without regard to the form or format of the request.
(Ord. 15-2011)

SECTION 2985: Internet Sweepstakes Café

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1. Internet sweepstakes cafes shall only be located within a B3 Large Scale Commercial District.
2. No internet sweepstakes café shall be located within any B3 district without the approval of Plan Commission and Village Council.
3. Plan Commission and Village Council shall follow the requirements of Section 2366 Public Hearings in reviewing the application.
4. No internet sweepstakes café may operate between the hours of 11 p.m. and 9 a.m.
5. Applicants for an internet sweepstakes café shall submit a detailed description of the operation, including the names and contact information for property owners (if in leased space), business owners, federal tax identification number, parking plan, number of terminals, types of activities conducted in the business, anticipated number of participants, and procedure for reporting individual winnings to the Village of Holland tax department. Written documentation from property owners (if in leased space) indicating that the applicant has been authorized to request approval for operation of an internet sweepstakes café shall also be submitted.

(Ord. 15-2011)