

**CHAPTER 2300**  
**ZONING ORDINANCE**  
**Administration**

Enacted 9/18/18 by Ordinance No. 22-2018

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**SECTION 2301: Purpose.**

This Chapter sets forth the powers and duties of the Planning Commission, the Village Council, and the Zoning Administrator with respect to the administration of the provisions of this Ordinance.

**SECTION 2302: General Provisions.**

The formulation, administration and enforcement of this Zoning Ordinance is hereby vested in the following offices and bodies within the Village of Holland:

1. Zoning Administrator
2. Planning Commission
3. Village Council and Mayor
4. Village Attorney

**SECTION 2310: Zoning Administrator.**

A Zoning Administrator, hired by the provisions of the charter of the Village of Holland and Holland Codified Ordinance, shall administer and enforce this Ordinance. The Administrator may be provided with the assistance of other such persons as the Mayor, Village Council and the Planning Commission may direct.

**SECTION 2320: Planning Commission.**

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The Municipal Planning Commission shall consist of five (5) members. The five members include the Mayor, one councilperson appointed by the Mayor and three (3) electors of the Municipality to be appointed by the Mayor, subject to confirmation by a majority of Council. Each member's term shall be continuous until such time that the member vacates that position or is relieved of his/her duties by appropriate action of the Mayor (Village Charter, Section 4.05), due to lack of active participation or due to laws governing such positions according to the laws of the State of Ohio. The Mayor appoints the chairperson of the Planning Commission with confirmation by a majority of Council.

**SECTION 2321: Proceedings of Planning Commission.**

The Commission shall adopt rules as necessary for the execution of its responsibilities in keeping with the provisions of this Ordinance. Commission meetings shall be held at the call of the chairperson and at such other times as the Commission may determine. Since all meetings are open to the public, the Commission shall conform to all applicable provisions of Ohio's Sunshine Law. The Commission shall keep minutes of its proceedings showing the vote of each member upon each motion, or if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be a public record and be immediately filed in the Village office. The presence of three (3) members shall constitute a quorum. The concurring vote of three (3) members of the Commission shall be necessary to reverse an order, requirement, decision, or determination of the Zoning Administrator.

**SECTION 2323: Appeals Process.**

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Planning Commission only on appeal from the decision of the Zoning Administrator, and to the Village Council on appeal from the decision of the Planning Commission, and that recourse from the decisions of the Village Council shall be the courts.

**SECTION 2331: Proceedings of the Village's Appeal Process.**

The Village Council and Mayor shall adopt rules as necessary for the execution of its responsibilities in keeping with the appeal provisions of this Ordinance. Meetings shall be held at the call of the Mayor at such times as may be needed. The Mayor, or in his/her absence the President of Council, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Council shall keep minutes of its proceedings, showing the vote of each member upon each motion, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and filed in the office of the Clerk-Treasurer.

**Four (4)** members of the Council shall constitute a quorum. The Council shall act by Motion, with the concurring vote of a simple majority needed to approve or deny any application. A super majority shall be necessary to amend an order or determination of the Planning Commission.

**SECTION 2332: Appeals.**

Appeals concerning interpretation or administration of the Ordinance may be taken by a person aggrieved, or by any officer or bureau of the legislative authority of the Village affected, or by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days of the decision of the Zoning Administrator by filing notice of appeal with the Zoning Administrator specifying the grounds for the appeal. An appeal of a Planning Commission decision to the Village Council shall be filed with the Clerk-Treasurer. The Zoning Administrator and Planning Commission shall transmit to the Village Council all the papers constituting the record upon which the action appealed from was taken.

**SECTION 2333: Stay of Proceedings.**

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An Appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Village Council or Planning Commission, after notice of appeal is filed with the Zoning Administrator, that by reason of facts stated in the application, a stay would, in his/her opinion, cause imminent peril to life and/or property. In such case, proceedings shall not be stayed other than by restraining order, which may be granted by the Village Council or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken.

**SECTION 2334: Public Hearings by Village Council (Appeals).**

After the receipt of an application for an appeal from the Zoning Administrator, Planning Commission, or an applicant, a public hearing shall be scheduled. Said hearing shall be set within sixty (60) days of proper notification of the Planning Commission's recommendation. Council shall render a decision within ninety (90) days of the public hearing.

**SECTION 2363: Variances.**

The Village Council may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on grounds of convenience or profit, but only where such strict application of the provisions of this Ordinance would result in unnecessary hardship.

A variance from the terms of this Zoning Ordinance shall not be granted unless all of the following findings are made:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. If a literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by owners of other properties in the same district under the terms of this ordinance.
3. That the special conditions and circumstances do not result from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to the owners of other lands, structures or buildings in the same districts similarly situated.
5. That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That the granting of the variance shall be in harmony with the general purpose and intent of this zoning ordinance, will not be injurious to the neighborhood, will not impair the adequate supply of light and air to adjacent property, will not unreasonably increase the congestion in public streets, should not diminish property values within the surrounding area; or otherwise be detrimental to the public interest.

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7. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity.
8. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.

**SECTION 2364: Application and Standards for Variances.**

A variance from the terms of this Ordinance shall not be heard by the Village Council until it receives a recommendation of the Planning Commission after review of the application.

**SECTION 2365: Supplementary Conditions and Safeguards.**

Under no circumstances shall the Village Council grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. In granting any appeal or variance, the Village Council may prescribe appropriate conditions and safeguards, which shall be made a part of the terms under which the appeal or variance is granted. Failure to comply with said appropriate conditions and safeguards shall be deemed a violation of this Ordinance, punishable under Section 2450 of this Ordinance.

**SECTION 2366: Public Hearings by the Village Council (Variances).**

After the receipt of an application for variance from the Planning Commission, a public hearing shall be scheduled within **sixty (60)** days of proper notification of the Planning Commission's recommendation. Council shall render a decision within **ninety (90)** days of the public hearing.

**SECTION 2370: Conditional Uses.**

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of **Chapter 2800/2900** shall follow the procedures and requirements specified in other sections of this Code.

**SECTION 2371: Application for Conditional Use Permit.**

An application for conditional use permit shall be filed with the Zoning Administrator by at least one owner or agent of the property for which such conditional use is proposed.

**SECTION 2372: General Standards Applicable to All Conditional Uses.**

In addition to the specific requirements for conditionally permitted uses as specified in **Chapter 2900**, the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of **Chapter 2900** and appears on the Establishment & Purpose of Districts as adopted in **Chapter 2800** for the zoning district involved.
2. Will be harmonious with and in accordance with the general objectives of the land use policy plan.

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3. Will be designed, constructed, operated, and maintained so as to be harmonious with the district it resides in.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such service.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

The Planning Commission shall review all proposed uses within **sixty (60)** days after the official application has been received by the Zoning Administrator. If the Planning Commission does not make a recommendation within sixty (60) days, then the proposal goes to the Village Council without recommendation.

**SECTION 2373: Supplementary Conditions and Safeguards.**

In granting any conditional use, the Village Council may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, that are part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance and punishable under **Section 2450** of this Ordinance.

**SECTION 2374: Expiration of Conditional Use Permit.**

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than **one (1)** year. The conditional use permit shall expire if the deed to the property or the ownership of the business is transferred or sold to any partnership, corporation, or individual. In rare instances, the Planning Commission may, at its discretion, authorize the transfer of a conditional use permit.

**SECTION 2375: Procedure for Hearings by Village Council (Conditional Uses).**

Upon receipt of the application for conditional use permit with recommendation of Planning Commission, a public hearing shall be scheduled. Said hearing shall be set within sixty (60) days of proper notification of the Planning Commission's recommendation. Council shall render a decision within ninety (90) days of the public hearing.

**SECTION 2380: Notice of Public Hearing in Newspaper (All Public Hearings).**

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Before Village Council holding any public hearing pertaining to appeals, variances or conditional uses, written notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of the hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal, conditional use or variance.

**SECTION 2381:            Notice to Parties in Interest.**

Before holding a public hearing, written notice shall be mailed by the Zoning Administrator, by first class mail, at least **ten (10)** days before the day of the hearing to all property owners within **two hundred (200)** feet of the perimeter of the parcel in question. The notice shall contain the same information as required of notices published in newspapers as specified in Section **2380**.

**SECTION 2382:            Action by the Village Council.**

Within **ninety (90)** days after public hearing for an appeal, conditional use or variance, the Village Council shall either approve, amend or deny such request as specified in **Sections 2334, 2366 and 2375**. The Village Council shall make a finding to deny or grant the appeal, conditional use or variance that will make possible a reasonable use of the land, building, or structure. If the conditional use or variance application is approved or approved with modifications, the Council shall direct the Zoning Administrator to issue such permit listing the conditions specified by the Council for approval. An appeal of Council's decision shall be taken to the Lucas County Common Pleas Court.

**SECTION 2391:            Inspections.**

Any principal and accessory buildings, and the parcels they are located on, may be inspected to determine their compliance with the provisions of this Ordinance. All new residential and commercial buildings shall also be inspected for compliance with the site plan requirements. In addition, all expansion, additions, and/or major remodeling to commercial buildings shall be inspected for compliance with site plan requirements. The Zoning Administrator shall make any other inspections as deemed necessary by the Mayor, the Village Council, and/or the Planning Commission in compliance with the provisions of this ordinance.

1.        The Zoning Administrator will review all site plans to determine their compliance with the regulations set forth in this Ordinance.
2.        If the site plan meets all the requirements in the zoning ordinance, then the Zoning Administrator will make a site inspection. Construction must conform to the approved site plan. If construction and/or related improvements on the site fails to meet all the requirements of the approved site plan, then a violation has occurred and shall be addressed in accordance with the provisions of this Ordinance.
3.        The Zoning Administrator will record all inspection activities. He/she will issue the necessary violation notices, as well as file charges against any property owner violating any portion of this Ordinance. When deemed necessary by the Zoning Administrator, violations will also be forwarded to the police and fire departments.
4.        The Zoning Administrator will also keep the Planning Commission briefed on any violations or actions taken against property owners.

(Ord No. 18-2018)