

# VILLAGE OF OTTAWA HILLS, OHIO

## ORDINANCE No. 2010-7

AMENDING ORDINANCE 2002-8 ADOPTED BY THE OTTAWA HILLS VILLAGE COUNCIL ON SEPTEMBER 9, 2002, THROUGH THE ADOPTION OF NEW STANDARDS REGARDING DEER FENCING AND SOLAR PANELS, AND THE REPEAL OF EXISTING STANDARDS AS IDENTIFIED HEREIN.

WHEREAS, the Zoning Commission has provided to the Village Council a recommendation regarding changes in the Zoning Code related to deer fencing and solar panels, and

WHEREAS, based on the recommendation of Zoning Commission the Council of the Village of Ottawa Hills wishes to modify the Zoning Ordinance, which was adopted on September 9, 2002, and

WHEREAS, these improvements to the Zoning Code are necessary to maintain the residential integrity of our community while recognizing a changing environment.

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

SECTION 1. Zoning Code of the Village of Ottawa Hills, Lucas County, Ohio adopted September 9, 2002 is hereby amended through the repeal of text identified as being repealed and through the adoption of text identified as adopted.

### ARTICLE I

#### Definitions

*Adopted*

*ROOF MOUNTED SOLAR ENERGY SYSTEM: Any solar energy system that is installed on the roof of a main or accessory structure.*

*SOLAR ENERGY SYSTEM: Any device or combination of devices or elements which rely on direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for use in heating or cooling of a structure or building; the heating or pumping of water; or the generation of electricity.*

*Repealed*

~~*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.*~~

*Adopted*

*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*

**ARTICLE VIII**  
**Yard Requirement**

**SECTION 8.7 FENCES**

*Repealed*

- ~~e) A deer fence which surrounds a garden, orchard or other point of horticultural interest on a parcel of property and which is not located, at any point, on the perimeter of the property and cannot be seen from public or private roads or street shall be permitted without action by or notice to the Village. Such a deer fence may not exceed seven feet in height above established grade and shall only be permitted between November 1, and March 31 of the subsequent year.~~

~~Deer fences which do not meet conditions set forth in paragraph (1) hereof are permitted for a period of two (2) consecutive years upon the establishment of the following conditions to the satisfaction of the Zoning Commission:~~

- ~~a) The fence will be adequately screened so as to be not visible from any public or private road or street or from any neighboring properties.~~
- ~~b) Such a deer fence may not exceed seven feet in height above established grade and shall only be permitted between November 1, and March 31 of the subsequent year.~~
- ~~c) Alternatively, the applicant may establish that the neighbors who will be able to see the fence do not object to being able to see the fence.~~
- ~~d) In the event that the fence is visible from a public road or street, the applicant must demonstrate both the need for the fence and the inability to provide the appropriate screening.~~
- ~~e) The Planning and Zoning Commission may establish such further conditions as it deems necessary for the protection of the Village's health, safety and welfare, including but not limited to conditions for the protection of wildlife and the rural character of the community. The Village Manager shall maintain a copy of such conditions.~~

~~Deer fence permits may be renewed, for a period not to exceed two (2) years, upon the demonstration by the applicant to the Building Inspector that the fence has been properly maintained, that no neighbors who are able to view the fence object to the fence's continued visibility, and that none of the conditions of the permit have been violated. In the event a neighbor who can see the deer fence objects to the continued visibility of a deer fence, the applicant must apply to the Planning and Zoning Commission for a permit in the manner set forth above.~~

**SECTION 8.7 FENCES**

*Adopted*

*e) Deer Fencing*

*1) General Requirements*

- a) Deer fencing including fence posts, rails, any ties shall be in black only*
- b) Deer fencing shall not be more than 96 inches above established grade when erected*

*2) Deer Fencing on Residential Lots*

- a) Fine mesh deer fencing may be used in front yards commencing November 1<sup>st</sup> and shall be removed by April 30<sup>th</sup> of the subsequent year.*
- b) Fine mesh deer fencing may be erected and maintained on a year round basis in side or rear yards.*
- c) Fine Mesh deer fencing which is not attached to fence posts or any other structure shall not be considered as fencing for purposes of Section 8.7e.*

d) *Medium mesh deer fencing may be used only in a rear or side yard and may only be in place between November 1<sup>st</sup> to April 30<sup>th</sup> of the subsequent year.*

**2) Special Reforestation Areas**

a) *In order to be considered a Special Reforestation Area, the parcel of property in question must be of a size of two acres or more. A specifically identified Reforestation Plan approved by Zoning Commission must be submitted identifying deer damage or potential damage from deer as a specific threat to reforestation efforts. Fine mesh, medium, or large mesh may be permitted in Special Reforestation Areas on a year round basis.*

**SECTION 8.10 SOLAR ENERGY SYSTEMS**

*Adopted*

- 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 roof,*
  - 2. *Not extend more than 10 inches above the existing roof,*
  - 3. *Shall not be higher than the existing roof ridge,*
  - 4. *May be placed on a main or accessory structure,*
  - 5. *Shall be parallel to the roof,*
  - 6. *Shall not extend beyond the edge of the roof of any structure, and*
  - 7. *Shall 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.*

SECTION 2. It is hereby found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were adopted in open meetings, in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 3. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

Vote on passage

Yeas \_\_\_\_\_ Nays \_\_\_\_\_

\_\_\_\_\_  
Date of passage

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council