

ORDINANCE NO. 77-97

ORDINANCE AMENDING ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO, SECTION 1141.02, THE CITY OF FAIRFIELD, OHIO, ZONING MAP, BY APPROVING THE FINAL DEVELOPMENT PLAN FOR THE RESIDENTIAL PORTION OF THE VILLAGE GREEN PLANNED UNIT DEVELOPMENT.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

- Section 1. The official Zoning Map of the City of Fairfield, Ohio, which is incorporated into Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, Section 1141.02, is hereby amended by approving the planned unit development final development plan for the residential portion of The Village Green Planned Unit Development, a copy of which final development plan, including the written terms and conditions which constitute a material part thereof, is on file in the office of the Clerk of Council and which are incorporated herein by reference.
- Section 2. The Planning Director is hereby directed to change the official Zoning Map of the City of Fairfield, Ohio in accordance with this ordinance.
- Section 3. This ordinance shall take effect at the earliest period allowed by law.

Passed 6-5-97

John S. Walcott
Acting Mayor's Approval

Posted 6-9-97

First Reading 5-12-97

Rules Suspended 6-5-97

Second Reading 6-5-97

Third Reading —

ATTEST:

Lena Munch
Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Lena Munch
Clerk of Council

**RESIDENTIAL RESTRICTIONS AND REQUIREMENTS FOR
THE VILLAGE GREEN PLANNED UNIT DEVELOPMENT
City of Fairfield, Butler County, Ohio**

The following restrictions and requirements shall constitute a material part of the Final Development Plan for the residential portions of the Village Green Planned Unit Development and shall be enforceable as a zoning ordinance of the City of Fairfield, Ohio:

- 1) **Easements.** Easements for installation and maintenance of utilities and drainage facilities will, where necessary, be reserved for such purposes in the conveyance of the individual lots or on the record plat.
- 2) **Nuisance.** No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
- 3) **Temporary Structure.** No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuildings shall be used on any lot at any time as a residence, either temporarily or permanently. Construction or storage trailers or sheds are only permitted while homes are under construction.
- 4) **Dumping.** No lot shall be used or maintained as a dumping ground for rubbish, except during the period of construction of the house on the particular lot or houses in the vicinity. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or

disposal of such materials shall be kept in a clean and sanitary condition.

- 5) **Conformance.** All residences shall be constructed and maintained in such a manner as to conform with the Building, Plumbing and other health and safety codes of Fairfield, Ohio, and any state health regulations which apply to this development. Except to the extent that the Zoning and other applicable ordinances of Fairfield, Ohio may be specifically modified or be incompatible with these restrictions and requirements or the concept plan previously approved for this development, the provisions of the Zoning and other applicable ordinances of Fairfield, Ohio shall apply to this development and all other structures and improvements therein.
- 6) **General Conditions.** Only one (1) single-family residence with necessary garage for not more than three (3) nor less than two (2) automobiles shall be built on any of said residential lots. Residences shall not exceed two (2) stories in height and shall be used for residential purposes only, except home occupations as permitted under the Fairfield Zoning Ordinance. Garages shall be built-in or attached to the residence. No house trailer shall be parked on any of said lots at any time. Campers, boats, trailers, and recreational vehicles shall not be stored or parked in front, rear or side yards, for any period in excess of forty-eight (48) hours. No detached garages are permitted. Storage barns are not permitted.

No TV or other satellite dishes over 18" in diameter are permitted. No radio or television antennas of any kind, attached or detached, may exceed the highest point of the roof of the residence. No permanent or temporary basketball poles, backboards or rims are permitted in the front or side yards of any lot.

- 7) **Animals and Pets.** No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot or dwelling or garage erected thereon, except that dogs, cats, or other household pets may be kept, provided they are kept inside the main residence on each lot, and further, provided they are not bred or maintained for any commercial purposes, nor in such numbers as to become a nuisance or offensive to other owners. No outside dog houses or dog runs of any kind shall be permitted.
- 8) **Signage.** No sign of any kind shall be displayed to the public view on any lot or building, except one professional sign of not more than one square foot in area. Signs of not more than five square feet in area advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period are permitted. Developer and builders will be allowed a large subdivision sign close to entrances of the subdivision. Political signs are permitted in accordance with the City of Fairfield Zoning Ordinance.

- 9) **Yard and Grading.** The grades of all lots shall not be materially altered or changed so as to adversely affect or interfere with any other owner. All drainage swales shall be maintained and may not be filled.
- 10) **Fencing.** No fences, walls or hedges shall be erected or placed on any lot nearer to any street than the minimum building setback line. Only split rail fences with or without wire mesh will be permitted.
- 11) **Block Houses and Boarding Homes.** The construction of concrete block, cinder block houses or houses constructed of other similar masonry material is prohibited, unless the entire exterior is covered with brick. Underground homes and log homes are not permitted. Boarding houses, group homes and lodging homes are not permitted.
- 12) **Swimming Pools.** No above-ground or in-ground swimming pools will be permitted. Temporary wading pools not more than twelve feet (12') in diameter and two feet (2') in height will be permitted between Memorial Day and Labor Day only.
- 13) **Dwelling Areas.** Minimum square footage of living area of houses will be as follows:

	12,000 S.F. LOTS	ALL OTHER LOTS
Ranch Home on Basement	1400 S.F.	1200 S.F.
Ranch Home No Basement	1400 S.F.	1400 S.F.
Tri-Level	1600 S.F.	1600 S.F.
Bi-Level	1600 S.F.	1600 S.F.
Two-Story 3 Bedrooms	1500 S.F.	1500 S.F.
Two-Story 4 Bedrooms	2000 S.F.	1800 S.F.

Square footage of basements and garages are excluded from the above minimum requirements. All outside walls are included in living area requirements.

- 14) **Building Materials.** The exterior building materials of all structures shall extend within at least eighteen inches (18") of ground level and shall be brick, stone, dryvit, brick veneer, stone veneer, vinyl or a combination thereof. The Planning Commission of the City of Fairfield may specifically approve the use of other exterior building materials. Notwithstanding the above, and except in areas of the residence where normal building practices prohibit the use of masonry materials (e.g. gables, overhangs, kitchen and other bays, bay windows and other types of protrusions that are not practical to use brick or stone), the entire first floor exterior wall area of all residences shall be covered with masonry materials (e.g. brick, stone, etc.). All openings for windows, entrance doors, garage doors, and vents shall also be excluded in determining the exterior area required to be covered with masonry materials. The Planning Director may also allow exterior frontal first-floor areas in which siding or other non-masonry materials are used as architectural features or design elements, provided that such non-masonry areas shall not exceed ten percent (10%) of the total front elevation of the residence. Exterior areas of chimneys

shall also be covered with masonry materials in their entirety.

Roofing materials and shingle style shall be compatible and shall blend into a common color tone. The color scheme for the exterior of all structures shall be compatible with the general color scheme prevailing throughout the development. Excluding hardware, no reflective finishes or material shall be permitted on the exterior of any structures.

- 15) **Mud and Debris.** Builders and owners of lots shall be responsible for the cleaning and removal of mud and debris on the streets caused during construction.
- 16) **Driveways.** All driveways shall be constructed of concrete.
- 17) **Air Conditioning and Heat Pump Equipment.** Such equipment shall be located only in rear or side yards.
- 18) **Exterior Carpeting.** No exterior carpeting shall be allowed if it is visible from the street.
- 19) **Completion.** Construction of a residential building on any tract shall be completed within one (1) year from the date construction is started and the entire yard of the house must be sodded or seeded within said one (1) year period.
- 20) **Mailboxes and Residence Address Designation.** Original mailboxes, as well as replacement mailboxes, shall be

constructed of a material and design approved by the Developer.

- 21) **Landscaping.** All new homes shall have a minimum of eight (8) shrubs and two (2) trees of at least one inch (1") in diameter in the front of the homes and one (1) tree of at least one inch (1") in diameter in the rear yard.

- 22) **Storm Water.** Storm water must be disposed of in accordance with approved drainage plans on file with the City of Fairfield. All drainage patterns on above said plans must be conformed to and all drainage swales shall be maintained and may not be filled.

- 23) **Waiver.** Any restrictions or requirements herein contained may only be waived or modified by approval of any and all Boards, Commissions, or Council of the City of Fairfield, Ohio having jurisdiction.

- 24) **Invalidation.** Invalidation of any of these restrictions or requirements by a judgment or court order shall not affect any of the other provisions which shall remain in force and effect.

- 25) **Enforcement.** These restrictions and requirements shall be enforceable as a part of the Zoning Ordinance of the City of Fairfield, Ohio. Enforcement may also be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenants either to restrain violation or to recover damages. If

the Developer employs legal counsel to enforce any of the foregoing restrictions or requirements, all costs incurred in such enforcement, including a reasonable fee for legal counsel, shall be paid by the owner of such lot or lots to the Developer.

IN WITNESS WHEREOF, the Developer, Village Green of Fairfield LTD., by Joseph W. Schwarz, its Managing Member, duly authorized hereunto, does hereby establish these requirements and restrictions for the Village Green Planned Unit Development residential areas and has executed these presents this 5th day of JUNE, 1997.

Signed and acknowledged in presence of:

Gary Redman
John A. Clemmons

DEVELOPER:
VILLAGE GREEN OF FAIRFIELD, LTD.

By: Joseph W. Schwarz
Joseph W. Schwarz,
Managing Member

STATE OF OHIO,
COUNTY OF BUTLER, SS.

The foregoing instrument was acknowledged before me this 5th day of JUNE, 1997 by Joseph W. Schwarz, Managing Member of Village Green of Fairfield, LTD., an Ohio limited liability company, on behalf of the company.

John A. Clemmons
Notary Public, State of Ohio



JOHN H. CLEMMONS, Attorney-at-Law
NOTARY PUBLIC, STATE OF OHIO
My Commission has no Expiration Date
O.R.C. Section 147.03

DEPARTMENTAL CORRESPONDENCE

Planning Commission

TO _____

FROM Timothy Bachman, Planning Director 

City
of
Fairfield



SUBJECT Village Green Amendments

10-29-98
DATE

The following should be reviewed and discussed at the next Planning Commission meeting set for 11-11-98:

1. Hot Tubs

- May be placed on the exterior of a home as long as the hot tub in it's entirety is no further than fifteen (15) feet from the principal structure and can not exceed seventy (70) square feet. The Hot Tub may only be placed in the rear yard of the home. An electrical permit is required as part of the installation.
- The Hot Tub may be screened for privacy. This can be done with landscaping or fencing. If fencing is to be used, it must be pressure treated wood, cedar wood or Ozark board with structural supports orientated toward the interior of the fence. The fencing must remain in a natural state and must not be painted or stained without written permission of the Planning Commission. A building permit is required for any fence greater than 4 foot in height.
- If fencing is to be used as a screening mechanism, it must be no greater than twenty (20) feet in length and six (6) feet in height and placed around the perimeter or portion thereof of the Hot Tub.

2. Children's Play equipment

- Any play equipment permanently fixed to the ground after 11-11-98 must be constructed of wooden materials and can be no greater than 12 feet in height (from grade to highest point of play apparatus) and must be placed no closer than ten (10) feet from any property line. The equipment can be no greater than twenty (20) linear foot in either width or length. The play equipment shall only be placed in the rear yard.

VILLAGE GREEN FENCE MODIFICATION

APPROVED DECEMBER 12, 2012

Security Fencing:

Properties having a common property line adjacent to multi-family will be permitted to install black ornamental aluminum fencing or equivalent, or a neutral color (excluding white) privacy fence which may be vinyl or pressure treated wood with structural supports erected towards the interior of the fence.