

ZONING RESOLUTION

DANBURY TOWNSHIP

OTTAWA COUNTY, OHIO

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ASSISTED BY:

Ottawa Regional Planning Commission
315 Madison Street, Room #208
Port Clinton, Ohio 43452

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OTTAWA COUNTY, OHIO

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ARTICLE 1

TITLES, AUTHORIZATION, PURPOSE, AND INTERPRETATION

100 LONG TITLE

A resolution providing for the zoning of the unincorporated area of Danbury Township, Ottawa County, Ohio by regulating the size, location, height, and use of buildings and structures, the area and dimensions, by dividing the unincorporated area of the township into zones or districts of such number, size, and shape as are deemed best suited to carry out said purposes and prescribing penalties and proceedings for the administration and enforcement of this Resolution.

WHEREAS the Board of Trustees of Danbury Township, Ottawa County, Ohio deems it in the public health, safety, morals, comfort, and general welfare of said township and its residents to establish a general plan of zoning; and

WHEREAS the effects of this Resolution shall be that it will be the general plan of zoning for all of the unincorporated areas of Danbury Township, Ottawa County, Ohio at the date of the adoption of this Resolution; and

WHEREAS upon the approval by a majority of voters in the area of Danbury Township, Ottawa County, Ohio to be zoned, this Resolution shall take place of all previous zoning regulations in said Township;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Danbury Township, Ottawa County, Ohio:

101 SHORT TITLE

This Resolution shall be known as the "Zoning Resolution of Danbury Township, Ottawa County, Ohio".

102 AUTHORIZATION

This Resolution is authorized by the Revised Code of the State of Ohio.

103 GENERAL PURPOSES

For the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate but economical provisions of public improvements; the Board of Trustees of this Township finds it necessary and advisable to regulate the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins, trailer coaches and the uses of land for trade, industry, residence, recreation or other purposes, and for such purposes have divided the unincorporated area of the township into districts or zones as shown on the official zoning map of Danbury Township, Ottawa County, Ohio.

104 EFFECTIVE DATE

The Zoning Resolution shall be in full force and effect from and after its passage on November 6, 1975 as provided by the Ohio Revised Code.

105 INTERPRETATION AND APPLICATION

In interpretation and application, the provisions of this Resolution shall be held to be minimum requirements adopted for the promotion of public health, safety, morals, comfort, and general welfare.

In all districts minimum lot areas have been established for dwelling lots. It should be noted that in some cases, the Board of Health or other agencies may require greater lot areas than the minimum herein provided on whether the lots are served by municipal water and/or community sewage treatment facilities.

Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of building premises.

Where this Resolution imposes a greater restriction upon the use of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants, or agreements, the provisions of this Resolution shall control, but nothing herein shall interfere with, abrogate, or annul any easements, covenants, deed restrictions, county requirements, or agreements between parties which imposes restrictions greater than those imposed by this Resolution.

106 VALIDITY AND SEPARABILITY

It is hereby declared to be the legislative intent that, if any provision or provisions of this Resolution, or the application thereof to any zoning lot, building, or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation the effect of such decision shall be limited to the provisions which is expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building or other structure, or tract of land immediately involved in the controversy. All other provisions of this resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

ARTICLE 2

GENERAL REGULATIONS

200 GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS

200.1 No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except for a purpose permitted in the district in which the building or land is located.

200.2 No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height and bulk limit herein established for the district in which the building is located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, stage towers or scenery lofts, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provision when erected in accordance with all other laws of the township and county.

200.3 No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and lot area regulations of the district in which the building is located unless otherwise specified herein.

200.4 No building shall be erected, or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located.

200.5 The minimum yard, parking space, and other spaces, including lot area per family, required by this Resolution for any building hereafter erected or structurally altered, shall not be encroached upon or considered as parking area or open space of lot area requirement for any other building, nor shall any lot area be reduced beyond the district requirements of this Resolution.

200.6 No lot shall hereafter be reduced or divided so as to provide less than the minimum lot size required in the district in which such land is situated. Contiguous lots held under single ownership shall be considered to be one lot for the purposes of these regulations unless said lots are part of a recorded subdivision.

200.7 Any lot of record at the time of the adoption of this Resolution may be used for a single family dwelling. However, on such lots in all districts unless specified otherwise, the following setbacks shall be maintained unless a variance is granted by the Board of Zoning Appeals:

Minimum front yard depth	20 feet
Minimum rear yard depth	5 feet
Minimum side yard depth	5 feet

200.8. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) building on one (1) lot except as specifically

provided hereafter.

200.9 Uses other than those specifically mentioned herein as permitted uses in each of the districts may also be allowed therein, provided that in the judgment of the Board of Zoning Appeals such other uses are of similar character to those mentioned and will have no more adverse influence on adjacent properties or the neighborhood or community than the permitted uses specifically mentioned for the district.

201 ZONING MAP

201.1 The location and boundaries of the Districts shall be shown on the map entitled, "Danbury Township Zoning Plan, 1975". A certified copy of this map is on file in the office of the Board of Danbury Trustees, and said map and all notations, dimensions and designations shown thereon are hereby declared to be a part of this Resolution.

202.2 Where there is uncertainty as to the boundaries of any of the Districts shown on the aforesaid map, the following shall apply:

- a. The District boundary lines are intended to follow street, alley, lot or property lines as they exist at the time of the passage of this Resolution unless otherwise indicated by dimensions on the Zoning Map. In case of the vacation of a street, alley, watercourse or other right-of-way, the abutting zoning classification on each side thereof shall automatically be extended to the center line of said vacated street, alley, watercourse or right-of-way.
- b. Where boundaries appear to approximately follow such aforesaid lines and are not more than ten (10) feet distant therefrom, such lines shall be construed to be the boundary unless specifically shown otherwise.
- c. All submerged lands (below low water datum, which is 568.6 feet) are a part of that District to which their abutting natural above-water lands are assigned, and shall be bounded by extension of the boundary lines of each abutting natural above-water property. Two (2) adjacent Districts which extend onto submerged lands shall be separated by extension of their above-water common boundary line.

ARTICLE 3

DEFINITIONS

300 DEFINITIONS

For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

The words "used for" include "designed for" and vice versa; words used in the present tense include the future tense, words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the words "plot" and "parcel"; the word "shall" is a mandatory requirement and the word "may" is a permissive requirement.

Accessory Use or Building: A use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building. Any structure designed or intended to be used for permanent or temporary residential use or for transporting materials on the highway shall not be used as an accessory building.

Agriculture: The use of land for farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to, the care and raising of livestock, equine, and fur bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. -----(Rv. 7/95)

Airport: Any runway, land area, or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage, and tie-down areas, hangers, and other necessary buildings and open spaces.

Alley: A public or private thoroughfare designed to provide access to the rear or side of property or lots.

Alteration, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Apartment House: Same as "Dwelling, Multi-family".

Auto Service Station: Any premises used for supplying gasoline and oil, at retail direct to the customer, including minor accessories and services for motor vehicles.

Automotive Repair: The repair, rebuilding, or reconditioning of motor vehicles or parts thereof including collision service, painting, and steam cleaning of vehicles.

Automotive, Manufactured Home, Travel Trailer, and Farm Implement Sales and Service: The sale or rental of new and used motor vehicles,

manufactured homes, travel trailers, or farm implements, including repair work of such vehicles.

Automotive Wrecking: Same as "Junkyard".

Basement: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Bed and Breakfast Inn: An owner-occupied, single-family residential dwelling in which rooms are rented to paying guests on an overnight basis and one (1) meal only is provided; the entire service to be included in one (1) stated price.

Billboard: Any sign used as an outdoor display for the purpose of anything known, the location of such display being removed from the point of sale.

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building, Community: A building for social, educational, and recreational activities of a community provided such is not operated for commercial gain.

Building Height: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface if a flat roof, to the deck-line of a mansard roof, and the mean height level between eaves and ridges for a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Building Width: The shorter or shortest dimension of a dwelling unit including enclosed living spaces, enclosed porches and breezeways, permanent expandable living quarters, attached garages, and the like. The width must continue a minimum of twenty (20) feet in depth.

Business: The purchase, sale, or exchange of goods, or services and the maintenance or operation of offices and recreational and amusement enterprises.

Business, General: Commercial uses which generally require locations on or near major thoroughfares and which tend, in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the community.

Business, Neighborhood: Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectional influences.

Business, Recreational: Commercial establishments which generally cater to the tourist population of the township normally on a seasonal basis.

Cabins, Cottages: Detached buildings used for recreation purposes and not designed for year round occupancy.----- (Rv. 1/94)

Camp: An area of land located, established, and maintained for occupancy by three (3) or more recreational vehicles as defined herein which are regularly accommodated with or without charge. No recreational vehicle within a camp shall be occupied on a permanent basis. Such camp shall include any building, structure, or fixture or equipment that is used or intended to be used in connection with providing such accommodations.----- (Rv. 1/94)

Clinic: Same as "Nursing Home".

Club: The place where members of a local chapter of an association or a fraternal, cultural, or religious organization hold their meetings and activities. -----(Rv. 11/96)

Cluster Housing Community: A parcel of land developed with one and two-family dwellings located on separate building lots where flexible spacing of lots and buildings are permitted in order to encourage:

1. The creation of functional and interesting residential areas.
2. The provision of readily accessible recreation areas and open space.
3. The conservation of the natural amenities of the landscape. -----(Rv. 3/95)

Commercial: Same as "Business".

Composting Facility: A facility for the controlled process of degrading organic matter by microorganisms. The facility must meet the guidelines of and be registered or licensed by the Ohio EPA. -----(Rv. 11/96)

Conditional Uses: A use which is subject to conditional approval by the Board of Zoning Appeals. A conditional use may be granted by the Board of Zoning Appeals only where there is a specific provision for such special exception made in the Resolution. A conditional use is not considered to be a non-conforming use.

Condominium: A dwelling unit which is part of the condominium property consisting of one (1) or more rooms on one (1) or more floors of a building and designated as a dwelling unit in the condominium declaration and delineated on the drawings provided in Section 5311.07 of the Ohio Revised Code.

Condominium Development: A condominium property in which two (2) or more individual dwelling units, together with undivided interests in the common areas and facilities of the property are offered for sale.

Condominium Property: All lands, buildings, improvements, and structures; all easements, rights, and appurtenances belonging to the land; and all articles of personal property submitted as required by Section 5311 of the Ohio Revised Code.

Condominium Unit: A part of the condominium property consisting of one (1) or more rooms on one (1) or more floors of a building and designated on the required drawings.

Continuing Care Retirement Community: Any age-restricted development, with a minimum of twelve dwelling units, which may be in any housing form, including detached and attached dwelling units, apartments, continuing care/congregate

care facilities, assisted living facilities, nursing homes, rest homes and service support areas required for the development such as recreation, health, dining, housekeeping, social and transportation facilities.

Age-restricted development shall mean a development restricting residential use to persons sixty-two years of age or older or families where one spouse is sixty two years of age or older, or any person under sixty-two years of age who is handicapped such that his/her physical impairment is of a long term duration and impedes his/her ability to live independently. (Rv. 10/93)

Contractor's Establishment: A facility operated by an individual, group of individuals, or companies that furnish materials or perform services at a specified site and limited to building construction activities only.

Converse Condominium Development: A condominium development that was originally created as a rental property occupied by tenants prior to the time that the condominium property is submitted to the provisions of Section 5311 of the Ohio Revised Code and the units are offered for sale.

Conversion: The changing of the original purpose of a building to a different use.

Cul-de-sac: A street of short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.

Curb Grade: The elevation of the established curb in front of a building measured at the center of such front. Where no curb grade has been established, the County Engineer shall establish such grade for the purpose of this Resolution.

Day-Care Center: Same as "Nursery School".

Density: The number of dwellings units per acre of land.

Dwelling/Dwelling Unit: A building, or portion thereof, designed exclusively for permanent residential occupancy excluding units designed for transients and vehicles or residences designed to be moved. A manufactured home shall be considered a dwelling as specified in Section 805.1 of this Resolution.-----
----- (Rv.1/94)

Dwelling/Multi-Family: A building, or portion thereof, designed for permanent occupancy by three (3) or more families living independently of each other.

Dwelling/One-Family: A detached building designed for permanent occupancy by one (1) family.

Dwelling/Two-Family: A building designed for permanent occupancy by two (2) families living independently of each other.

Easement: Authorization by a property owner for the use by another party, and for a specific purpose, of any designated part of his property.

Family: An individual, or two (2) or more persons related by blood, adoption, marriage, or guardianship, or a group of not more than five (5) persons not related by blood, adoption, marriage, or guardianship, living together as a single housekeeping unit in a dwelling. ----- (Rv. 7/95)

Fence: A barrier intended to prevent intrusion or escape, or to mark a boundary; constructed of posts and wires, boards, metal, and/or plastic or similar durable material. Decorative structures not designed as barriers shall be excluded.

Flea Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Floor Area: The sum of the gross horizontal area of all floors, excluding basement areas and other areas not used for permanent occupancy or use.

Food Processing: The preparation, storage, or processing of food products including bakeries, dairies, canneries, or other similar businesses.

Game Room/Arcade: A room in which three (3) or more percentage games, such as pin ball, pool, video, computer and similar devices played on any mechanical or electronic device are located for use by the general public.

Garage, Private: An accessory building or a portion of a principal building used for the parking or storage of vehicles.

Garage, Public: A principal or accessory building other than a private garage used for the parking or storage of vehicles.

Garage, Service: Buildings and premises where motor vehicle accessories may be supplied and dispensed including motor vehicle repair, but excluding automotive wrecking.

Home Occupation: An occupation conducted in a dwelling unit as a secondary use in connection with which there is no person employed other than members of the family residing on the premises, provided:

- a. such occupation is conducted wholly within the dwelling;
- b. floor area devoted to such use does not exceed twenty-five (25%) percent of the total ground area occupied by all buildings on the lot;
- c. such use is not objectionable due to noise, hours of operation, traffic generated, or hazardous, or noxious process;
- d. adequate provision for parking is assured; and
- e. signs be provided as indicated in Section 802.2 (e) of this Resolution.

Hotel, Motel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation.

Industrial Unit or Dwelling: A constructed unit that is approved by the Ohio Department of Industrial Relations and meets the requirements of Section 4101:2-98 of the Ohio Basic Building Code. Verification of whether the unit is an industrial unit or dwelling as approved by the State of Ohio can be made by the Ottawa County Building Inspection Office.

Junk Yard: An establishment or place of business, which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. -----(Rv. 11/96)

Kennel: Any lot or premises on which four (4) or more domesticated animals, more than four (4) months of age are housed, groomed, bred, boarded, trained, bought, or sold for commercial gain.

Kindergarten: Same as "Nursery School".

Landing Strip: Any runway and necessary taxiway areas for the use of no more than two (2) aircraft that are privately owned and used exclusive of the landing of crop dusting and similar function aircraft on fields being serviced.

Loading Berth or Space: An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot: A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a. a single lot of record;
- b. a portion of a lot of record;
- c. a combination of complete lots of record, of complete lots of record or portions of lots of records, or of portions of lots of record.

Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yard" in this section.

Lot, Minimum Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street or easement of record.

Lot Measurements: A lot shall be measured as follows:

1. Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in this Resolution with reference to corner lots, interior lots, and through lots, (double-frontage lots) is as follows:

- a. Corner Lot: a lot located at the intersection of two (2) or more streets;
- b. Interior Lot: a lot with only one (1) frontage on a street; and

- c. Through (Double-Frontage) Lot: a lot other than a corner lot with frontage on more than one (1) street.

Manufacturing, Heavy: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, air pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within closed structures, and generating little industrial traffic and no nuisances.

Marina: A boat basin that has docks or moorings for seven (7) or more watercraft as defined in Section 1547.01 of the Revised Code, "Marina" does not include:

- a. Docks or moorings contiguous to a private residence and used only by the occupant of that residence and his non-paying guests;----- (Rv. 7/95) and
- b. Any boat basin located on waters where the watercraft used are normally unsuited for the installation of permanent sanitary systems.

Mini-Warehouse: A structure containing separate storage spaces usually containing about thirty (30) to four hundred (400) square feet each with direct access to paved driveways and leased or rented on an individual basis.

Manufactured Home: Any non-self propelled vehicle transportable in one (1) or more body sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or when erected on site is three-hundred and twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and outer projections containing interior space, but do not include bay windows.

Manufactured Home Park: Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadways, buildings, structures, vehicles, or enclosures used/intended for use as part of the facilities of said park. ----- (Rv. 1/94)

Manufactured Home Subdivision: A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three (3) or more manufactured homes are parked thereon if the roadways are dedicated to the local governmental authority. ----- (Rv. 1/94)

Non-Conforming Uses: A building, structure or use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the district or zone in which it is situated.

Nursing Home: A home or facility for the care of the handicapped, aged, or ill persons in which three (3) or more persons are housed and cared for, and which may be operated for commercial gain.

Nursery School: An establishment designed to provide care or instruction of two (2) or more children who are not residents of said establishment which is operated on a regular basis whether for commercial gain or not.

Nursery, Plant Materials; Greenhouse: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

Open Space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pool, tennis courts, any other recreational facilities that the planning commission deem permissible. Streets, structures for habitation, submerged land, and the like shall not be included.

Parking Area or Lot: An open area, other than a private parking area, street or alley used for the parking of vehicles and available for public and quasi-public use.

Parking Space, Off-Street: For the purpose of this Resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Personal Services: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

Planned Unit Development: An area of a minimum contiguous size of ten (10) acres to be planned and developed as a single entity and containing one or more types of residential development. Appropriate commercial, public, or quasi-public uses may be included if such uses are primarily for the benefit of the residential development and if it is approved as part of the overall development plan.

Professional Activities: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

Recreational Vehicle: Defined as and including the following:

- a. Travel Trailer (including 5th wheels): A vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation, and vacation use and not exceeding thirty-five (35) feet in length.
- b. Truck Camper: A structure designed primarily to be mounted on a truck and with sufficient equipment to

render it suitable for use as a temporary dwelling for travel, recreation and vacation uses.

- c. Motor Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle which is more than seven (7) feet high and/or more than sixteen (16) feet long.
- d. Folding Tent Trailer: A canvas folding structure mounted on wheels and designated for travel and vacation use.

Resort: A mixed-used facility for transient guests where the primary attraction is recreational features and activities, but which offers lodging accommodations through cabins, cottages, recreational vehicles, and the like.

----- (Rv. 1/94)
(Rv.7/95)

Riding Stable: Any land or structure used for the care and grooming of horses or ponies for which consideration is offered or received.

Roadside Stand: A structure designed or used for the display or sale of agricultural and related products provided some of the products are raised by the owner or person farming the property on which the stand is located.

Setback Line: A line established on a lot, at a specified distance from and parallel to a side or rear lot line, or in the case of the front yard, parallel to the road right-of-way, to restrict the encroachment of buildings on the line, except as otherwise provided herein. -----(Rv. 1/94)

Sign: Any device designed to inform or attract the attention of persons not on the premises on which said device is located.

Storage Area: Any area, building, lot or facility designed, adapted, or used for the storage of more than three (3) boats, trailers, campers, recreational vehicles, boat trailers, and/or boat cradles for periods in excess of seven (7) consecutive days.

Street: A public or improved private thoroughfare other than an alley. For the purpose of this Resolution, the word "street" shall include the words "road" and "highway".

Structure: Anything constructed, placed, or erected, the use of which requires location on the ground or attached to something on the ground.

Swimming Pool: A permanent or semipermanent structure, either above or below the surface of the ground, for the purpose of holding water for recreation or therapeutic purposes. This definition shall not apply to wading pools or other similar structures less than 18 inches in depth.

Temporary Building/Structure/Use: A building, structure, or use established for a fixed period of time with the intent to remove the building/structure or discontinue the use upon the expiration of the established time period. Welcome centers, sales offices, information centers, etc. are included herein.

Townhouse: Same as Dwelling, Multi-Family.

Trailer Camp: Same as Camps.

Unnecessary Hardship: Whether the zoning regulation, when viewing the property in the setting of its environment, is so unreasonable as to constitute an arbitrary and capricious interference with the basic right of private property.------(Rv. 8/97)

Use: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Veterinary Clinic or Animal Hospital: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirmed, or injured animals and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for their treatment, observation and/or recuperation.

Warehouse: A building used primarily for the storage of goods and materials.

Yard: A required open space unoccupied and unobstructed by any portion of a building or structure from the ground upward, except as otherwise provided herein.

Yard, Front: A yard extending across the full width of the lot between the nearest front main building and the street right-of-way; the depth of the required front yard shall be measured horizontally from the nearest part of a main building towards the nearest point of the street right-of-way line. For lots fronting on the water, however, the front yard may be considered that area facing the water and not the street or road and the setback shall be measured from the water's edge instead of the right-of-way line.

Yard, Rear: A yard extending across the full width of the lot between the nearest rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line, or to the center of an alley if one is present. For those lots fronting on water and considering their rear yard as adjacent to the street right-of-way, the rear lot line shall be considered as the street right-of-way in those cases.

Yard, Required Rear: The open space between the rear lot line and the beginning of the buildable area, established by the setback dimensions of each district. Such required rear yard is unoccupied and unobstructed from the ground upward, except for accessory buildings, which may be located in this area if they comply with the regulations established in this Resolution for accessory buildings. -----(Rv. 1/94)

Yard, Side: A yard between a main building and the side lot line extending from the front yard or from lot line when no front yard is required to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

Zoning Certificate/Permit: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ARTICLE 4

ESTABLISHMENT AND PURPOSE OF DISTRICTS

400 ESTABLISHMENT OF DISTRICTS

The following zoning districts are hereby established for Danbury Township, Ottawa County, Ohio:

- "A" - Agricultural District
- "R-1" - Rural Residential District
- "R-2" - Suburban Residential District
- "R-3" - High Density Residential District
- "L" - Lakeside District
- "C-1" - Limited Commercial District
- "C-2" - General Commercial District
- "R-C" - Recreational Commercial District
- "M-1" - Light Manufacturing District
- "M-2" - Heavy Manufacturing District
- "MHP" - Manufactured Home Park District
- "PUD" - Planned Unit Development District

The following definitions shall apply within this Section.

Community Water Supply: A system, including the collection, treatment, storage, and distribution facilities, for the provision of piped water for human consumption. Such system shall have at least fifteen service connections or regularly service at least twenty-five individuals. The system shall comply with all of the requirements of Chapter 6109 of the Ohio Revised Code. -----(Rv. 1/94)

Community Sanitary Sewage Treatment System: A system including pipelines or conduits, pumping stations, force mains, treatment plants, lagoons and all other constructions, devices, appurtenances and facilities used for the collection, treatment and disposal of waterborne sewage as regulated by Chapter 6111 of the Ohio Revised Code. -----(Rv. 1/94)

401 PURPOSE OF DISTRICTS

The purpose of the zoning districts established in Section 400 are as follows:

Agricultural District ("A")

The purpose of the agricultural district is to preserve the agricultural or rural nature of those areas of Danbury Township so designated in a comprehensive plan, but to permit very low density residential uses.

Rural Residential District ("R-1")

It is the purpose of this district to accommodate low density single and two family residential uses in areas not served by both a community water and community sanitary sewage treatment system. -----(Rv. 1/94)

Suburban Residential District ("R-2")

The purpose of the suburban residential district is to accommodate medium density single and two family residential uses in areas served either by a community water supply or a community sanitary sewage treatment system or both. -----(Rv. 1/94)

High Density Residential District ("R-3")

The purpose of this district is to accommodate high density single, two, and multi-family residential uses in areas served by a community water supply and a community sanitary sewage treatment system. -----(Rv. 1/94)

Lakeside District ("L")

The creation of the Lakeside District recognized the unique situation within the property owned by "The Lakeside Association, Inc." and is designed to accommodate the mix of residential, recreational, educational, and commercial uses therein which are regulated by specific restrictions adopted by the Lakeside Association, Inc. -----(Rv. 1/94)

Limited Commercial District ("C-1")

It is the purpose of this district to provide for commercial uses that are of a local or neighborhood-oriented nature in close proximity to residential areas and are appropriate in meeting day-to-day shopping and service needs.

General Commercial District ("C-2")

The purpose of this district is to promote the development of those commercial uses which tend to serve the larger community.

Recreational Commercial District ("R-C")

The purpose of this district is to provide for the development of commercial activities related to the recreational nature of the township.

Light Manufacturing District ("M-1")

The purpose of this district is to accommodate the development of limited manufacturing enterprises.

Heavy Manufacturing District ("M-2")

The purpose of this district is to provide for the development of heavy manufacturing enterprises which may potentially generate a high nuisance level.

Manufactured Home Park District ("MHP")

The purpose of this district is to allow for the development of a manufactured home facility.

Planned Unit Development District ("PUD")

The purpose of this district is to permit various types of residential uses to occur on a single parcel of land.

ARTICLE 5

PERMITTED AND CONDITIONAL USES

500 AGRICULTURAL DISTRICT ("A")

500.1 Uses Permitted - after obtaining a valid zoning certificate/permit:----- (Rv. 7/95)

- a. agriculture
- b. one-family dwelling
- c. roadside stands for the sale of agriculture and related products provided some of the products are raised by the owner or person farming the property on which it is located.
- d. public, non-commercial parks, playgrounds
- e. riding stables
- f. nurseries, greenhouses
- g. accessory buildings and uses

500.2 Uses Conditionally Permitted - subject to approval as described in Article 9:----- (Rv. 7/95)

- a. airport
- b. cemetery
- c. kennels, veterinary clinic, animal hospital
- d. home occupations
- e. landing strip
- f. bed and breakfast inn
- g. golf course, except a miniature course or driving range
- h. clubs ----- (11/96)

501 RURAL RESIDENTIAL DISTRICT ("R-1")

501.1 Uses Permitted - after obtaining a valid zoning certificate/permit:----- (Rv. 7/95)

- a. agriculture
- b. one-family dwelling
- c. churches or other places of worship
- d. schools, public or private
- e. public, non-commercial parks and playgrounds
- f. accessory buildings and uses

501.2 Uses Conditionally Permitted - subject to approval as described in Article 9:----- (Rv. 7/95)

- a. two-family dwellings
- b. home occupation
- c. bed and breakfast
- d. temporary building/structure/use

502 SUBURBAN RESIDENTIAL DISTRICT ("R-2")

502.1 Uses Permitted - after obtaining a valid zoning certificate/permit:----- (Rv. 7/95)

- a. agriculture
- b. one-family dwellings
- c. churches or other places of worship
- d. schools, public or private
- e. public, non-commercial parks and playgrounds
- f. accessory buildings and uses

502.2 Uses Conditionally Permitted - subject to approval as described in Article 9:----- (Rv. 7/95)

- a. two-family dwellings
- b. home occupation
- c. bed and breakfast inn
- d. temporary building/structure/use
- e. continuing care retirement community (rv. 10/93)

503 MULTI-FAMILY RESIDENTIAL DISTRICT ("R-3")

503.1 Uses Permitted - after obtaining a valid zoning certificate/permit:----- (Rv. 7/95)

- a. agriculture
- b. one-family dwellings
- c. two-family dwellings
- d. churches or other places of worship
- e. schools, public or private
- f. public, non-commercial parks and playgrounds
- g. accessory buildings and uses

503.2 Uses Conditionally Permitted - subject to approval as described in Article 9:----- (Rv. 7/95)

- a. multi-family dwellings
- b. condominium developments
- c. home occupation
- d. bed and breakfast inn
- e. temporary building/structure/use
- f. continuing care retirement community (Rv. 10/93)
- g. cluster housing community ----- (Rv. 3/95)

504 LAKESIDE ASSOCIATION DISTRICT ("L")

504.1 Uses Permitted - after obtaining a valid zoning certificate/permit:

- a. one-family dwellings
- b. accessory buildings and uses
- c. other uses not in conflict with legally adopted restrictions and amendments thereto of the Lakeside Association, Inc. ----- (Rv. 7/95)

505 LIMITED COMMERCIAL DISTRICT ("C-1")

505.1 Uses Permitted - after obtaining a valid zoning certificate/permit:

- a. agriculture
- b. one-family dwellings
- c. roadside stands for the sale of agriculture and related products provided some of the products are raised by the owner or person farming the property on which the stand is located
- d. neighborhood business of local nature for the retail sale of food products in an enclosed building
- e. shops designed to serve the day-to-day needs of the public including, but not limited to, hobby, bicycle, sign painting, plumbing, etc. if conducted within an enclosed building
- f. personal services
- g. professional activities including doctors, dentists, attorneys, etc.
- h. schools, public or private, including nursery schools and day-care centers
- i. churches or other places of worship
- j. public, non-commercial parks and playgrounds
- k. government buildings and uses
- l. accessory buildings and uses

505.2 Uses Conditionally Permitted - subject to approval as described in Article 9:

- a. automobile service stations
- b. restaurants, taverns
- c. home occupations
- d. two-family and multi-family dwellings
- e. hospital, nursing home
- f. mini-warehousing
- g. flea markets

506 GENERAL COMMERCIAL DISTRICT ("C-2")

506.1 Uses Permitted - after obtaining a valid zoning certificate/permit:

- a. agriculture
- b. one-family dwelling
- c. roadside stands for the sale of agriculture and related products provided some of the products are raised by the owner or person farming the property on which the stand is located
- d. churches or other places of worship
- e. schools including nursery schools and day-care centers
- f. public, non-commercial, parks and playgrounds
- g. government buildings and uses
- h. general businesses------(Rv. 7/95)
- i. offices, business and professional, banks
- j. restaurants including drive-ins
- k. indoor theatres
- l. auto service stations
- m. auto, trailer, boat, farm implement sales and service-----(Rv. 7/95)
- n. mini-warehousing

- o. hotel, motel
- p. wholesale business where no processing, fabrication, or assembly takes place
- q. printing shops - publishing
- r. accessory buildings and uses
- s. storage areas on property being used for boat sales and service and provided storage and maintenance is kept in an orderly fashion ----- (Rv. 8/97)

506.2 Uses Conditionally Permitted - subject to approval as described in Article 9:----- (Rv. 7/95)

- a. two and multi-family dwellings
- b. kennels, veterinary clinic, animal hospital
- c. hospital, nursing home
- d. home occupations
- e. flea markets
- f. automotive repair
- g. taverns and nightclubs
- h. clubs ----- (Rv. 11/96)
- i. drive-in theatres

507 RECREATIONAL - COMMERCIAL DISTRICT ("R-C")

507.1 Uses Permitted - after obtaining a valid zoning certificate/permit:

- a. agriculture
- b. one-family dwellings
- c. roadside stands for the sale of agricultural and related products provided some of the products are raised by the owner or person farming the property on which the stand is located
- d. public, non-commercial parks and playgrounds
- e. hotels, motels ----- (Rv. 7/95)
- f. marinas, boat launching, docking facilities
- g. storage areas, repair, and services provided maintenance is kept in an orderly fashion
- h. beaches, commercial swimming pools
- i. grocery stores
- j. auto service stations
- k. fishing, private or commercial and related businesses
- l. golf driving range, miniature golf, golf courses
- m. riding stables
- n. public community facilities
- o. restaurants
- p. recreational businesses
- q. accessory buildings and uses

507.2 Uses Conditionally Permitted - subject to approval as described in Article 9:

- a. flea markets
- b. trailer camp, camping
- c. two and multi-family dwellings
- d. home occupations
- e. resort - as regulated in Article 808.

- f. clubs -----(Rv. 11/96)
- g. commercial amusement enterprises which provide short-term entertainment such as arcades, game rooms, and the like
- h. bed and breakfast inn
- i. temporary building/structure/use

508 LIGHT MANUFACTURING DISTRICT ("M-1")

508.1 Uses Permitted - after obtaining a valid zoning certificate/permit:

- a. agriculture
- b. auto service stations
- c. building material storage yards, sales
- d. printing shops, publishing
- e. kennels, animal hospitals
- f. bottling works
- g. contractors establishments including construction firms
- h. industrial establishments manufacturing or assembling the following: small metal products; clothing; drugs and medicines; electrical equipment; glass products; furniture and wood products; and the assembly of finished equipment
- i. research laboratories
- j. wholesaling and warehousing activities
- k. mini-warehousing
- l. propane storage facility----- (Rv. 7/95)
- m. accessory buildings and uses

508.2 Uses Conditionally Permitted - subject to approval as described in Article 9:

- a. one-family dwellings
- b. home occupations
- c. automotive repair
- d. industrial parks

509 HEAVY MANUFACTURING DISTRICT ("M-2")

509.1 Uses Permitted - after obtaining a valid zoning certificate/permit:

- a. agriculture
- b. auto service stations
- c. building material storage yards, sales
- d. printing shops, publishing
- e. kennels, animal hospitals
- f. bottling works
- g. contractor establishments including construction firms
- h. mini-warehousing
- i. automotive repair
- j. industrial establishments manufacturing or assembling the following: small metal products; clothing; drugs and medicines; electrical equipment; glass products; furniture and wood products; and the assembly of finished equipment

- k. research laboratories
- l. wholesaling and warehousing activities
- m. cement or cinder block manufacturing
- n. iron, steel, brass, copper foundries
- o. metal stamping
- p. automobile parts manufacturing and assembly
- q. quarrying
- r. rock crushers
- s. commercial shipping and docking facilities
- t. other heavy manufacturing enterprises
- u. composting facility -----(Rv. 11/96)
- v. accessory buildings and uses -----(Rv. 11/96)

509.2 Uses Conditionally Permitted - subject to approval as described in Article 9:

- a. slaughter houses
- b. junkyards, auto wrecking
- c. crematory
- d. disinfectant, insecticide manufacture
- e. commercial fish smoking or curing
- f. petroleum products manufacture, storage
- g. paint, oil, varnish, turpentine manufacture
- h. food processing
- i. rubber or leather good manufacturing
- j. industrial park
- k. asphalt mixing plant

510 MANUFACTURED HOME PARK DISTRICT ("MHP")

510.1 Uses Permitted - after obtaining a valid zoning certificate/permit:

- a. Manufactured Home Park

510.2 General Standards: The proposed development shall meet the following minimum requirements:

- a. The proposed site shall contain not less than ten (10) acres and it shall have not less than twenty-five (25) manufactured home spaces at first occupancy.
- b. The minimum width of the manufactured home development shall not be less than two hundred (200) feet. The ratio of width to depth shall not exceed a one to five (1:5) ratio.
- c. The minimum floor area of each manufactured home shall be at least seven hundred (700) square feet.
- d. The manufactured homes must be completely skirted with materials similar to the unit in color and material to prevent uncontrolled access to the unit.
- e. The maximum building height shall be thirty (30) feet.
- f. A greenbelt planting strip of twenty (20) feet shall be placed around the entire perimeter of the park. No structure of any type shall be allowed to locate within this strip.
- g. No commercial sales of any type shall be permitted to occur within the park.

- h. All other requirements of the Ohio Public Health Council through the Ohio Administrative Code shall be met.
- i. The plans shall be submitted to the Zoning Inspector for his review and approval. Any plans not meeting all of these requirements will be disapproved. Incomplete plans will not be accepted or reviewed. The zoning inspector will have thirty (30) days in which to review the plans and either authorize or deny the zoning permit. An appeal of the zoning inspector's decision must be made to the Board of Zoning Appeals within fifteen (15) days.
- j. A single identification sign not exceeding sixteen (16) square feet in area identifying the name and/or address of the park shall be permitted. Said sign must be set back a minimum of ten (10) feet from the edge of the road right-of-way.

511 "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

The following procedures and regulations shall apply in the "PUD" District.

- 511.01 Establishment of a Planned Unit Development District may occur by application in accordance with the provisions of Article 11 and in accordance with the requirements established herein within Article 5.
- 511.02 Regulations pertaining to the use of land and/or structures and the physical development thereof are hereby established and adopted.
- 511.03 The following rules of application shall apply:
 - 1. Identification of Uses: Listed uses are to be defined by their customary names and identification, except where they are specifically defined or limited within this Resolution.
 - 2. Permitted Uses: Only uses designated as a permitted use shall be allowed as a matter of right in a Planned Unit Development and any use not so designated shall be prohibited except when in character with the proposed development and then said use may be approved as a part of the development plan.
 - 3. Procedures: The procedures and conditions set forth for the determination of the Planned Unit Development District and development therein, shall be followed except that a written statement by the applicant shall clearly show that such procedures or conditions do not apply in the specific case. Such statement shall accompany the application and is subject to approval by the Board of Trustees.
 - 4. Development Standards: The development standards set forth shall be the minimums allowed for development in a Planned Unit Development District.

511.04 Purpose

1. General: The Planned Unit Development District is provided as an option to the requirements of the standard residential district. It is intended to promote imaginative, well-designed developments which preserve open space, respect the physical qualities and limitations of the land, and provide improved living environments. Opportunities to reduce development costs also may be realized within the District.
2. Benefits of the Planned Unit Development District: To achieve these goals, the District provides the potential for public zoning approval of the following:
 - a. Flexibility in required yard areas immediately adjacent to structures.
 - b. Flexibility in structural types.
 - c. Flexibility in minimum lot frontage requirements.
 - d. Privately maintained streets, open space, and other amenities or improvements.
 - e. Consideration of other unique design features.
3. Responsibilities of the Applicant: In order to be eligible for consideration under the provisions of the Planning Development District, the applicant is required to provide all information listed herein. If an applicant does not provide all of the required information or meet standards established within this Resolution, it shall be interpreted as forfeiture of the applicant's option to consideration under the terms of the Planned Unit Development District. The applicant retains the option to seek zoning map amendment subject to all requirements of the applicable standard District in which he is located.

511.05 Permitted Uses

1. Land and buildings in the Planned Development District shall be limited to one or more of the following uses:
 - a. Detached single family residences.
 - b. Zero lot line, attached twin single, townhouse, or other innovative form of residential development, provided all density criteria and applicable requirements are met.
 - c. Home occupations as described in Section 4.
 - d. Public or private schools offering general educational courses and having no rooms used for housing or sleeping or students.
 - e. Parks, playgrounds, and playfields open to the public without fee.
 - f. Public or private golf courses or other similar outdoor recreational facilities and normal accessory buildings and uses, provided all uses and functional characteristics are specifically included in the

approved development plan.

- g. Churches or other places of worship.
- h. Other residentially-oriented uses, which in the opinion of the Township Zoning Commission and Township Trustees, meet the purpose and intent of the Planned Development District and are adequately designed, located or otherwise provided for by the development plan and other required documents.
- i. Accessory buildings and uses in association with a permitted residential use.

511.06 Tract and Density Criteria

- 1. The owners of a tract of land containing ten (10) or more acres of land may request that the zoning district map be amended to include such tract of land in the Planned Development District.
- 2. The density of development within the Planned Development District shall not exceed a total of five (5) dwelling units per acre.

511.07 Procedure

- 1. Sketch Plan: In exchange for flexibility, the Planned Development District requires that the applicant provide some details which are traditionally found in the subdivision stage of development approval. It is therefore suggested that the applicant informally discuss his plans with the County Engineer, County Board of Health, and County Planning Commission prior to submitting a formal application. This sketch plan phase is mandatory if public streets are proposed.
- 2. Development Plan Submission: Seven (7) copies of a development plan, signed by a registered engineer, surveyor, or architect, shall be submitted with the application to amend the Zoning District Map. Such development plan shall conform to the following:
 - a. The plan include topographical contours at one (1) foot or two foot intervals, soils information for the site, information on any natural area such as wooded areas, floodplains, and engineering plans for water, sewer, and stormwater systems.
 - b. The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area, and the total number of dwelling units proposed in the overall plan.
 - c. The proposed size, location, and use on nonresidential portions of the tract, including usable open areas, parks, playgrounds, school sites, and other areas and spaces with the suggested ownership of such areas and spaces.
 - d. Architectural design concepts to be utilized, landscaping plans, street views of typical improvements, and other

information relating to the architectural and landscape themes.

- e. The proposed traffic circulation patterns, including public and private streets, parking areas, walks, accessways, including their relationship to topography, existing streets, or other evidence of reasonableness.
- f. The proposed schedule of site development, construction of structures, and associated facilities including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, and easements.
- g. The relationship of the proposed development to existing and future land use in the surrounding area, the street system, the community facilities, services, and other public improvements.
- h. Evidence that the applicant has sufficient control over the land to effectuate the proposed development plan. Evidence of control includes property rights and engineering feasibility data which will be required.
- i. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.
- j. Other information, as may be required by the township zoning commission or trustees, in order to determine compliance with this Resolution.

3. Basis of Approval: The basis for approval of the Planned Unit Development District application shall be as follows:

- a. That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of the Resolution.
- b. That the proposed development is in conformity with a comprehensive plan or portion thereof as it may apply.
- c. That the proposed development advances the general welfare of the township and the immediate vicinity.
- d. That the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard residential development requirements included in this Resolution.

4. Effect of Approval: The development plan as approved by the trustees shall constitute an amendment to the zoning district map as it applies to the land included in the approved amendment.

The approval shall be for a period of two (2) years to allow the preparation of the required subdivision plan. Unless the required subdivision plat is submitted and recorded within the two (2) year time limit, the approval shall be voided and the land shall revert to its last previous zoning district, except if an application for time extension is approved in

accordance with the following section.

5. **Extension of Time or Modification:** An extension of the time limit of the approved development plan may be approved by the township trustees. Modifications may be approved according to the normal rezoning procedure. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original approved development plan if such extension or modification is not in conflict with the general health, safety, and welfare of the public or the development standards of the Planned Development District.

511.08 Development Standards

The following standards for arrangement and development of land and buildings apply to the Planned Development District. When not specifically supplanted by the following standards, the development standards contained in this Resolution shall also apply.

1. **Open Space:** At least twenty (20) percent of the gross area of the tract included in the development plan shall be designated as open space. Such land shall either be preserved in its natural state or developed for recreational purposes. Up to one-third of any land within the tract devoted to public schools sites or within the one hundred year floodplain may be included in the open space calculation. The open space shall be of a size, shape, topography, and location to be usable and accessible.
2. **Lot and Yard Areas:** The minimum lot area shall be 8,712 square feet per dwelling unit except in cluster developments where the minimum lot area for each dwelling unit may be reduced to any size which is justified in the approved development plan. However, the overall density of the tract of land covered by the development plan may not exceed three units per acre. Yard areas may also be adjusted accordingly. However, yards abutting the boundaries of the entire tract included in the development plan shall not be less than the minimum requirements for the abutting zoning district. Additionally, the front yard setback for all lots abutting an existing public street shall conform to the requirements of the abutting district along that street or the average if two districts apply for the entire length of the frontage on that street.
3. **Private Streets:** Private streets may be allowed if the requirements of the County Engineer and Ottawa County Subdivision Regulations are met for the streets. Maintenance plans must be identified.
4. **Parking:** Off-street parking shall be provided in accordance with Section 7 of this Resolution for all uses proposed within the development plan. Group garages or parking lots may be utilized within two hundred (200) feet of the dwellings served.

ARTICLE 6

MINIMUM DIMENSIONAL REQUIREMENTS

600 DIMENSIONAL REQUIREMENTS FOR DWELLINGS

The following chart establishes dimensional requirements for private dwellings by districts; it should be noted that such required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.

DISTRICT	MINIMUM LOT AREA (sq.ft.)	MINIMUM LOT WIDTH (feet)	MINIMUM FRONT YARD (feet)	MINIMUM SIDE YARD (ft.ea.side)	MINIMUM REAR YARD (feet)	MAXIMUM BLDG. HGT. (feet)	MINIMUM BLDG. WIDTH (feet)
"A"	1 Acre	150'	50'	20'	40'	35'	20'
"R-1"	(One Family Dwelling) 20,000	100'	40'	15'	35'	35'	20'
	(Two Family Dwelling - Conditional Use) 25,000	100'	40'	15'	35'	35'	20'
"R-2"	(One Family Dwelling) 12,000	80'	35'	10'	35'	35'	20'
	(Two Family Dwelling - Conditional Use) 16,000	100'	35'	10'	35'	35'	20'
"R-3"	(One Family Dwelling) 7,200	60'	25'	5'	25'	35'	20'
	(Two Family Dwelling) 8,400	70'	25'	8'	25'	35'	20'
	(Multi Family Dwelling - Conditional Use) Dimensions to be decided by Board of Zoning Appeals upon submission of detailed plans by the developer. For Condominiums (see Article 807)						
"L"	(One Family Dwelling) *	*	5'	3'	3'	35'	
	(Two & Multi Family Dwelling) Approval to be determined by Lakeside Association, Inc.						
"C-1"	(For all dwellings in the "C-1", "C-2" and "R-C" Districts, the following shall apply (see definitions in Article 4 for water and sanitary sewer). Without community water or sanitary sewer, the "R-1" dimensional requirements shall apply. With community water or sanitary sewer, the "R-2" dimensional requirements shall apply. With both community water and sanitary sewer, the "R-3" dimensional requirements shall apply.)----- (Rv. 7/95)						
"C-2"							
"R-C"							
"M-1"	See Other Requirements in Article 6.						
"M-2"	See Other Requirements in Article 6.						
"MHP"	See Requirements of Article 510.						
"PUD"	See Requirements of Article 511.						

* Since the area owned by Lakeside Association, Inc. is platted, the minimum width and area requirements for lots shall be that of the individual lot of record or a combination of such lots of record.

601 MINIMUM LOT AREA FOR NON-RESIDENTIAL USES

A lot on which one of the following uses is located may not be smaller than the area prescribed as follows:

<u>USES</u>	<u>MINIMUM LOT AREA</u>
Airport	100 Acres
Camp	10 Acres----- (Rv. 7/95)
Cemetery	5 Acres
Clinic	15,000 Sq. Ft.
Commercial Greenhouse	25,000 Sq. Ft.
Day-care Center; Kindergarten	100 Sq. Ft. Per Child
Heliport	1 Acre
Hospital	5 Acres
Industrial Park	10 Acres
Public or Employee Parking Lot	1,500 Sq. Ft.
Resort	5 Acres----- (Rv. 7/95)
Riding Stable	20,000 Sq. Ft. Plus 5,000 Sq. Ft. For Every Horse Over 4

602 MINIMUM LOT DEPTH FOR DWELLING

No lot for residential purposes shall be less than one hundred and twenty (120) feet in depth.

603 MAXIMUM LOT COVERAGE

No lot in any of the following districts shall exceed the following percentages of lot coverage. This percentage shall include both the principal building and all accessory buildings:

<u>DISTRICT</u>	<u>MAXIMUM COVERAGE</u> (Excluding Submerged Land)
"A"	30%
"R-1"	35%
"R-2"	40%
"R-3"	40%
"L"	*
"C-1"	60%
"C-2"	60%
"R-C"	60%
"M-1"	75%
"M-2"	75%

* Subject to approval of Lakeside Association, Inc.

604 MINIMUM DIMENSIONS FOR NON-RESIDENTIAL USES EXCLUDING ACCESSORY BUILDING ----- (Rv. 9/94)

The following minimum dimensions shall apply to non-residential uses in the following districts:

<u>DISTRICT</u>	<u>FRONT YARD</u>	<u>SIDE YARD (EACH)</u>	<u>REAR YARD</u>	<u>MAX.BLD.HGT.</u>
"A"	40'	20'	25'	35'
"R-1"	40'	15'	25'	35'
"R-2"	35'	10'	25'	35'
"R-3"	35'	10'	25'	45'
"L"	5'	3'	3'	45'
"C-1"	15'	10'*	15'	35'
"C-2"	25'	10'*	15'	35'
"R-C"	30'	10'	25'	35'
"M-1"	40'	15'*	25'	75'
"M-2"	40'	15'*	25'	100'

* Only required when adjacent to residential use or district.

605 SPECIFIED SETBACKS

605.1 The following uses shall require the respective setbacks as shown below.------(Rv. 7/95)

<u>USE</u>	<u>FRONT YARD</u>	<u>SIDE YARD (each)</u>	<u>REAR YARD</u>
Drive-In Theatre	100'	40'	40'
Riding Stable	100'	50'	60'
Petroleum, Gas, Chem. Mgf. and/or Storage	200'	200'	200'
Mineral Extraction	150'	100'	100'
Parking Lot/Area for Commercial & Manu- facturing Uses	15'	15'	15'

605.2 Setbacks for buildings with the following uses shall have minimum setbacks on interior roads as follows.------(Rv. 7/95)

<u>USE</u>	<u>FRONT SETBACK</u>
Industrial Park	50'

606 FLOOR AREA REQUIREMENTS FOR DWELLINGS

The following table establishes the minimum floor area for dwellings in square feet. The calculation of floor area shall include only those areas used for living purposes; garages, carports, patios, and other such areas shall be excluded from said calculation:

<u>DISTRICT</u>	<u>ONE-FAMILY</u>	<u>TWO-FAMILY</u>	<u>MULTI-FAMILY</u>
"A"	800 (1000*)	-	-
"R-1"	700 (900*)	1300 (1500*)	-
"R-2"	700 (900*)	1200 (1400*)	-
"R-3"	600 (750*)	1100 (1300*)	Set By BZA(1)
"L"	600 (750*)	**	**

"C-1"	Same as "R-3"	Same as "R-3"	Same as "R-3"
"C-2"	Same as "R-3"	Same as "R-3"	Same as "R-3"
"R-C"	Same as "R-3"	Same as "R-3"	Same as "R-3"
"M-1"	700 (900*)	-	-
"M-2"	700 (900*)	-	-

* This figure applies to dwellings with more than one story. All others apply to one-story dwellings.

** Floor area requirements within "L" District as applied to two and multi-family units are dependent upon approval of such uses by Lakeside Association, Inc.

BZA(1) Board of Zoning Appeals, within conditional use procedure, shall establish the standards.

607 PLACEMENT OF DWELLING ON LOT

All dwellings shall be located on the lot with their longest dimension parallel with the street. A perpendicular or diagonal placement may be permitted if the lot width is insufficient to meet setback requirements for parallel placement and evidence of same is submitted to the zoning inspector.

In cases where sixty (60) percent or more of the lots within a subdivision have been developed, parallel placement, as described above, is not mandatory.

ARTICLE 7

PARKING AND LOADING REQUIREMENTS

700 AUTOMOBILE PARKING REQUIREMENTS

700.1 Quantity: There shall be provided at the time of the erection or enlargement of any main building or structure the following off-street parking spaces, with a minimum area of one hundred sixty-two (162) square feet per parking space, and with adequate provision made for ingress and egress to the parking spaces:

- a. Dwelling: Two parking spaces per dwelling unit.
- b. Auditorium, theaters, churches, schools, and other similar places of assembly: One parking space for each three seats in the main auditorium exclusive of driveways.
- c. Hospitals and institutions: One parking space for each eight hundred (800) square feet of floor area exclusive of driveways.
- d. Clubs and lodges: One parking space for every three (3) members exclusive of driveways.
- e. Commercial buildings: One parking space for each two hundred (200) square feet of floor area exclusive of driveways.
- f. Industrial buildings: One parking space for every two (2) employed in the largest working shift exclusive of driveways.
- g. Hotels, Motels, Cottages, Cabins: One parking space per unit plus one for every two (2) employees exclusive of driveways.
- h. Boat Storage/Dockage: One (1) parking space for every one and one-half (1-1/2) boats stored or docked except for winter storage where one (1) space for every ten (10) boats stored will be required exclusive of driveways.

700.2 Rules:

- a. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- b. No building shall be enlarged, rebuilt, or structurally altered to the extent of more than a fifty (50) percent addition in floor area unless there shall be provided the total number of off-street parking spaces required for the original use and its enlargement.
- c. All parking spaces required herein shall be located on the same lot with the main use served except that spaces may be located within three hundred (300) feet of the lot line on which the main use is located provided a conditional use permit for the parking is approved by the Board of Zoning Appeals.

701 OFF-STREET TRUCK LOADING BERTHS

701.1 Quantity: Every building of the type described below which is hereafter built, relocated or expanded more than fifty (50) percent in floor area, shall provide an off-street loading berth or berths in accordance with the following schedule:

- a. A building whose dominant use is handling and selling goods at retail shall provide berths in relation to the floor area used for retail purposes as follows:

<u>Area</u>	<u>Berths Required</u>
5,000 - 10,000 sq. ft.	One
10,000 - 20,000 sq. ft.	Two
over - 20,000 sq. ft.	Three

- b. Manufacturing, repair, wholesale, trucking terminal or warehouse uses shall provide berths in relation to total floor area as follows:

<u>Area</u>	<u>Berths Required</u>
5,000 - 40,000 sq. ft.	One
over - 40,000 sq. ft.	Two

- c. Other buildings not listed above, but having over ten thousand (10,000) square feet in floor area, shall provide one berth, including offices, motels, mortuaries, etc.

701.2 Minimum Size of Berth: The required dimensions of a loading berth shall be a minimum width of 12 feet, a minimum of 50 feet in length, with a minimum height clearance of 15 feet exclusive of all driveways.

701.3 Rules:

- Each space shall be easily accessible from a street or alley without substantial interference with traffic.
- All required loading berths shall be on the same lot as the use served and if such berths abut an A or R District, they shall be suitably screened or fenced from view.
- No loading berth shall be located in a required front or side yard.

702 IMPROVEMENT TO PARKING AND LOADING AREAS

702.1 All parking and loading areas shall be surfaced with gravel or crushed stone with adequate dust treatment, or with permanent surfacing.

702.2 Where the parking area adjoins lots in an A or R district, such lots shall be protected by the erection and maintenance of a permanent fence, screen and/or planting approved by the Zoning Commission. Such protection shall not extend into the front yard required on the lot on which the parking area is located.

702.3 Any lights used to illuminate parking areas shall be so arranged as to reflect the light away from adjoining premises in an A or R District.

702.4 When a parking area is located wholly or partly in an A or R District, as required for a permitted or conditionally permitted use, the following regulations shall apply in addition to the above:

- No commercial enterprise of any kind shall be established on the area;

- b. No fee shall be charged for parking thereon;
- c. No signs of any kind shall be erected, except those necessary for the orderly parking thereon.

702.5 When a parking area will be used for purposes of commercial gain, the following standards will be required:

- a. The parking area shall be surfaced with gravel or crushed stone with adequate dust treatment or with permanent surfacing;
- b. Where the parking area adjoins lots in an A or R District, such lots shall be protected by the erection and maintenance of a permanent fence, screen, or planting approved by the Zoning Commission. Any lighting used to illuminate the parking area shall be so arranged to reflect light away from the adjoining premises in an A or R District;
- c. The area shall be kept clean and orderly; and
- d. The owner or operator will be responsible for the orderly control and parking of vehicles within the area.

Article 8

SUPPLEMENTAL REGULATIONS

800 ACCESSORY BUILDINGS AND USES

800.1 All accessory buildings shall be subject to the following regulations and shall be permitted only on lots with a principal building already in existence except as noted in 800.1c below:

- a. Accessory buildings shall be located in the rear yard except for garages which may be located in the rear or side yard. For lots using the waters of Lake Erie or Sandusky Bay as their front yard, no accessory building may be located closer than twenty (20) feet from the rear lot line.------(Rv. 9/94)
- b. For lots with a principal building, the following shall apply:

Such buildings shall not exceed 20 feet in height, shall be no closer than sixty (60) feet to the front lot line, no closer than five (5) feet to the main building and no closer than five (5) feet to the rear lot line. The minimum side yard setback, as established in Article 600, shall be met for the District in which it is located. As identified below, the maximum floor area permitted for the accessory building may not exceed the maximum square footage allowed for the District in which it is located or fifty (50) percent of the floor area contained within the residential structure, whichever is larger.

<u>DISTRICT</u>	<u>MAXIMUM SQ. FT. ALLOWED</u>	<u>% OF FLOOR AREA IN RESIDENTIAL STRUCTURE</u>
Ag	2,000	50%
R-1	1,200	50%
R-2	1,200	50%
R-3	1,200	50%
R-C	1,200	50%
C-1	*	*
C-2	*	*

* Shall only apply when a residential structure is located on the parcel of land. The requirements of the R-1 District shall apply to the maximum square footage allowed.

Maximum lot coverage requirements of Article 603 shall be met. These requirements do not apply to land within the Lakeside District.------(Rv. 9/94)

- c. The lot on which the principal residential structure is located must be within fifty (50) feet of the lot on which said accessory building is to be located and owned by the same party. The accessory building shall not exceed twenty (20) feet in height and must be located five (5) feet from the rear lot line. The minimum side yard setback, as established in Article 600, shall be met for the District in which it is located. As identified below, the maximum floor area permitted for the accessory building may not

exceed the maximum square footage allowed for the District in which it is located.

<u>DISTRICT</u>	<u>MAXIMUM SQ. FT. ALLOWED</u>
Ag	2,000
R-1	1,200
R-2	1,200
R-3	1,200
R-C	1,200
C-1	*
C-2	*

- * Shall only apply when a residential structure is located on the parcel of land. The requirements of the R-1 District shall apply to the maximum square footage allowed.

Maximum lot coverage requirements of Article 603 shall be met. These requirements shall not apply within the Lakeside District.

An affidavit shall be required retaining the two (2) parcels (principal structure and other lot within fifty (50) feet) under the same ownership until such time as a principal building can be constructed on the lot upon which the accessory structure is located, based upon existing health and sanitary codes. The affidavit shall be recorded in the Ottawa County Recorder's Office by the Township Zoning Inspector within thirty (30) days of submission.------(Rv. 9/94)

- d. For lots using the waters of Lake Erie or Sandusky Bay as their front yard, docks, decks and the necessary appurtenances thereto may be located in the front yard as accessory uses.

800.2 Swimming pools as defined in Article 3 which are private, shall be permitted with any residential use but subject to the following requirements:

- a. The pool shall be only for the use of the occupants of the principal building and their guests.
- b. The pool shall be located in the rear of the lot and shall be located no closer than ten (10) feet from any lot line.
- c. The pool shall be fenced or elevated to a minimum height of 42 inches and shall have a gate which will be kept locked when not in use. Such fencing shall be designed in a manner so as to prohibit access by young children.

801 YARD REQUIREMENTS

801.1 Front Yards: The following regulations shall apply to front yards in all districts:

- a. Interior lots having frontage on two streets shall provide the required front yard on both streets.

- b. In the case of residential uses on corner lots, only one front yard of said corner lot shall be required in excess of 25 feet.
- c. In situations where 40 percent or more of the frontage on the same side of a street between two intersecting streets is developed with buildings, new buildings shall be erected no closer to the street than the average front yard so established by the existing buildings.
- d. In cases where lots front on the waters of Lake Erie or Sandusky Bay, the front yard may be regarded as that portion of the lot oriented towards that water. This regulation also applies to East, Middle, and West Harbors or any inlets thereof.

802 SIGNS

For the purpose of these regulations, signs shall be divided into five categories and defined as follows:

- a. Permanent Sign - Any nonmovable sign affixed to a building, structure, or the ground.
- b. Temporary Sign - Any sign or advertising display designed or intended to be displayed for a short period of time for a specific event or election.
- c. Portable Sign - Any sign or advertising display designed to be moved and requiring little or no permanent affixation to a building, structure, or the ground.
- d. Identification Sign - Any sign giving the nature, logo, trademark or other identification symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where the building, business, development, or establishment is located.
- e. Directory Sign - Any sign which directs attention to a business, commodity, service, or entertainment conducted at a location other than the premises on which the sign is located, but within five (5) miles of the sign's location.

802.1 General Regulations

- a. No sign shall be erected or maintained at any location where it may obstruct or impair traffic in any manner.
- b. No illuminated signs shall be permitted in residential districts.
- c. Any illuminated sign shall employ only a source which emits a light of constant intensity; no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights.
- d. There shall be a minimum distance of 250 feet between outdoor advertising (billboards) and directory signs in all districts. Existing signs located closer together will be considered non-conforming uses subject to Article 10.

- e. For purposes of determining sign numbers, a sign with two (2) facades used for display shall be counted as one sign.
- f. For property located at street and or highway intersections, no sign which obstructs the views of motorists, thereby creating a traffic hazard, shall be erected, placed, or maintained within the triangular area formed by connecting with a straight line, two (2) points on the respective rights-of-way, twenty-five (25) feet distance from their points of intersection.

802.2 Signs Permitted in Any District

- a. For one-family dwellings, one name plate not exceeding one and one-half square feet in area indicating the name and/or address of the occupant.
- b. For multi-family dwellings, one sign not exceeding twelve (12) square feet in area indicating the name and address of the building and the name of the management thereof.
- c. For churches, one bulletin board not exceeding forty-eight (48) square feet in area including the supporting structure.
- d. One sign not exceeding twelve (12) square feet pertaining to the sale or rent of the property on which the sign is located.
- e. For home occupations, one sign not exceeding nine (9) square feet in area indicating the name and the home occupation of the occupant.
- f. Signs established by, or by order of, any government agency.
- g. For required parking areas, signs identifying such areas shall be permitted not to exceed nine (9) square feet.
- h. Temporary signs erected to promote a specific event (garage sale, yard sale, real estate sale, etc.) or election may be permitted unless otherwise prohibited and shall be removed within fourteen (14) days after the event or election is completed.

802.3 Height

No part of a free-standing sign shall be erected to a height greater than that of the requirements for principal structures in any district.

802.4 Setback

The minimum setback of all signs (including billboards) from the street right-of-way line shall not be less than as follows provided the sign does not interfere with visibility or inhibit the effectiveness of any existing signs.

<u>Area of sign per face</u>	<u>Minimum setback</u>
Less than 5 sq. ft.	2 feet
5 to 14.9 sq. ft.	5 feet
15 to 49.9 sq. ft.	10 feet
50 to 72 sq. ft.	15 feet

802.5 Measurement of Sign Area

The area of a sign shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the sign exclusive of supporting members that bear no message or symbol.

802.6 Signs in Agricultural District

In the "A" District, the following signs may be erected as follows:

- a. Outdoor advertising (billboards) not to exceed seventy-two (72) square feet in area;
- b. Directory signs indicating existing services, commodities, or facilities available within a distance of five (5) miles not to exceed thirty-two (32) square feet in area. If said service, commodity, or facility ceases to exist, said sign shall be removed within thirty (30) days.
- c. Two (2) identification signs not exceeding thirty-two (32) square feet in area for buildings, businesses, developments, or establishments located on the site where the sign is located.
- d. Those signs indicated in Section 802.2 of this Resolution.

802.7 Signs in "R" or "L" Districts

The following signs may be erected in any "R" or "L" District, unless otherwise prohibited:

- a. Those signs as indicated in Section 802.2 of this Resolution.

802.8 Signs in Commercial Districts

The following signs may be erected in any Commercial District, unless otherwise prohibited:

- a. Those signs as indicated in Section 802.2 of this Resolution.
- b. Each commercial use on its own lot shall be permitted the following number of advertising signs and areas as follows:

<u>District</u>	<u>Number of Signs</u>	<u>Net Sign Area (each)</u>
"C-1"	2	32 sq. ft.
"C-2"	3	32 sq. ft.
"R-C"	3	32 sq. ft.

- c. Directory signs indicating existing services, commodities, or facilities available within a distance of five (5) miles not to

exceed thirty-two (32) square feet in area. If said service, commodity or facility ceases to exist, said sign shall be removed within thirty (30) days.

- d. Outdoor advertising (billboards) not to exceed thirty-two (32) square feet in area.

802.9 Signs in Manufacturing Districts

The following signs may be erected in any "M" District, unless otherwise prohibited:

- a. Those signs as indicated in Section 802.2 of this Resolution.
- b. Each use shall be permitted identification signs on the lot not to exceed two (2) such signs with a net area of seventy-two (72) square feet each.
- c. Directory signs indicating existing services, commodities, or facilities available within a distance of five (5) miles not to exceed thirty-two (32) square feet in area. If said service, commodity, or facility ceases to exist, said sign shall be removed within thirty (30) days.

803 FENCES AND HEDGES

803.1 Fences or hedges shall not exceed the following height in the specified yard unless otherwise restricted:

<u>District</u>	<u>Front Yard</u>	<u>Other Location</u>
"A"	7	7
"R-1", "R-2", "R-3", "L"	5	7
"C-1", "C-2", "R-C", "MHP"	5	7
"M-1", "M-2"	10	10

803.2 On property located at street and/or highway intersections in any District established by this Resolution, no fence, wall, hedge, shrubbery, or other structure or planting which obstructs the view of motorists, and thereby creates a traffic hazard, shall be erected, placed, planted, or maintained in excess of three (3) feet in height within the triangular area formed by connecting with a straight line two (2) points located on the respective right-of-way, twenty-five (25) feet distance from their point of intersection.

804 STORAGE OF BOATS AND TRAILERS

804.1 Boats and travel trailers shall be stored in the rear or side yard where possible of any "A" or "R" District, provided that no use shall be made and no living quarters shall be maintained, or any business practiced in such a unit. In cases of hardship, boats and travel trailers may be parked in the front yard from October 1st to June 1st of the following year.

804.2 Unless otherwise prohibited, such storage may be permitted on any residential lot in any district in addition to any other districts as specified herein.

805 MANUFACTURED HOMES

805.1 Manufactured homes shall be regarded as one-family dwellings if the following conditions are met:

- a. The axles and wheels must be removed and the tongue removed or covered with a material similar to the exterior siding of the home.
- b. The exterior siding of the unit and any attachments thereto must be residential in appearance, consist of materials customarily used on conventional dwellings constructed on site, and extend to the top of the foundation.
- c. The home must be placed on a permanent foundation consisting of a footer or series of piers to the frost line and structurally designed and approved by the County's Building Department. The design of the foundation must qualify it for real property taxation and the title must be surrendered.
- d. The roof must be pitched so there is at least a two (2) inch vertical rise for each twelve (12) inches of horizontal run with shingles or other materials customarily used for conventional dwellings constructed on site.
- e. The minimum building width for a manufactured home shall be twenty (20) feet; and
- f. The replacement of a manufactured home previously located on a lot shall be required to comply with all of the above conditions.

806 CAMPS

806.01 An application for a conditional use must be filed with the Board of Zoning Appeals including the plans for the proposed camp and a fee as established by the Board of Township Trustees.

806.02 Camp Requirements:

All camps shall meet the following requirements:

- a. Camp Size - Minimum of 10 acres.
- b. Width and Depth - Minimum width of 200 feet; ratio of width to depth shall not exceed one to five (1:5).
- c. Yard - Minimum front yard of 70 feet; minimum side yards of 45 feet each side; minimum rear yard of 60 feet. If either side yard abuts a public or private right-of-way, the minimum yard shall be 55 feet. The first 20 feet of each yard setback shall be composed of a green planting strip (buffer zone).
- d. Access - Shall be provided into the camp with a minimum right-of-way of 50 feet. Marginal access roads may be required if deemed necessary by the Board of Zoning Appeals.
- e. Streets - Shall have a minimum right-of-way of 20 feet; all streets shall be all-weather roads. Streets may be placed within the yard setback but not within the buffer zone.

- f. Recreation and Open Space - 25 percent of the gross camp area shall be reserved for such uses excluding yards, camp sites, buffer zones, submerged lands, and streets.

806.3 Camp Site Requirements:

Individual camp sites within camps shall meet the following requirements:

- a. Camp Site Area - Minimum of 1,200 square feet per site.
- b. Camp Site Width - Minimum of 30 feet and should front on road.
- c. Camp Site Setbacks - Minimum of 8 feet on all boundaries for all trailers, tents, etc.
- d. Corner Markers - All 4 corners of each camp site shall be appropriately marked as approved by the Board of Zoning Appeals.

806.4 Camp Utilities and Services:

Such improvements shall be provided as required by the Ohio Administrative Code 3701-25-51 to 3701-25-75 as amended.

806.5 Supplementary Regulations:

- a. Accessory Buildings and Uses - Such uses which are appropriate to the operation of a camp may be permitted within the conditional use procedure of review by the Board of Zoning Appeals.

807 CONDOMINIUM/MULTI-FAMILY HOUSING DEVELOPMENT----- (Rv. 7/95)

807.1 An application for a conditional use must be filed with the Board of Zoning Appeals including plans of the proposed condominium/multi-family housing development and a fee as established by the Board of Township Trustees. The requirements of Section 1203.3 of this resolution shall be met.----- (Rv. 7/95)

807.2 Condominium/Multi-Family Housing Development Requirements----- (Rv. 7/95)

All condominium multi-family housing developments shall meet the following requirements:----- (Rv. 7/95)

- a. Condominium/Multi-Family Housing Development Lot Area
Minimum area of not less than 1 acre per condominium/multi-family housing development/condominium declaration is required. The minimum lot area per dwelling shall be twenty thousand (20,000) square feet for the first unit and six thousand (6,000) square feet for each additional unit for each condominium/multi-family housing development/condominium declaration. Measurements of lot area shall be made to the street right-of-way line, and to the low water mark in cases where the lot fronts on Lake Erie or Sandusky Bay.----- (Rv. 7/95)
- b. Lot Width and Depth - Condominium/multi-family housing

developments shall have a minimum lot width of one hundred feet and a minimum depth of one hundred and twenty-five (125) feet. Rates of width to depth shall not exceed one to five (1:5).------(Rv. 7/95)

c. Existing Lot of Record - A condominium/multi-family housing development may be permitted on a lot of less area or width which was recorded at the time of the adoption of this Resolution, as amended, and the owner thereof owns no adjoining land, provided the lot area per unit is complied with.------(Rv. 7/95)

d. Yard - There shall be a front yard of not less than thirty-five (35) feet, except as provided in Article 8, Section 801. There shall be a side yard of not less than ten (10) feet. There shall be a rear yard of not less than twenty-five (25) feet.

e. Building Separation - Buildings designed for living purposes shall be separated from each other by a minimum distance of twenty (20) feet. This measurement shall be from the nearest point of one (1) building to the nearest point of the adjacent building.

f. Dwelling Size - The stated minimum floor area shall be provided as specified. No dwelling shall have a livable ground floor area which totals less than the number of square feet indicated.

One Story - 750 square feet
Two Stories - 550 square feet per floor.
One and One-Half Stories - 720 square feet on the first floor
Multiple Level - 950 square feet living area above grade

g. Building Height - The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves. The maximum pitch from the thirty (30) foot point to the peak shall not exceed an 8:12 pitch.

h. Open Space - A minimum of ten (10) percent of all land included in the condominium/multi-family housing development shall be set aside for open space. Open space shall consist of natural areas including grass, trees, and the like and shall not include submerged lands or required parking areas.------(Rv. 7/95)

i. Parking Requirements - Each dwelling must be provided with two (2) parking spaces. All other requirements of Article 7 shall be met.

j. Trash Receptacles - An area of land shall be set aside for the purpose of trash and garbage receptacles. Such receptacle area shall be properly screened and maintained.

k. Alternate Vehicle Storage - An area or building shall be set aside for the storage of bicycles, mopeds, snowmobiles, and

other alternate vehicles excluding boats. If located outside a building, such area shall be properly screened and maintained.

808 RESORT

808.1 The following requirements shall be met:

- a. Setbacks: There shall be a front yard setback of fifty-five (55) feet, a side yard of forty-five (45) feet, and a rear yard setback of fifty-five (55) feet. The setback area to be totally open except for plantings and trees.
- b. Parking: Each unit used for lodging purposes shall be provided with two (2) parking spaces. Other uses shall meet the requirements of Article 700.1.------(Rv. 7/95)
- c. Density: The maximum number of cabins, cottages, recreational vehicles and the like per acre for the resort shall not exceed five (5).------(Rv. 7/95)
- d. Open Space: Twenty-five (25%) percent of the gross land area involved in the resort shall be set aside as open space. Yards, submerged land, and streets shall not be included.
- e. Minimum Acreage: A minimum of five (5) acres shall be included in each resort.
- f. Development: The resort may be developed using a variety of housing types intended for transients. Maximum building height shall be thirty-five (35) feet and each cottage/cabin must contain 600 square feet of ground floor area for the first floor.-(Rv.7/95)
- g. Building Separation: Buildings designed for living purposes shall be separated from each other by a minimum distance of twenty (20) feet. This measurement shall be from the nearest point of one building to the nearest point of the adjacent building.

809 BED AND BREAKFAST

809.1 The following conditions shall be met for all Bed and Breakfast Inns in addition to those identified in its definition in Article 3.

- a. The Inn must be owner occupied; it must be the principal residence of the owner and be occupied by the owner.
- b. One (1) individual not residing in the Inn may be employed in the operation of the Inn.
- c. No more than four (4) rooms shall be offered for rent.
- d. Each room rented shall contain a minimum of one hundred (100) square feet. No rented room shall have an independent outside entrance, but emergency fire exits are permitted.
- e. No use of an accessory building for rental rooms or the owner's residence will be allowed.
- f. No cooking facilities of any type shall be permitted in the rented rooms.

- g. A minimum of one (1) on-site parking space per room offered for rent and two (2) spaces for the owner shall be required.
- h. No change in the outside appearance of the dwelling shall occur.
- i. One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a Bed and Breakfast Inn.

810 CONTINUING CARE RETIREMENT COMMUNITY (Rv. 10/93)

810.1 An application for a conditional use must be filed with the Board of Zoning Appeals including plan for the proposed continuing care retirement community and a fee as established by the Board of Township Trustees.

810.2 Continuing Care Retirement Community Requirements

All continuing care retirement communities shall meet the following requirements:

- a. Setbacks: There shall be a front yard setback of fifty (50) feet, a side yard setback of forty (40) feet, and a rear yard setback of forty (40) feet;
- b. Parking: One (1) parking space for each dwelling unit and for each three (3) beds in nursing home facilities, and one (1) parking space for each eight hundred (800) square feet of floor area of buildings not containing dwelling units or not containing nursing home facilities.
- c. Density: The maximum number of dwelling units for the complete development shall not exceed eight per acre.
- d. Open Space: Total area coverage of all buildings (including dwelling units and related service buildings) shall not exceed thirty-five (35) percent of the area of the total site, exclusive of any dedicated public right of way.
- e. Minimum Acreage: A minimum of five (5) acres shall be included in each continuing care retirement community.
- f. Development: The continuing care retirement community may be developed using a variety of building types including attached and detached dwellings and apartments. Dwelling units shall have a minimum floor area of:

- 350 square feet for Studio Dwelling
- 500 square feet for 1 Bedroom Dwelling
- 700 square feet for 2 Bedroom Dwelling

Studio Dwelling means a dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

Studio dwelling may not comprise more than twenty-five percent (25%) of the total dwelling units of the entire project.

Maximum building height shall be thirty-five (35) feet.

- g. Building Separation: Buildings designed for living purposes shall be separated from each other by a minimum distance of twenty (20) feet. This measurement shall be from the nearest point of one building to the nearest point of the adjacent building.
- h. Parking/Traffic Plan: The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location and surface of the parking area and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce traffic congestion and promote pedestrian and vehicular safety.
- i. Site Development and Land Site Plan: The plan shall include all building locations, drives, parking, fencing and signage. A landscape plan shall also be incorporated as part of the site plan or submitted as a separate sheet and reflect landscaping within all required lot setbacks. Building elevations shall also be included on the plan along with indication of materials to be used.
- j. Storm Water Management: Storm water management shall be incorporated into the site development plan so that storm water runoff from the site will not substantially increase as a result of the proposed development. The facility shall be designed to control the storm water runoff from at least a 25 year storm as certified by a professional engineer.
- k. Exterior Lighting: All outdoor lights shall be shielded to direct light and glare only onto the structures and drives. Said lighting and glare shall be deflected, shaded and focused away from all adjoining property and shall be a maximum height of 35 feet.
- l. Emergency Access: All dwelling units shall be so positioned as to allow access of emergency and fire vehicles.
- m. Commercial Vehicle Storage: No commercial vehicles, to include commercial tractors, automobiles, trucks, buses, recreational vehicles, semi-trailers, snowmobiles, watercraft, watercraft trailers, shall be parked or stored on the property other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials and equipment to the site during such construction or when materials and supplies are being delivered. No automobiles or trailers of any type without current license plates shall be stored on the property. The foregoing shall not include automobiles, buses, and/or vans providing transportation for residents and/or staff of the Retirement Community.
- n. Refuse Collection: The refuse collection areas provided for the collection of trash, garbage and other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for refuse collection purposes.----- (Rv. 10/93)

811.1 An application for a conditional use must be filed with the Board of Zoning Appeals, including a plan for the proposed community and a fee as established by the Board of Township Trustees.

- a. Parcel Size: In order to qualify for a cluster housing community, the parcel must contain a minimum of three (3) acres.
- b. Setbacks: There shall be a minimum of twenty-five (25) feet from the property boundary line of the cluster housing community property to any building. Each building shall have a minimum setback of twenty (20) feet from a public or private right-of-way. Buildings shall be separated from each other by a minimum distance of twenty (20) feet. All measurements shall be from the nearest point of one building to the nearest point of the adjacent building or line.
- c. Parking Requirement: Each dwelling shall have two off-street parking spaces.
- d. Density: The minimum lot area per dwelling unit shall be twenty thousand (20,000) square feet for the first unit and six thousand (6,000) square feet for each additional unit for each cluster housing community declaration. Measurements of parcel shall be made to the street right-of-way line and to the low water mark in cases where the lots front on Lake Erie or Sandusky Bay.
- e. Lot Coverage: Total area coverage of all buildings (including dwelling units and related service buildings) shall not exceed forty (40) percent of the area of the total site, exclusive of any dedicated public right-of-way or submerged land.
- f. Dwelling Size: The stated minimum floor area shall be provided as specified. No dwelling shall have a livable ground floor area which totals less than the number of square feet indicated:

One Story --- 750 square feet
Two Story --- 550 square feet per floor
One and One-Half Story --- 720 square feet on the
first floor
Split Level --- 950 square feet of living area above
grade
- g. Streets: All streets within the cluster housing community shall meet the requirements of the County Engineer and shall be dedicated to the use of the public and accepted by the Township Trustees for maintenance, unless a street connects only to an existing private street.
- h. Building Height: Maximum building height shall be thirty-five (35) feet.

- i. Preliminary Site Development Plan: The applicant shall submit a preliminary site development plan for approval by the Board of Zoning Appeals. This plan shall include the following information:
 1. Name of the development, and the name, address, and telephone number of the owner, the developer, and the engineer, architect and other individuals assisting in the preparation of the site plans, date, north point, and scale;
 2. Zoning classification of the site and other surrounding properties.
 3. Location and use of all proposed buildings, including setback lines and yard areas.
 4. Statement of the average net residential density and the number of dwelling units to be contained in the total tract, and, where applicable, in each stage thereof.
 5. Proposed general grading and/or other methods to be used for adequate drainage control.
 6. Location of all public and private streets, roads, or highways.
 7. Proposed sanitary sewers, storm sewers and central water utilities, showing their connections with the existing system.
 8. Contour lines sufficient to define the topography of the site.
 9. The dimensions and bearings of the property lines, site acreage and legal description of the property.
 10. A vicinity map showing the location of the property in relation to existing streets and roadways.

- j. Final Site Development Plans: After the preliminary site plans have been approved, the final site development plans may be submitted for approval. The final site development plans shall be prepared and sealed by a professional engineer registered in the State of Ohio. The final site development plans shall contain the following:
 1. All of the items required on the preliminary site plans and all additional criteria, amendments, and revisions required by the Board of Zoning Appeals drafted in the form of construction drawings. Construction drawings for site improvements shall include detailed sanitary sewer, waterline, storm drainage and roadway plans, and a site grading plan.
 2. A staged development plan if applicable.

- k. Staged Developments: Developments larger than six (6) acres may be constructed in stages. A stage shall be at least three (3) acres in size. Each stage shall be submitted for approval and shall contain all the

requirements listed herein.

- l. Amendments: Amendments to the final plans may be sought by the applicant in accordance with the procedures required by this article for the original approval subject to the same limitations and requirements as those under which final plans were originally approved.
- m. Time Limitations: Approval by the Board of Zoning Appeals shall expire after a period of one (1) year from the date of approval of the final plans, for the entire site or any particular stage, whichever is applicable.
- n. Approval by the Danbury Township Board of Zoning Appeals for a cluster housing community has no impact upon Ottawa County's review of the proposed development. The requirements of the Ottawa County Subdivision Regulations shall be met, if appropriate. Prior to finalizing any conditional use action, this review and approval by Ottawa Regional Planning must be obtained. (Rv. 3/95)

812 CLUBS, PRIVATE AND PUBLIC, GOLF AND COUNTRY CLUBS, AND LODGES OPERATED BY EDUCATIONAL, SOCIAL OR FRATERNAL ORGANIZATIONS

812.01 An application for a conditional use must be filed with the Board of Zoning Appeals including the plans for the proposed club. A fee as established by the Board of Township Trustees shall be paid at the time application is submitted. -----
(Rv. 11/96)

812.02 Club Requirements:

- a. Adequate lot areas shall be provided for the use contemplated in order to meet all of the requirements of the regulations herein. -----(Rv. 11/96)
- b. Minimum setback lines for building purposes shall comply with the district in which it is located. However, the distance from the center and centerline of all greens and fairways shall be at least one hundred fifty (150) feet from an adjoining property line. When any softball, baseball, soccer or football field, tennis court, structured play area or parking area is located less than one hundred fifty (150) feet from any residential property, a continuous planting screen not less than 6 feet in height shall be provided. ----
(Rv. 11/96)
- c. Parking shall be provided as required in Article 700.1 (d).
(Rv. 11/96)
- d. Accessory uses necessary to the operation of such use, such as clubhouses, restaurants, bars, swimming pools and similar activities, shall be permitted, provided, however, such uses are accessory uses to the club and not the principal use. ---
(Rv. 11/96)

ARTICLE 9

BOARD OF ZONING APPEALS AND CONDITIONAL ZONING CERTIFICATES

900 ORGANIZATION AND PROCEDURES OF THE BOARD OF ZONING APPEALS

900.1 Appointment: There is hereby established a Board of Zoning Appeals which shall consist of five (5) individuals who reside in the unincorporated area of the township appointed by the Board of Trustees. The Board of Trustees shall choose a successor to fill any vacancy. The five (5) electors first appointed shall serve for terms of one (1), two (2), three (3), four (4), and five (5) year terms, beginning January 1st. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Trustees and shall be for the respective unexpired term. The members of the Board of Zoning Appeals may receive such compensation as the Board of Trustees provides.

900.2 Hearings, Rules, etc.: The hearings of the Board of Zoning Appeals shall be public. The Board shall organize annually and elect a President, Vice-President and Secretary. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Resolution.

901 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following powers and responsibilities:

901.1 Appeals: To hear and decide appeals where it is alleged there has been an error in any interpretation, order, requirement, decision, or determination by the zoning inspector in the enforcement and administration of the Resolution.

- a. An appeal to the Board may be taken by any person aggrieved or by an officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.
- b. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board or by a court of equity, after notice to the office from whom the appeal is taken and on due cause shown.
- c. The Board may, in conformity with the provisions of this

Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.

901.2 Special Exceptions: To hear and decide the following special exceptions:

- a. Permit the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership at the time of passage of this Resolution.
- b. Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy to the extent of more than seventy-five (75) percent of its fair market value where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly.
- c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements; or permit (1) the waiver of the requirement that automobile parking space be provided on the same lot with a dwelling, if other suitable and convenient parking space is available within or without a building; or (2) the dual use of parking facilities (i.e. by stores during the day and theaters during the evening) provided there is no overlapping of use and the parking space requirements for each building or use are complied with during each period.

901.3 Variances: There are two types of variances which the township may grant: an area variance and a use variance. The factors to be considered by the Board of Zoning Appeals differ for the two types of variances.------(Rv. 8/97)

Area Variance -----(Rv. 8/97)

An area variance is a departure from the provisions of the zoning resolution usually relating to setbacks, side yards, height, frontage/lot width, and lot size. These variances relate to the physical characteristics of the property. Strict enforcement of the zoning requirements for the specific lot would present "practical difficulties", basically making the property unusable.

The factors or standards to be considered and weighed for an area variance include, but are not limited to the following:

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
- b. Whether the variance is substantial.

- c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- d. Whether the variance would adversely affect the delivery of governmental services (for example, water, sewer, garbage).
- e. Whether the property owner purchased the property with knowledge of the zoning restriction.
- f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
- g. Whether the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variance.

Use Variance -----(Rv. 8/97)

A use variance involves the development or conversion of land for a use not permitted in the specific zoning district. The factors or standards applied to a use variance are those related to the concept of "unnecessary hardship".

A use variance must not be contrary to the public interest and the board of zoning appeals must insure that the spirit of the zoning resolution is observed. In other words, the use requested is consistent and harmonious to the existing uses. In addition, all of the following conditions must also be found to exist:

- a. 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 and were not created by the applicant.
- b. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve a convenience to the applicant.
- c. The authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any way impair the health, safety, convenience, or general welfare of the inhabitants of the Township.

Summary

In either type of variance request, the variance as granted shall be the minimum variance necessary to accomplish the reasonable use of the land or building. The granting of a variance runs with the land and is not approved for the present landowner only.------(Rv. 8/97)

901.4 Conditional Zoning Certificate: The Board of Zoning Appeals shall have the duty to hear and decide applications for conditional zoning certificates where they are permitted in Article 5 of this

resolution. It is recognized that an increasing number of new kinds of uses are appearing daily and that experience with some of the more conventional uses call for a more flexible procedure so that these uses might be accommodated in the Township. Due to the peculiar nature of some uses, it is felt that each use should be given more detailed consideration as it relates to location, design, size, method of operation, traffic movements, concentration of population, and the kinds of public facilities and services it requires.

a. Requirements for Issuance of Conditional Zoning Certificates: The Board of Zoning Appeals shall determine that the general standards pertinent to each conditional use indicated herein shall be satisfied by the establishment and operation of the proposed conditional use. The Board of Zoning Appeals may also impose such additional conditions and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Resolution will be observed, including specified limitations as to future expansion. The approval of a conditional use will be for a period of one year. Failure to make substantial progress on the approved use shall result in revocation of its authorization.

1. General Requirements: The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use in the proposed location:

a. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan (whether present or future);

b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;

c. Will not be hazardous or disturbing to existing or future neighboring uses;

d. Will not be detrimental to property in the immediate vicinity or to the community as a whole;

e. Will be served adequately by essential public facility and services;

f. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public/private streets or roads.

g. In considering an application for conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structure. -----(Rv. 7/95)

902.1 Applications for appeals, variances, conditional uses, or special exceptions shall be filed with the zoning inspector upon forms and accompanied by such data and information as prescribed by the township. A fee as determined by the Board of Township Trustees shall be paid upon the filing of each application for the purpose of defraying the costs of the proceedings.

The applicant shall supply the necessary names and addresses of property owners within two hundred (200) feet of the property in question to the Township Zoning Inspector. The names and addresses shall be obtained from the County Auditor's current tax list or the Treasurer's mailing list. The failure to deliver all of the property owners' names and addresses will not invalidate the action taken by the Board of Zoning Appeals, but may result in revocation of the zoning permit upon request by a party who was not properly notified.

902.2 The Board shall fix a reasonable time for the hearing of an appeal, variance, conditional use, or special exception giving at least ten (10) days public notice thereof in a newspaper of general circulation in the Township and at least ten (10) days notice to parties having proprietary interest in land within two hundred (200) feet and decide upon the appeal, variance, conditional use, or special exception within a reasonable time after it is submitted. At this hearing, any party may appear in person or by attorney.

The Board shall hear any owner of property adjacent to the lot for which the granting of any zoning permit is pending, and shall also hear any other parties having substantial interest as determined by the Board. The Board may request the attendance of witnesses and may require the production of documents, under such regulations as it may establish.

The Board may also call upon the various officials of the County for assistance and may also make use of such consultants as the Board deems necessary.

902.3 Upon the day for hearing any application or appeal, variance, conditional use, or special exception, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be substantially interested in the appeal, variance, conditional use, or special exception. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

The Board shall decide all appeals, variances, conditional uses, or special exceptions within thirty (30) days after the final hearing thereon at a scheduled public meeting.

A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

A decision of the Board shall not become final until the expiration of

five (5) days from the date of such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

The Board may reverse or affirm wholly or partly, or may modify the order, requirements, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made on the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of the County on the ground that the decision was unreasonable or unlawful.

903 MINUTES AND RECORDS

903.1 The Board shall keep minutes of its proceedings, showing the vote of each member upon each question; 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 immediately filed in the office of the Board of Trustees and shall be a public record.

ARTICLE 10

NONCONFORMING USES

1000 PURPOSE

The purpose of this section is to (1) define the legal status of buildings or land uses which do not conform to this Resolution but which were in operation prior to the enactment of this Resolution and (2) to provide either for the conversion of nonconforming uses into conforming uses as soon as reasonably possible or for their eventual and equitable elimination.

1001 NONCONFORMING USES

1001.1 Any lawful uses of buildings and/or land existing at the effective date of this Resolution may be continued, even though such use does not conform to the District provisions. The addition to or enlargement of a nonconforming building or structure shall be permitted provided such addition or enlargement does not exceed twenty (20%) percent of the floor area contained in the original building or structure at the time of the adoption of this Resolution. All other requirements of the District (lot area, yards, etc.) shall be met unless a variance is obtained. A nonconforming use of land shall not be expanded or extended into any other portion of the lot or adjoining property.

1001.2 Whenever the use of a building or land becomes nonconforming through a change in the amended Zoning Resolution or in the District boundaries, such use may be continued.

1001.3 After the effective date of this Resolution a nonconforming use which is discontinued for a period of one (1) year shall not again be used except in conformity with the regulations of the district in which it is located.

1001.4 A nonconforming use which has been damaged by fire, explosion, act of God, or the public enemy to the extent of seventy-five (75) percent or more of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damage by less than seventy-five (75) percent of its reproduction value, a nonconforming use may be repaired or reconstructed, and used as before the time of damage, provided such repairs or reconstruction are started within one (1) year of the date of such damage.

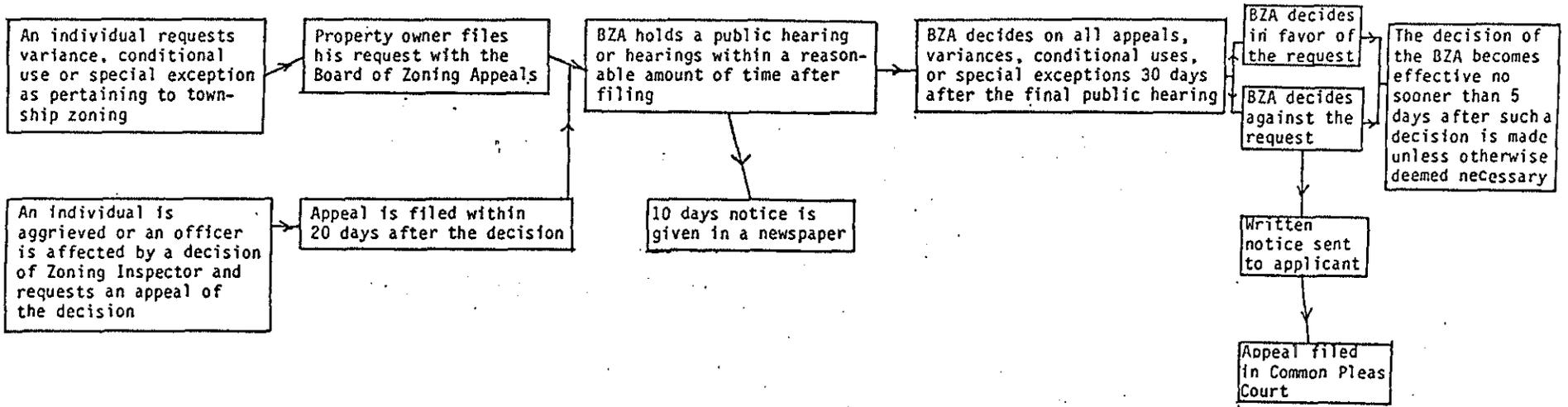
1001.5 It is not the intention herein to classify as nonconforming, a use or building allowed in a district as a conditional use under the regulations of this Resolution.

1001.6 Any building arranged, intended or designed for a nonconforming use the construction of which has been started at the time of the passage of this Resolution, but not completed, may be completed and put into such nonconforming use, provided it is done within one (1) year

after this Resolution takes effect.

1001.7 Any use which is a permitted conditional use in a district under the terms of this Resolution shall, without further action, be considered a conforming use.

FLOW CHART FOR BOARD OF ZONING APPEALS



ARTICLE 11

ZONING COMMISSION, BOARD OF TOWNSHIP TRUSTEES,
DISTRICT CHANGES, AND RESOLUTION AMENDMENTS

1100 GENERAL

1100.1 Whenever the public necessity, convenience, general welfare or good zoning practices require, the Board of Trustees may, by resolution after receipt of recommendations thereof from the Zoning Commission, and subject to the procedures provided by law -- amend, supplement or change the regulations, district boundaries or classification of property, now or hereafter established by this Resolution or amendments thereof. It shall be the duty of the Zoning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Board of Trustees.

1101 PROCEDURE FOR CHANGE IN ZONING DISTRICTS

1101.1 Amendments or supplements to zoning resolution; procedures; referendum: Amendments or supplements to the zoning resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution thereof by the Board of Township Trustees or by filing of an application therefore by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendments or supplement with the Township Zoning Commission. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application.

1101.2 Applications for change of district boundaries or classifications of property as shown on the Zoning Map, shall be submitted to the Zoning Commission, at its public office, upon such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission shall be accompanied by its motion pertaining to such proposed amendment.

1101.3 Names and address of adjacent property owners: Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the property the zoning classification of which is proposed to be changed. The names and

addresses of said owners shall be obtained from the County Auditor's current tax list or the County Treasurer's mailing list. Failure to submit a complete listing of property owners may result in revocation of the zoning change.

1101.4 Referral of proposed change to the Regional Planning Commission: Within five (5) days after the adoption of such motion, or the certification of such resolution, or the filing of such application, the Zoning Commission shall transmit a copy thereof, together with text and map pertaining thereto to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.

1101.5 Public Hearing by Zoning Commission: Before submitting its recommendation on a proposed amendment to the Board of Trustees, the Commission shall hold a public hearing thereon, notice of which shall be given by publication in a newspaper of general circulation in the Township at least ten (10) days before the date of hearing. The notice shall state the place or places and times at which the proposed amendment to the Resolution including the text and maps, may be examined.

1101.6 Notice to property owners by Zoning Commission:

If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within, contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The applicant shall supply the necessary names and addresses to the Township Zoning Inspector. The failure of delivery of such notice shall not invalidate any such amendment or supplement. (1993)

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- (1) The name of the zoning commission that will be conducting the public hearing.
- (2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
- (3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of the owners of these properties, as they appear on the county auditor's current tax list;
- (4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- (5) The time and place where the motion, resolution, or

application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;

- (6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- (7) Any other information requested by the zoning commission;
- (8) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- (1) The name of the zoning commission that will be conducting the public hearing on the proposed amendment;
- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- (3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
- (4) The name of the person responsible for giving notice of the public hearing by publication;
- (5) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action; and
- (6) Any other information requested by the zoning commission.-----
------(Rv. 7/95)

1101.07 Action by Zoning Commission: The Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to the Board of Trustees within thirty (30) days after the hearing.

1101.8 Public hearing by Board of Township Trustees: Within thirty (30) days after receiving from the Commission the certification of said recommendations on the proposed amendment, and before adoption of such amendment, the Board of Trustees shall hold a public hearing thereon, at least ten (10) days notice of the time and place of which shall be given by publication in a newspaper of general circulation in the Township. The notice shall state the place or places and times at which the proposed amendment to the Resolution, including text and maps, may be examined and other notices as required by state statutes.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:

- (1) The name of the board that will be conducting the public

hearing.

- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- (3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
- (4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- (5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
- (6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail; and
- (7) Any other information requested by the board.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- (1) The name of the board that will be conducting the public hearing on the proposed amendment;
- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- (3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
- (4) The name of the person responsible for giving notice of the public hearing by publication; and
- (5) Any other information requested by the board.----- (Rv.7/95)

1101.9 Action of Board of Township Trustees: Within twenty (20) days after holding the public hearing, the Board of Township Trustees shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Resolution or Zoning District Map. The Board of Township Trustees may overrule the recommendations of the Commission by unanimous vote of the full membership of the Board of Township Trustees.

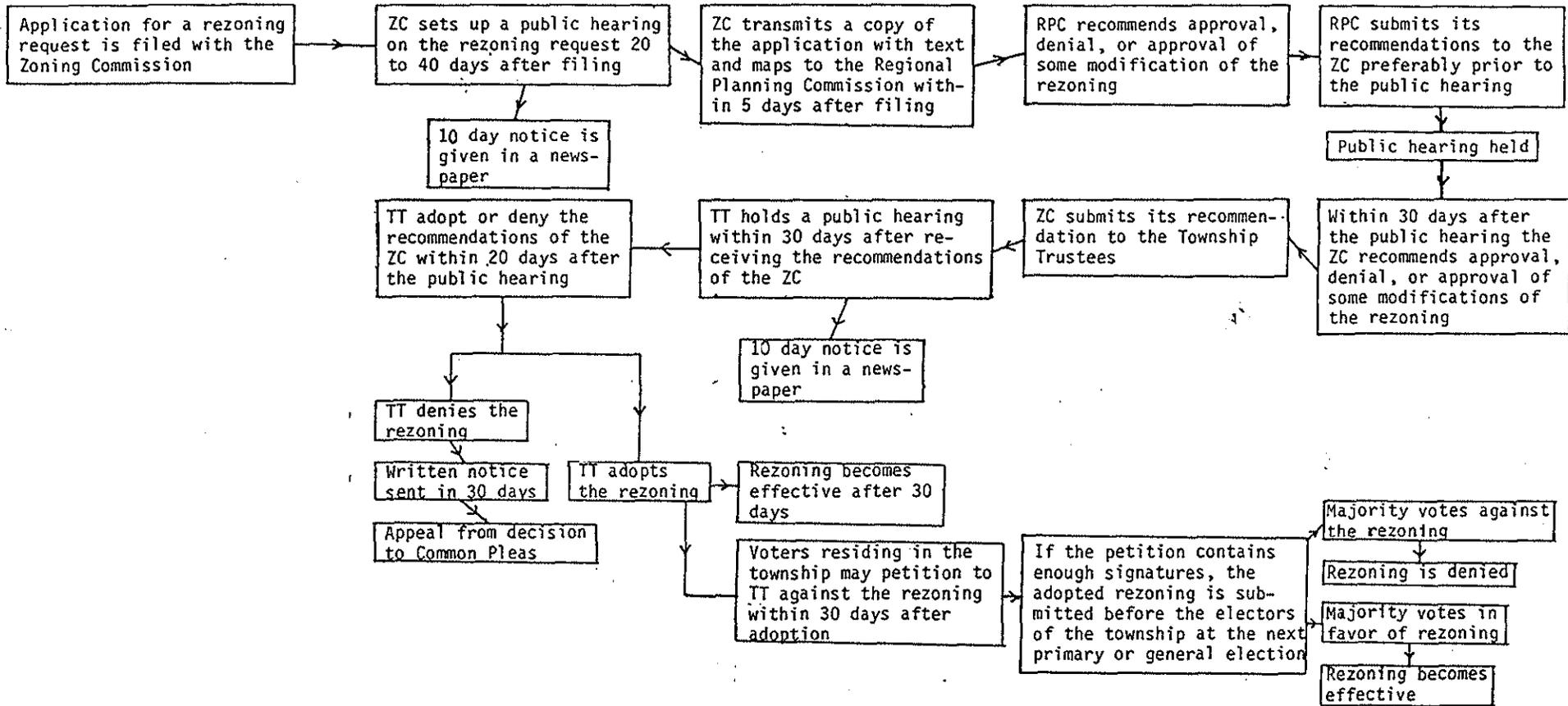
1101.10 Such amendment or supplement adopted by the Board shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or

general election. No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

1102 APPLICATION FEES

1102.1 At the time that an application for change of zoning districts is filed with the Commission, as provided herein, a fee established by the Board of Township Trustees shall be required.

FLOW CHART FOR REZONING REQUEST



ARTICLE 12 - ENFORCEMENT

1200 ZONING INSPECTOR

1200.1 It shall be the duty of the Township Zoning Inspector, who shall be appointed by the Board of Trustees, to enforce this Resolution. It shall also be the duty of all officials and employees of the township to assist the Zoning Inspector by reporting to him upon new construction, reconstruction, or land uses.

1200.2 Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals as provided herein.

1201 ZONING CERTIFICATES/PERMITS

1201.1 It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, converted or enlarged, wholly or partly, until a zoning certificate/permit shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate/permit, provided he is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this Resolution. No certificate/permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.

1201.2 Upon written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate/permit for any building or premises existing at the time of enactment of this Resolution certifying, after inspection the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution. No charge shall be made for issuing a zoning certificate/permit in accordance with this paragraph.

1201.3 Uses exempt from Zoning Certificates/Permits: Sections 519.02 to 519.25 of the Revised Code confer no power on any Board of Township Trustees or Board of Zoning Appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure.

Such sections confer no power on any Board of Township Trustees or Board of Zoning Appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business.

Such sections confer no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom or restaurant is permitted.

Such sections do not confer any power on any Township Zoning Commission, Board of Township Trustees, or Board of Township Zoning Appeals to prohibit the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants.

1202 CONDITIONS UNDER WHICH CERTIFICATES/PERMITS ARE REQUIRED

A zoning certificate/permit shall be required for any of the following, except as herein provided:

- a. Construction or enlargement of a building, including accessory buildings.
- b. Change in use of an existing building or accessory building to a use of a different classification.
- c. Occupancy and/or use of land.
- d. Change in the use of land to a use of a different classification.
- e. Any change from one (1) nonconforming use to another.
- f. A zoning certificate may be issued upon request for any lawful nonconforming uses of land or buildings created by adoption of this Resolution or any amendments thereto.
- g. Marinas and/or marina expansions as defined in Article 3 of this Resolution or any amendments thereto.
- h. Permanent, portable and identification signs as defined in Article 802.

1203 APPLICATION AND ISSUANCE OF ZONING CERTIFICATE/PERMIT

1203.1 Written application shall be made for a zoning certificate/permit for the construction of a new building or the enlargement of an existing building. Said certificate/permit shall be issued within ten (10) days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this Resolution.

1203.2 Written application for a zoning certificate/permit for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this Resolution, the certificate/permit therefore shall be issued within sixteen (16) days after the application for same has been made.

1203.3 Every application for a zoning certificate/permit shall be accompanied by a plot plan and such other plans as may be necessary to show the location and type of buildings to be erected or to be made.

- a. Each plan shall show:

1. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
2. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
3. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
4. The location and size of the proposed structure and/or the proposed enlargement of the existing structure.
5. Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Resolution.

b. Each plan shall bear statements declaring:

1. That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure or septic system.
2. Which abutting land was formerly that of the owner of the land involved in the application, and, if any, the approximate date of title transfer.

c. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.

d. Each property owner or authorized agent may be required to attest to the correctness of the statements and data furnished with the application. The certificate/permit will be issued based on the attestation if all other requirements of the Resolution are met.

e. A file of such applications and plans shall be kept in the office of the Zoning Inspector.

1203.4 A zoning certificate/permit shall be valid for a period of one (1) year from the date of issuance by the Zoning Inspector. If substantial progress is not made within one (1) year, the applicant must reapply for a new zoning certificate/permit. An extension may be issued by the Zoning Inspector if due cause is shown.

1204 FEE FOR ZONING CERTIFICATES/PERMITS

1204.1 A fee, as established by the Board of Township Trustees, shall accompany each application for a zoning certificate/permit.

1204.2 The Zoning Inspector shall forthwith deposit all fees with the Township Clerk who shall credit such fees to the credit of the Zoning Fund of the Township.

1204.3 A record of all zoning certificates/permits shall be kept on file in the office of the Zoning Inspector or his agent, and copies shall be furnished upon request at cost to any person having proprietary or tenancy interest in the building or land affected.

1205 VIOLATIONS AND PENALTIES

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Board of Trustees. Any person, firm or corporation violating any regulation thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

1206 VIOLATIONS - REMEDIES

1206.1 Any certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact or such false statement shall be established to the satisfaction of the zoning inspector, the certificate shall be revoked by notice in writing to be delivered to the holder of the void certificate upon the premises concerned, or, if such holder be not found there, by posting the said notice or revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new certificate in accordance with this Resolution shall be deemed guilty of violation thereof.-----

----- (Rv.7/95)

1206.2 In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereto, the Zoning Inspector, County Prosecutor, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

FLOW CHART FOR ZONING CERTIFICATE

