

# TITLE NINE – SUPPLEMENTAL REGULATIONS

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## CHAPTER 1181 General Regulations.

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### CROSS REFERENCES

Power to Grant Variances – See P. & Z. 1137

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## 1181.01 RESIDENTIAL FLOOR AREA REQUIREMENTS.

The residential floor area for a single or two-family dwelling erected on any lot shall not be less than established by the following table:

Residential Floor Area Table			
Zoning District	Number of Stories	Minimum Ground Floor Area (sq. ft.)	Minimum Floor Floor Area per Dwelling Unit (sq. ft.)
"A-1"	Less than 2	800	800
	2 or more	720	900
"S-1"	Less than 2	1,000	1,000
	2 or more	900	1,200
"R-1"	Less than 2	1,200	1,200
	2 or more	900	1,200
"R-2"	Less than 2	1,000	1,000
	2 or more	900	1,200

"R-3"	Less than 2	1,000	1,000
	2 or more	900	1,200
"R-4"	Less than 2	1,000	1,000
	2 or more	900	1,200

(Ord. 5-97. Passed 2-4-97.)

**1181.02 MINIMUM LOT AREA.**

The minimum lot size, without central water and sewer services, shall be one (1) acre per family for single-family dwellings

Unless a larger lot size is required by the Ottawa County Health Board, due to soil conditions.

(Ord. 5-97. Passed 2-4-97.)

**1181.03 EXISTING LOTS of RECORD.**

Any lot of record may be used for the erection of a single-family dwelling provided it:

Was existing at the effective date of this Zoning Ordinance (Ord. 10-63, passed February 10, 1964), or any amendment thereto,

In any "A" or "R" District, even though its area and width are less than the minimum requirements set forth herein.

Front, rear and side yards, for existing lots of record, shall not be less than the established yards prevailing in the immediate area,

But in no case shall side yards be less than five (5') feet.

The Board of Zoning Appeals may require that the two lots be combined and used for one main building,

Where two adjacent lots of record, with less than the required area and width, are held by one owner.

The Board of Zoning Appeals may require replating to fewer lots to permit compliance with minimum yard requirements,

Where three or more lots of record, with less than the required area and width, are held by one owner.

In any "B" or "M" District, any lot of record may be used for any use permitted in the District in which the property is located, provided it was:

Existing at the effective date of this Zoning Ordinance (Ord. 10-63. Passed February 10, 1964), or amendment thereto,

Even though the area and/or width are less than the minimum requirements set forth herein.

All other requirements shall be met unless a variance has been properly obtained.  
(Ord. 5-97. Passed 2-4-97).

#### **1181.04 SPECIAL YARD REQUIREMENTS**

A. No building shall project beyond the average front yard so established, when:

Forty percent (40%) or more of the frontage on one side of the Street, between two intersecting streets is improved with buildings that have a front yard ,

Which is greater or less than the required front yard in the district, provided, however, that a front yard depth shall not be required to exceed fifty (50%) percent in excess of the front yard otherwise required in the district in which the lot is located.

B. Front Yard Requirement

Lots having frontage on more than one street (through lots and corner lots) shall provide the required front yards along every street.

C. Accessory Building

Except as hereinafter provided, no accessory building shall be erected in any required yard, except a rear yard, and shall be subject to the following:

1. Shall not occupy more than thirty-five percent (35%) of a required rear yard.
2. Shall not exceed twenty (20') feet in height.
3. Shall be at least ten feet (10') away from any dwelling situated on the same lot, unless an integral part thereof.
4. Shall be at least ten feet (10') from any other accessory building.
5. Shall be at least ten feet (10') from an alley or intersection alley's rights-of-way.
6. Shall be at least three (3') from all lot lines of adjoining lots which are in an "R" District.

(Ord. 59-87. Passed 10-19-87)

#### **1181.05 FENCE AND WALLS (Including Hedges and Vegetation).**

The following regulations apply to the erection of a fence or wall in the Village.

A. Agricultural Uses Exempt

Any premises whose principal use is agricultural shall be exempt from the following,

Except that no fence shall be constructed in the public right-of- way.

B. Fences in Public Rights-of-Way.

No fences or hedging shall be located within the public right-of-way in all Zoning Districts,

Except as provided in Chapter 1167 Central Business District and more particularly the Historic Downtown District as it relates to Outdoor Cafes on Public Sidewalks, within the Business District.

C. The finished exposed side of any fence shall face outwards from the property, where the fence or wall is situated, when situated in a front yard, side yard or rear yard.

a. The use of the following materials shall be prohibited, where the surface of such material is exposed, and visible from any direction,

Concrete,

Cinder block,

Poured concrete,

Corrugated metal or rebar,

Metal panel, or

Other similar product,

Unless specifically permitted elsewhere in this Ordinance.

D. Prohibited Style or Type of Fence

a. Chain link fence without vinyl coating,

b. Residential chain link fence with privacy slats,

c. Open wire mesh, unless fencing is for the keeping of chickens or ducks in an area less than 250 square feet,

d. Brick or masonry walls.

E. Front Yard Fence or Hedges

1. Front yard fencing shall have an opacity of 60% or greater.

a. The fence shall obscure no more than sixty percent (60%) of the view into the land when viewed from a perspective perpendicular to the fence. As an example

of this calculation, the opacity percentage for a fence with 4" wide pickets and 3" clear spacing between pickets would be  $4" / (4" + 3") = 57\%$ . Similarly, an aluminum fence with half-inch wide vertical rails and 4.5" center-to-center spacings would have an opacity of 11%.

- b. Front yard hedging shall be exempt from opacity requirements.
- 2. Front yard fencing and hedging shall be no closer than three (3') feet from the edge of the sidewalk.
- 3. Front yard fencing for properties without a sidewalk shall not be permitted until a sidewalk has been installed.
- 4. No chain link fences shall be permitted for front yard fencing.

F. Exempted.

Retaining walls, or short sections of walls, or fences, that are primarily of a decorative, rather than an enclosing nature, are exempted.

(Ord. 46-2023. Passed 08-21-2023.)

**1181.06 TRAFFIC VISIBILITY ACROSS CORNER LOTS.**

No fence or wall structure shall be erected or maintained, on any corner lot, in any "S" or "R" District,

Within twenty (20') feet of the corner

At a height of more than three (3') feet above the curb or street or alley grade, or

So as to interfere with traffic visibility across the corner.

(Ord. 10-63. Passed 2-10-1964.)

**1181.07 FENCE CONSTRUCTION AND MAINTENANCE. (RESERVED)**

**1181.08 FENCE LOCATION.**

- A. No fence in a residential District shall be constructed closer than three (3') feet to the adjoining property line,

Except where the side or rear yard abuts a street or alley five (5') feet is required.

- B. Adjoining property owners may submit a joint application, if they agree in writing, to have the fence erected on the common property line, subject to the following:

1. The applicants (property owners) are responsible for providing evidence that the fence is to be erected in the proper place. For example, if the fence is to be erected on the property line, the applicant must provide a survey signed and certified by a registered surveyor.

C. Applicant may connect their fencing to the fencing on the adjoining property if

1. The owner of the adjoining property agrees in writing to the proposed fence design, and
2. A fence exists dividing the yards of the properties, property owners may not combine yards.

D. Fence Height

1. The height of a fence or wall shall be measured from the ground level of the outward face to the highest part of the fence, wall, or hedge.
2. In a Residential District, the height of a side yard or rear yard fence shall not exceed six (6') feet. The height of a front yard fence/hedge shall not exceed forty (40") inches.
3. In a Commercial District, the height of a side yard or rear yard fence shall not exceed eight (8') feet. The height of a front yard fence shall not exceed forty (40") inches.

E. Side Yard location: Maximum height of fence not to exceed six (6') feet unless approved otherwise.

F. Fence in a Business District ("B-1", "B-2" and "B-3")

1. A six (6') foot fence may be placed on the side yard property line(s) provided:

It is agreed to in writing by both property owners, and  
and Presented to the BZA for approval.

2. If the property is located in the downtown Historic District, approval of the

Design,

Materials, and

Color

Will be required from the Design Review Board of the Village, prior to review by the BZA.

(Ord. 46-2023. Passed 08-21-2023.)

**1181.09 FENCE PERMIT. (See also Chapter 1187.)**

A. New Fence.

No fence shall be erected without first securing a permit from the Zoning Administrator regardless of cost.

B. Existing Fence Repair.

If the repair to an existing fence is in excess of fifteen percent (15%) of the total length of the fence, the applicant will need to apply for a new permit.

C. A new permit will not be necessary if the applicant can substantiate any of the following:

1. The exiting fence has been in place for more than fifteen (15) years,

2. Has an approved permit for the existing fence.

(Ord. 46-2023. Passed 08-21-2023.)

### **1181.10 LANDSCAPING OR SCREENING PROVISIONS**

A. Screening or buffering shall be provided for any permitted, or conditionally permitted, nonresidential uses, which abut any residential district, in compliance with the provisions of this Section,

In addition to setback and yard requirements provided elsewhere in this Ordinance.

B. Applicants for a zoning permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of

1. The proposed screening plan and

2. The requested dimensional

C. Such requested variance for a conditional permitted use shall be incorporated in the conditional use procedure specified in Chapter 1137 of this Ordinance.

D. The following provisions shall apply with respect to screening.

1. Screening shall be provided for one or more of the following purposes:

a. A visual barrier to partially or completely obstruct the view of structures or activities.

b. An acoustic screen to aid in absorbing or deflecting noise.

c. A physical barrier to contain debris and litter.

2. Screening may consist of one (1) of the following, or a combination of two (2) or more, as determined by the Zoning Administrator, or Board of Zoning Appeals in the event of an appeal, variance, or conditional use:
  - a. A solid masonry wall;
  - b. A solidly constructed decorative fence;
  - c. A louvered fence;
  - d. A dense vegetative plantings;
  - e. A landscaped mounding.
3. Height of screening shall be in accordance with the following:
  - a. Visual screening walls, fences, plantings, or mounds shall be:
    - i. A minimum of five and half (5.5') feet high in order to accomplish the desired screening effect, except,
    - ii. In required front yards where maximum height shall be not greater than two and half (2.5') feet.
    - iii. Plantings shall be a minimum of four (4') feet in height at the time of planting.
  - b. The following screenings shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located with a required front yard.
    - i. A defense vegetative planting, with a minimum height of four (4') feet at planting and a mature height of five and half feet (5.5') feet or greater, or
    - ii. A solidly constructed decorative fence.
4. Screening for purposes of absorbing or deflecting noise shall have
  - a. A depth of
    - i. At least fifteen (15') feet of dense planting, or
    - ii. A solid masonry wall in combination with decorative plantings.
  - b. The height shall be adequate to absorb noise, as determined by the Zoning Administrator, or Board of Zoning Appeals in the event of an appeal, conditional use, or variance, in relation to the nature of the use.



5. Required screening shall be protected by bumper blocks, curbing, or posts to avoid damage by vehicles, whenever screening is adjacent to parking areas or driveways.

6. All screening shall be

- a. Trimmed,
- b. Maintained in good condition, and
- c. Free from advertising or other signs,

Except for directional signs and other signs for efficient flow of vehicles.

E. Any owner of the adjacent "A", "S", or "R" District, who owns land abutting on land in such "B-2" District,

May request the owner of such "B-2" property, against whose property, such "A", "S", or "R" property owner's land abuts, to construct a fence along the property line, after having first agreed in writing as to

The type of fence to be constructed, and

The contractor who is to construct it, and

Pay half of the cost of constructing such a fence.

Provided the off-street parking spaces and access drives for nonresidential uses are located less than fifty (50') feet from any lot line in an "A", "S" or "R" District, or where

Entertainment facilities,

Motels,

Manufactured home parks,

Recreational facilities, and

All commercial uses

Are located less than one hundred (100') feet from any lot line in an "A," "S," or "R" District.

It shall be the duty of each of the property owners to maintain their respective sides of such fence.

"Fence," used herein, may include shrubbery or other type of screening.

(Ord. 5-97. Passed 02-04-1997.)

#### **1181.11 EXCEPTIONS TO HEIGHT LIMITS.**

The height regulations prescribed herein shall not apply to:

Belfries,  
Chimneys,  
Church spires,  
Conveyors,  
Cooling towers,  
Elevator bulkheads,  
Flagpoles,  
Monuments,  
Ornamental towers and spires,  
Smokestacks,  
Stage towers or scenery lofts,  
Tanks,  
Television and radio towers, and  
Water and fire towers,

Except where the height of such structures will constitute a hazard to the safe operation of aircraft at an established airport.  
(Ord. 10-63. Passed 2-10-64.)

**1181.11 GARAGE SALE.**  
**(See also Chapter 1185.)**

- A. Garage sale means any temporary private sale of personal property and merchandise which
  - 1. Is open to the public, and
  - 2. Shall include but not be limited to:
    - a. Estate sales,
    - b. Moving sales,

- c. Porch sales,
- d. Rummage sales,
- e. Yard sales, and
- f. The like.

B. Chapter 1185 shall apply to any and all garage sale signs, placed within the Village of Genoa corporation limits.

1. Placement:

- a. Not be placed in the public right-of-way,
- b. On utility poles or
- c. On street or traffic signs.

2. Exhibition length of time, not to exceed four (4) days:

- a. Twenty-four (24) hours in advance of the sale,
- b. During the hours of the sale,
- c. Twenty-four (24) hours after the end of the sale.

3. Garage sale signs shall be exempt from sign permit requirements.

4. No sign shall exceed four (4) square feet (2' x 2').

5. No more than a total of four (4) signs may be displayed, one (1) at the sale location and three (3) off-site directional signs.

6. Permission must be obtained from the property owner or occupant of the property where the sign is to be placed.

C. All merchandise offered for public sale must be intended solely for domestic or household use and displayed on private property only.

D. The provisions of the Traffic Code shall be followed.

(Ord 46-2023. Passed 08-21-2023.)