Danbury Township Zoning Resolution

Adopted September 23, 2009

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Includes 4-28-2010 Amendments

Amended Through December 26, 2013

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How to Use This Resolution

1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Resolution is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

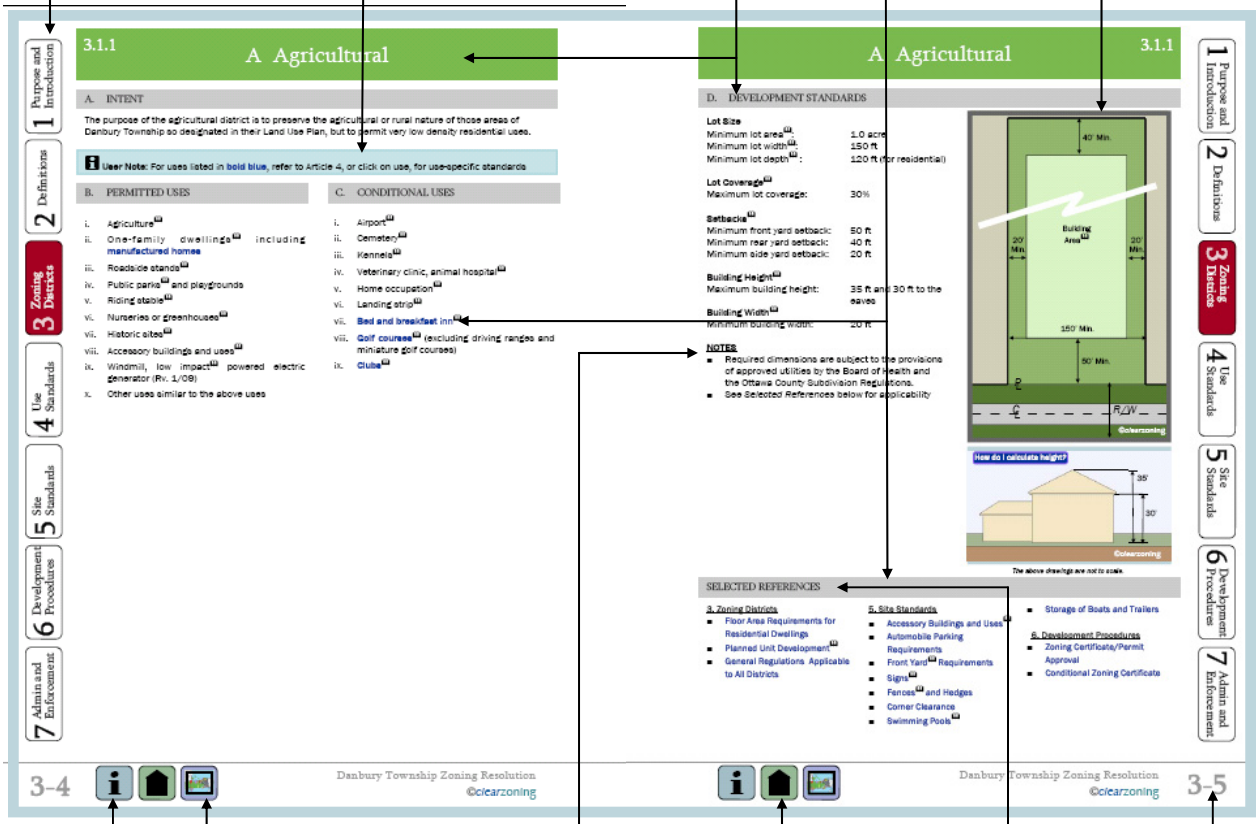
Article Tabs link to the first page of each Article. Red tab indicates the Article in which the current page is located.

User Notes provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

Sections and Subsections contain the Resolution regulations in a hierarchical manner.

Blue bold font links to standards in other sections of the Resolution.

Graphics, figures, and tables illustrate concepts or clarify regulations.



Link to *How to Use This Resolution.*

Link to *Zoning Map.*

Notes provide relevant district information recommended for review.

Link to *Table of Contents.*

Selected References list other sections or Resolutions that may pertain to a development in the district.

Pages are numbered sequentially within each Article.

How to Use This Resolution

2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Unified Development Code:

📖 indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a 📖 symbol. Consult Article 2, Definitions, for a list of all defined terms.)

✍ indicates there is a graphic that illustrates the standard or requirement.

§ Indicates a section

℄ identifies a property line.

℄ identifies the right-of-way centerline.

R/W identifies the right-of-way.

ℹ identifies a **User Note** that provides helpful information for all users.

💻 identifies a **Digital User Note** that provides helpful information for users with a digital version of the Unified Development Code.

How to Use This Resolution

3. READING THE RESOLUTION

Rules have been established to assist with interpreting the Resolution. Below are some rules to keep in mind when reading this document:

- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ Article 2, Definitions, contains over 170 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
  - AND indicates that all connected items, conditions, provisions or events shall apply.
  - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read "and/or")
  - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see Section 2.1 Construction of Language.

Digital User Note:

What is a link?

A link allows for quick reference to a relevant section. By 'clicking' a link, the user is taken directly to a page in the Resolution or another reference document. The user may return to the original page by clicking the 'previous view' button in Adobe Acrobat Reader.

If you do not see the 'previous view' button on your Adobe Acrobat Reader screen, you can add it by turning on your 'page navigation toolbar'. For assistance, refer to the 'Help' menu in your version of Acrobat Reader.

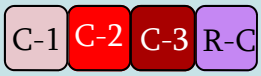
What information is linked?

All blue text is linked to either another page within the Zoning Resolution, a separate Township Resolution or document, or an external website.

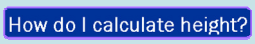
In addition, several other features of the document are linked to allow users to navigate through the Resolution. Click on any of the following features to quickly locate another section:

Article tabs located on the side of each page are linked to the Contents page of each Article.

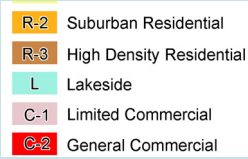
Icons located at the bottom of each page are linked to the 'How to Use This Resolution' section, the main Table of Contents, and the Zoning Map



Use Matrix district headings are linked to the corresponding district regulations page in Article 3.



'How do I calculate height' button located on each district regulations page is linked to the definition of building height in Article 2.



Zoning Map Legend headings are linked to the corresponding district regulations page in Article 3.

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Resolution. Uses below are generalized. Consult Section 3.1 as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Permitted Use

C = Conditional Use

Digital User Note:
Click on a district heading below to go directly to the corresponding district regulations.

	A	R-1	R-2	R-3	L	LBO	C-1	C-2	C-3	R-C	M-1	M-2	MHP
Accessory buildings and uses	P	P	P	P	P	P	P	P	P	P	P	P	P
Adult oriented sexual business									C				
Agriculture	P	P	P	P			P	P	P	P	P	P	
Airports	C						P						
Automobile parts manufacturing and assembly												P	
Automotive repair								C			P	P	
Automotive service stations							C			P	P	P	
Automotive, manufactured home, recreational vehicle, and farm implement sales and service								P					
Bar, saloon, tavern/night club							C	C					
Beaches, commercial swimming pools										P			
Bed and breakfast	C	C	C	C	C	C				C			
Building material storage yards, sales											P	P	
Cement or cinder block manufacturing												P	
Cemeteries	C												
Churches or other places of worship		P	P	P			P	P					
Clubs	C							C		C			
Cluster housing communities			C	C									
Commercial amusement enterprises which provide short-term entertainment such as arcades, game rooms, and the like									P	C			
Commercial shipping and docking facilities												P	
Composting facility												P	
Continuing care retirement communities			C	C									
Contractors establishments including construction firms											P	P	

Continued on next page

4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Resolution. Uses below are generalized. Consult Section 3.1 as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Permitted Use

C = Conditional Use

Digital User Note:
Click on a district heading below to go directly to the corresponding district regulations.

	A	R-1	R-2	R-3	L	LBO	C-1	C-2	C-3	R-C	M-1	M-2	MHP
Drive-in restaurants								P					
Drive-in theaters								C	P				
Entertainment facility						P							
Fishing, private or commercial and related business										P			
Flea markets							C	C		C			
General businesses								P					
Golf courses	C									P			
Golf driving range and miniature golf						P				P			
Government buildings							P	P					
Grocery stores						P				P			
Historic sites	P	P	P	P						P			
Hobby bicycle, sign painting, plumbing, etc (designed to serve the day to day needs of the public)							P						
Home occupations	C	C	C	C			C	C		C			
Hospitals, nursing homes							C	C					
Hotel, motel						P		P		P			
Indoor theaters						P		P	P				
Industrial establishments manufacturing or assembling: small metal products, clothing, drugs and medicines, electrical equipment, glass products, furniture and wood products, the assembly of finished equipment											P	P	
Industrial parks											C		
Kennels, Veterinary Clinic, Animal Hospital	C							C					
Landing strip	C												
Manufactured home park													P
Manufactured homes	P	P	P	P			P	P		P			
Marinas, boat launching, docking facilities										P			

Continued on next page

4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Resolution. Uses below are generalized. Consult Section 3.1 as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Permitted Use

C = Conditional Use

Digital User Note:
Click on a district heading below to go directly to the corresponding district regulations.

	A	R-1	R-2	R-3	L	LBO	C-1	C-2	C-3	R-C	M-1	M-2	MHP
Mini-warehousing								P					
Muli-family including condominiums			C	C			C	C		C			
Neighborhood business of local nature for the retail sale of food products within a building						P	P						
Nurseries or greenhouses	P												
Nursery schools and child day-care centers	C	C	C	C			P	P		C			
One-family dwellings	P	P	P	P	P	P		P		P			
Parking area, lot					P	P							
Personal services						P	P						
Printing shops - publishing								P					
Professional activities including doctors, dentist, attorney, etc.						P	P	P					
Propane storage facility											P		
Public community facilities										P			
Public parks and playgrounds	P	P	P	P			P	P		P			
Quarrying												P	
Recreation facility, commercial						P		P		P			
Recreation facility, private						P		P		P			
Recreational businesses						P				P			
Recreational vehicle park										C			
Resorts										C			
Restaurant						P	C	P		P			
Riding stable	P									P			
Roadside stands for the sale of agriculture and related products	P						P	P		P			
Rock crushers												P	
Schools, public and private		P	P	P			P	P					
Storage areas on property being used for boat sales and service and provided storage and maintenance is kept in an orderly fashion								P					

Continued on next page

4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Resolution. Uses below are generalized. Consult Section 3.1 as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Permitted Use

C = Conditional Use

Digital User Note:
Click on a district heading below to go directly to the corresponding district regulations.

	A	R-1	R-2	R-3	L	LBO	C-1	C-2	C-3	R-C	M-1	M-2	MHP
Storage areas, repair, and services provided maintenance is kept in an orderly fashion										P			
Temporary building/structure/use		C	C	C						C			
Two-family dwellings		C	C	P	C	C	C	C		C			
Wholesale business and warehousing activities											P	P	
Wholesale business where no processing, fabrication, or assembly takes place								P					
Wind Farm, Small	C											C	
Windmill, high impact											C	P	
Windmill, low impact	P	C					C	C					

5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult Article 3 Zoning Districts for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
A Agricultural	1 ac	150	50	20	40
R-1 Rural Residential	20,000 sq ft (one family) 25,000 sq ft (two family)	100	40	15	35
R-2 Suburban Residential	12,000 sq ft (one family) 16,000 sq ft (two family)	80 (one family) 100 (two family)	35	10	35
R-3 High Density Residential	7,200 sq ft (one family) 8,400 sq ft (two family)	60 (one family) 70 (two family)	25	5 (1-family) 8 (2- family)	25
L Lakeside	Existing lots of record	Existing lots of record	5	3	3
LBO Lakeside Business Overlay	Existing lots of record	Existing lots of record	5	3	3
C-1 Limited Commercial	Not specified	Not specified	70	10	15
C-2 General Commercial	Not specified	Not specified	70	10	15
C-3 Entertainment Commercial	20,000 sq ft	100	70	10	25
R-C Recreational Commercial	Not specified	Not specified	70	10	25
M-1 Light Industrial	1 ac	150	50	15	25
M-2 Heavy Industrial	1 ac	150	50	0	25

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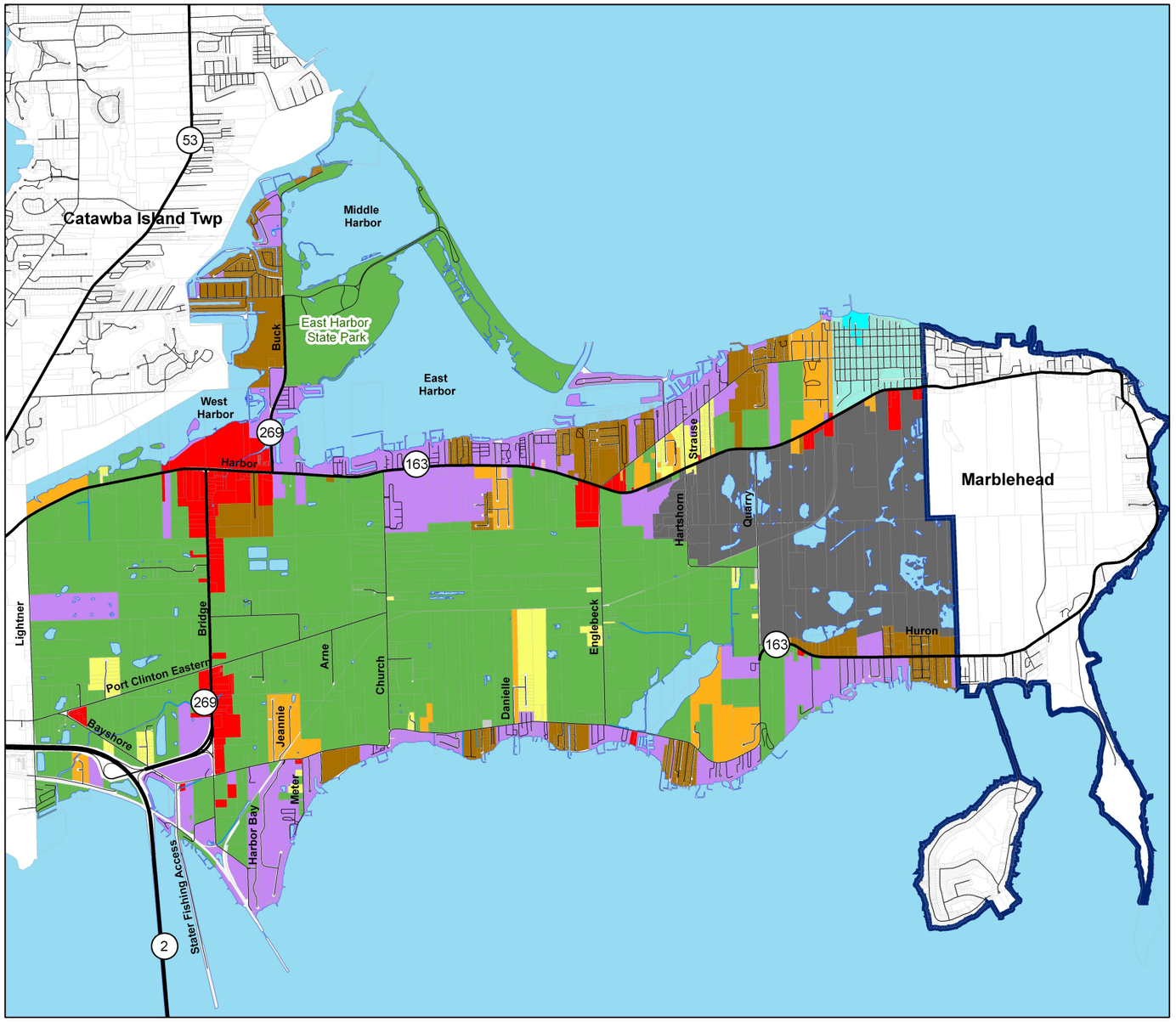
6. ZONING MAP



Zoning Map
Danbury Township
Ottawa County, OH.

N
W E
S

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

Miles
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Sources: Ottawa County,
National Atlas of the United States
March 21, 2014

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Article 1.0
Purpose and Introduction

Article 1.0 Purpose and Introduction

1.1 Long Title
1.2 Short Title
1.3 Authorization
1.4 General Purposes
1.5 Effective Date
1.6 Validity and Severability

1.0 Purpose and Introduction

1.1 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 these areas 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 these 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:

1.2 SHORT TITLE

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

1.3 AUTHORIZATION

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

1.4 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.

1.5 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.

1.6 VALIDITY AND SEVERABILITY

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.

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Article 2.0 Definitions

Article 2.0 Definitions

2.1 Construction of Language

2.2 Definitions

1. Accessory Use
2. Adult Arcade
3. Adult Bookstore
4. Adult Cabaret
5. Adult Health Club
6. Adult Material
7. Adult Motion Picture Theater
8. Adult Oriented Sexual Business
9. Agriculture
10. Airport
11. Alley
12. Alteration, Structural
13. Automotive Repair
14. Automotive Service Station
15. Automotive, Manufactured Home, Recreational Vehicle, and Farm Implement Sales and Service
16. Automotive Wrecking
17. Bar, Saloon, Tavern/Night Club
18. Basement
19. Beach
20. Bed and Breakfast
21. Bottling Works
22. Buildable Area
23. Building
24. Building, Community
25. Building Height
26. Building Material Sales/ Storage Yard
27. Building, Principal
28. Building Width
29. Business
30. Business, General
31. Business, Neighborhood
32. Business, Recreational
33. Cabins, Cottages
34. Cemetery
35. Child Day Care Center
36. Church
37. Club
38. Cluster Housing Community
39. Commercial
40. Commercial Amusement Enterprise
41. Community Sanitary Sewage Treatment System
42. Community Water Supply
43. Composting Facility
44. Conditional Uses
45. Condominium
46. Condominium Development
47. Condominium Property
48. Condominium Unit
49. Condominium, Water Slip Unit
50. Continuing Care Retirement Community
51. Contractor's Establishment
52. Converse Condominium Development
53. Conversion
54. Crematory
55. Cul-de-sac
56. Curb Grade
57. Density
58. Drive-In Theater
59. Dwelling/Dwelling Unit
60. Dwelling/Multi-Family
61. Dwelling/One-Family
62. Dwelling/Two-Family
63. Easement
64. Entertainment Facility
65. Family
66. Fence
67. Fishing Business
68. Flea Market
69. Floor Area
70. Food Processing
71. Foundry
72. Game Room/Arcade
73. Garage, Private
74. Garage, Public
75. Garage, Service
76. Golf Course
77. Golf Driving Range
78. Government Building
79. Grocery Store
80. Historic Site
81. Home Occupation
82. Hospital
83. Hotel, Motel
84. Indoor Theater
85. Industrial Park
86. Industrial Unit or Dwelling
87. Institution
88. Junk Yard
89. Kennel
90. Landing Strip
91. Loading Berth or Space
92. Lot
93. Lot Coverage
94. Lot Frontage
95. Lot, Minimum Area of
96. Lot Measurements*
97. Lot of Record
98. Lot Types*
99. Manufactured Home
100. Manufactured Home Park
101. Manufactured Home Subdivision
102. Manufacturing, Heavy
103. Manufacturing, Light
104. Marina
105. Massage
106. Massage Establishment
107. Masseur or Masseuse
108. Metal Stamping
109. Mini-Warehouse
110. Miniature Golf
111. Motel/Hotel
112. Non-Conforming Uses
113. Nude or Nudity
114. Nursing Home
115. Nursery School
116. Nursery, Plant Materials or Greenhouse
117. Open Space
118. Park
119. Parking Area or Lot
120. Parking Space, Off-Street
121. Personal Services
122. Planned Unit Development
123. Playground
124. Printing Shop/Publishing
125. Professional Activities
126. Propane Storage Facility
127. Public Community Facility
128. Public Park
129. Quarrying
130. Recreational Camp
131. Recreation Facility
132. Recreation Facility, Commercial
133. Recreation Facility, Private
134. Recreational Vehicle*
135. Research Laboratories
136. Resort
137. Restaurant
138. Riding Stable
139. Roadside Stand
140. Rock Crusher
141. School
142. Setback Line
143. Sexual or Genital Area
144. Sexually Oriented Business
145. Sign*
146. Shop
147. Specified Anatomical Areas
148. Slaughter House
149. Specified Sexual Activities*
150. Storage Area
151. Story
152. Street
153. Structure
154. Substantial Progress
155. Swimming Pool
156. Tavern/Night Club
157. Temporary Building/ Structure/Use
158. Townhouse
159. Trailer Camp
160. Unnecessary Hardship
161. Use
162. Variance
163. Veterinary Clinic or Animal Hospital
164. Warehouse
165. Wholesale Business
166. Wind Farm, Small
167. Windmill, High Impact
168. Windmill, Low Impact
169. Yard
170. Yard, Front
171. Yard, Rear
172. Yard, Required Front
173. Yard, Required Rear
174. Yard, Required Side
175. Yard, Side
176. Zoning Certificate/Permit

*Multiple Definitions

2.0 Definitions

2.1 CONSTRUCTION OF LANGUAGE

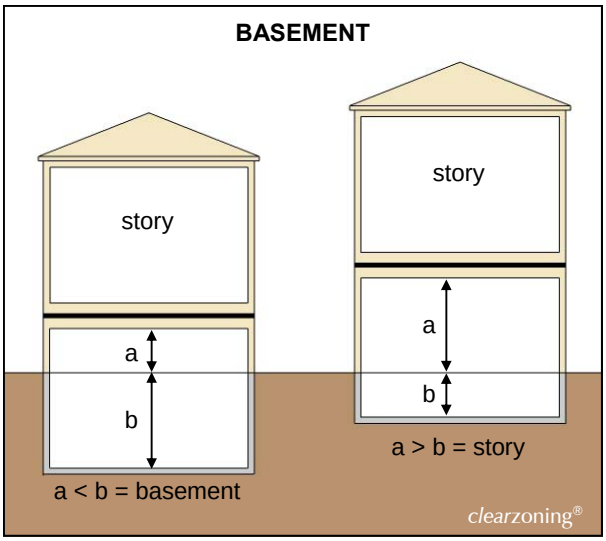
For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

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

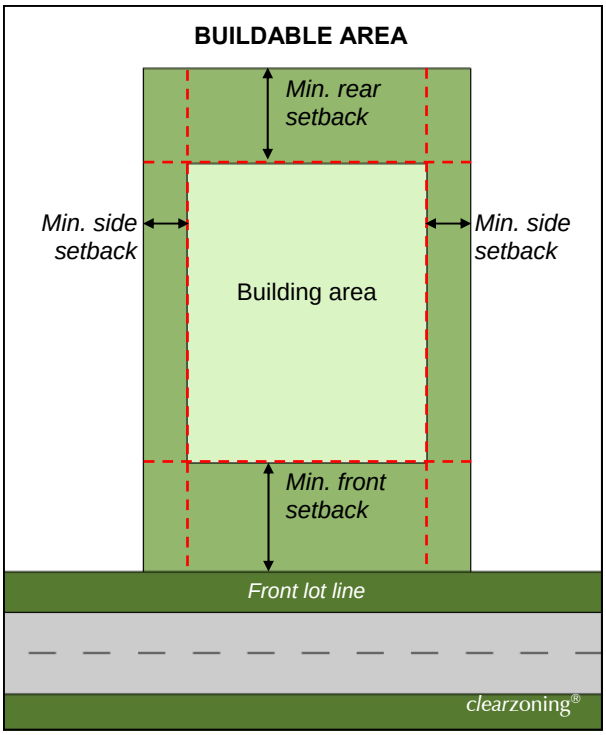
2.2 DEFINITIONS

1. **Accessory Use or Building**. A use or building on the same lot with, 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. An accessory use or building shall include, but not be limited to, fences, sheds, garages, parking areas, decks, pools, signs, docks, and billboards.
2. **Adult Arcade**. Any place to which the public is permitted and or/charged an admittance fee wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of nudity or sexual or genital areas.
3. **Adult Bookstore**. Any establishment which utilizes ten (10) percent or more of its retail selling area for the purpose of retail sale or rental or for the purpose of display by coin-operated or slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, books, magazines, periodicals, films, tapes, and cassettes which are distinguished by their emphasis on adult materials or characterized by the depicting or describing of nudity or genital areas.
4. **Adult Cabaret**. A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties.
5. **Adult Health Club**. Any establishment that provides equipment and facilities for exercising and improving physical fitness where employees and/or patrons appear in a state of nudity.
6. **Adult Material**. Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure image, description, motion picture film phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
7. **Adult Motion Picture Theater**. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified anatomical areas or specified sexual activities, nudity, or sexual or genital areas.
8. **Adult Oriented Sexual Business**. Any business or establishment which provides goods or services meeting the definition of adult material.
9. **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.

10. **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.
11. **Alley.** A public or private thoroughfare designed to provide access to the rear or side of property or lots.
12. **Alteration, Structural.** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
13. **Automotive Repair.** The repair, rebuilding, or reconditioning of motor vehicles or parts thereof including collision service, painting, and steam cleaning of vehicles.
14. **Automotive Service Station.** Any premises used for supplying gasoline and oil, at retail direct to the customer, including minor accessories and services for motor vehicles.
15. **Automotive, Manufactured Home, Recreational Vehicle, and Farm Implement Sales and Service.** The sale or rental of new and used motor vehicles, manufactured homes, recreational vehicles, or farm implements, including repair work of such vehicles.
16. **Automotive Wrecking.** Same as "Junkyard".
17. **Bar, Saloon, Tavern/Night Club.** An establishment used primarily for the serving of liquor, including beer and wine, by the drink to the general public and where food may be served or sold only as necessary or secondary to the primary use. All activities and music shall be within a fully enclosed building.
18. **Basement.** A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.✍
19. **Beach.** A nearly level stretch of pebbles and/or sand beside a body of water that may be artificially created or created by the action of water.
20. **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.



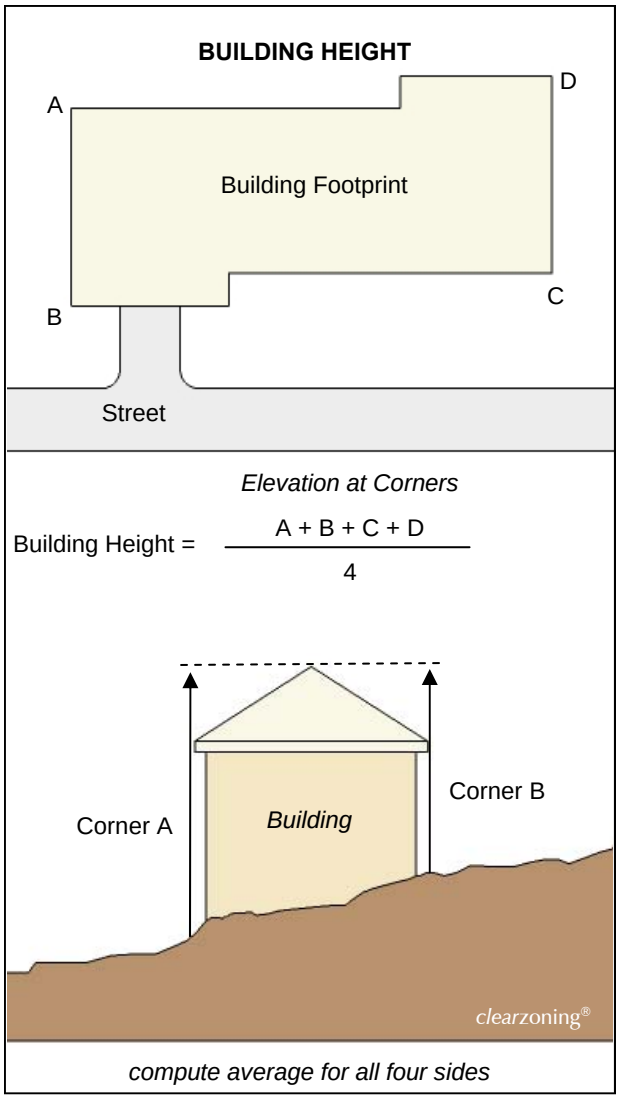
21. **Bottling Works.** A manufacturing or processing facility where materials are placed within a container and sealed for purposes of sale or distribution.
22. **Buildable Area.** The area of a lot remaining after the minimum required yards and open space requirements of the zoning resolution have been met.✍



23. **Building**. Any structure consisting of foundations, walls, columns, girders, beams, floors, and roofs, or any combination thereof, designed for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

24. **Building, Community**. A building for social, educational, and recreational activities of a neighborhood or community provided such building is not operated for commercial gain. Designation as a community building shall not permit any use, structure, or activity not otherwise permitted in the District.

25. **Building Height**. The vertical distance measured from the average natural or finished grade, whichever is lower, around the building to the highest point of the roof. The building height will be measured by averaging the height measured at the four corners of the house. Architectural elements that do not add floor area to a building, such as chimneys, vents, antennae, and towers, are not considered a part of the height of a building, but all portions of the roof are included.✍



26. **Building Material Sales/Storage Yard**. A building or open area of land where pre-manufactured or processed materials used in the construction of agricultural, residential, commercial, or industrial buildings or structures are offered for sale.

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

28. **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.

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

30. **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, to supply the more durable and permanent needs of the community.

31. **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 objectionable influences. Neighborhood businesses include only those activities which employ a total of less than eight (8) persons and occupy a total floor area of less than four thousand (4,000) square feet.

32. **Business, Recreational**. Commercial establishments which generally cater to the tourist population of the township, normally on a seasonal basis, and not operated as a year-round use.

33. **Cabins, Cottages**. Detached buildings used for recreation purposes and not designed for year round occupancy.

34. **Cemetery**. Property used for the interring or burying of the dead.

35. **Child Day Care Center**. Any commercial building, residential building, or other building or place administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption, for any part of the twenty-four hour day in a building, place, or residence other than the child's own home, including Type A & Type B home daycares as regulated and defined by Ohio Department of Job and Family Services (OAC Chapter 5101:2).
36. **Church**. A building or group of buildings that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
37. **Club**. The place where members of a local chapter of an association or a fraternal, cultural, or religious organization hold their meetings and activities.
38. **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:
    A. The creation of functional and interesting residential areas.
    B. The provision of readily accessible recreation areas and open space.
    C. The conservation of the natural amenities of the landscape.
39. **Commercial**. Same as "Business".
40. **Commercial Amusement Enterprise**. An establishment engaged in providing short-term amusement/arcade activities for a fee including arcades, game rooms, and the like.
41. **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 water-borne sewage as regulated by Chapter 6111 of the Ohio Revised Code.
42. **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.
43. **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.
44. **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 conditional use made in the Resolution. A conditional use is not considered to be a non-conforming use.
45. **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.
46. **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.
47. **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.
48. **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.
49. **Condominium, Water Slip Unit**. A part of the condominium property consisting of the land under a portion of the water in a water slip or the land under a portion of a water slip and under a portion of the piers and wharves that form a water slip, which portion of water or portion of water, piers, and wharves is used for the mooring of watercraft, and designated as a unit in the declaration and delineated on the drawings provided for in Section 5311.07, Ohio Revised Code.
50. **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.

51. **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.
52. **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.
53. **Conversion**. The changing of the original purpose of a building to a different use.
54. **Crematory**. A building or structure housing a furnace used for reducing a dead body to ashes by the action of fire.
55. **Cul-de-**sac. A street of short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
56. **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 may establish such grade for the purpose of this Resolution.
57. **Density**. The number of trailer lots, manufactured homes and/or dwellings units that can be developed on a given area of land. Submerged land under 574 feet above sea level shall be included in complying with the density requirements of the Resolution only for so much of the submerged land over which the development or project is actually constructed.
58. **Drive-In-Theater**. An open lot devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.
59. **Dwelling/Dwelling Unit**. A building, or portion thereof, designed, used, and intended to be used exclusively for permanent residential occupancy and excluding units designed for transients, recreational vehicles, and vehicles or residences designed to be moved. A manufactured home shall be considered a dwelling as specified in Article 4 of this Resolution. Overnight rental and occupancy of dwelling units for periods of less than thirty (30) days shall be prohibited, except in the "L" District.
60. **Dwelling/Multi-Family**. A building, or portion thereof, designed, used, and intended to be used for permanent occupancy by three (3) or more families living independently of each other, only and always used by the same occupants, for a continual period of not less than thirty (30) days. Condominiums shall be considered multi-family dwellings. Overnight rental and occupancy of condominium/ multi-family dwelling units for periods of less than thirty (30) days shall be prohibited, except in the "L" District.
61. **Dwelling/One-Family**. A detached building designed for occupancy by one (1) family, only and always used by the same occupants, for a continual period of not less than thirty (30) days. Overnight rental and occupancy of dwelling units for periods of less than thirty (30) days shall be prohibited, except in the "L" District.
62. **Dwelling/Two-Family**. A building designed for occupancy by two (2) families, living independently of each other, only and always used by the same occupants, for a continual period of not less than thirty (30) days. Overnight rental and occupancy of dwelling units for periods of less than thirty (30) days shall be prohibited, except in the "L" District.
63. **Easement**. Authorization by a property owner for the use by another party, and for a specific purpose, of any designated part of his property.
64. **Entertainment Facility**. A facility where any act, play, revue, pantomime, scene, dance act, or song and dance act, or any combination thereof, performed by one or more persons whether or not they are compensated for the performance.
65. **Family**. Up to five (5) persons above the age of eighteen (18) and up to six (6) persons below the age of eighteen (18) who are related by blood, adoption, marriage, or guardianship to any of the first five above eighteen (18) years of age.

66. **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.
67. **Fishing Business**. An establishment primarily engaged in providing opportunity for fishing including the sale of related products.
68. **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.
69. **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. Calculation of floor area shall include only those areas used for living purposes; garages, carports, patios and other such areas should be excluded from said calculation.
70. **Food Processing**. The preparation, storage, or processing of food products including bakeries, dairies, canneries, or other similar businesses.
71. **Foundry**. An establishment employing the art, process or act of casting materials.
72. **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.
73. **Garage, Private**. An accessory building or a portion of a principal building used for the parking or storage of vehicles.
74. **Garage, Public**. A principal or accessory building other than a private garage used for the parking or storage of vehicles.
75. **Garage, Service**. Buildings and premises where motor vehicle accessories may be supplied and dispensed including motor vehicle repair, but excluding automotive wrecking.
76. **Golf Course**. A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.
77. **Golf Driving Range**. A tract of land used for the practice hitting of golf balls.
78. **Government Building**. A building or structure, owned and/or operated, by a political subdivision.
79. **Grocery Store**. A retail store selling meat, fruit, vegetables, breads, dairy products, minor household supplies, beverages including beer and wine, and other foods, all for use or consumption off the premises.
80. **Historic Site**. A structure or place of outstanding historical and cultural significance and designated as such by the county, state, or federal government.
81. **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 Article 5 of this Resolution.
82. **Hospital**. A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis and including ancillary services for outpatient and emergency treatment, training, research, administration, and services to patients, employees, and visitors.
83. **Hotel/Motel.** Any structure with more than five (5) sleeping rooms, that are each approved through a valid certificate of occupancy issued by the building code official having jurisdiction and the state fire marshal, which is specifically constructed, kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty (30) days or less and licensed through the State of Ohio Department of Commerce as a hotel or motel. "Hotel/Motel" does not include one and two-family dwelling units, multi -family dwelling units, condominiums, or other similar places of permanent personal residence, bed & breakfasts, lodging houses, resorts, or recreational camps. A hotel/motel that is owned, or to be owned in a

condominium form of ownership must meet all requirements for a condominium development in Chapter 4 of the zoning resolution.

84. **Indoor Theater**. A building, or portion thereof, devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

85. **Industrial Park**. A tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial uses, with consideration to transportation facilities, circulation, parking, utility needs, aesthetics, and compatibility.

86. **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.

87. **Institution**. A building occupied by a non-profit corporation or a non-profit organization.

88. **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.

89. **Kennel**. Any lot or premises on which four (4) or more domesticated dogs and cats, more than four (4) months of age are housed, groomed, bred, boarded, trained, bought, or sold for commercial gain and which offers provisions for minor medical treatment.

90. **Landing Strip**. Any runway and necessary taxiway areas for the use of no more than two (2) aircraft that are privately owned and used exclusively for the landing of crop dusting and similar function aircraft.

91. **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.

92. **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.

    Once declared, such uses shall be identified in the zoning permit and none of these lands shall be sold separately, unless all parcels created by said division meet the minimum zoning size requirements for the zoning district in which they occur.

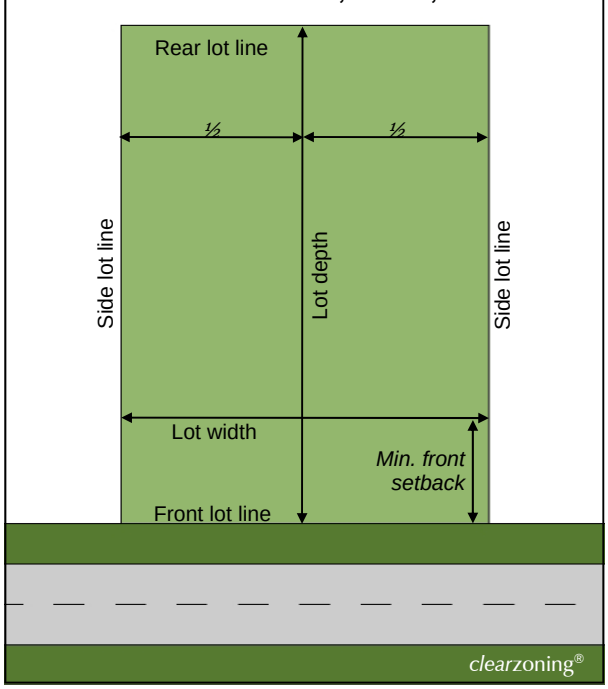
93. **Lot Coverage**. The ratio of enclosed ground floor area of all buildings, principal and accessory, on a lot to the horizontally projected area of the lot, expressed as a percentage.

94. **Lot Frontage**. The width of the lot at the street right-of-way. In cases where lots front on Lake Erie, its harbors, or the Sandusky Bay, the front yard may be regarded as that portion of the lot oriented towards the water and is then measured at the water's edge. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to the street or the waters of Lake Erie, where appropriate, shall be considered frontage, and yards shall be provided as indicated under "Yard" in this section and Article 5.

95. **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 required for public water, sanitary sewer, or storm sewer.

96. **Lot Measurements**. A lot shall be measured as follows:
    A. 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.✍
    B. 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 MEASUREMENTS, WIDTH, DEPTH



97. **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.

98. **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. ✍

99. **Manufactured Home**. A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974" and that has a permanent label or tag affixed to it certifying compliance with all applicable federal construction and safety standards.

100. **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.

101. **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.

102. **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.

LOTS TYPES: CORNER, INTERIOR, THROUGH

103. **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.

104. **Marina**. A boat basin that has docks or moorings for seven (7) or more watercraft as defined in Section 1547.01 of the Ohio 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; and

B. Any boat basin located on waters where the watercraft used are normally unsuited for the installation of permanent sanitary systems.

105. **Massage**. Any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating, the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.

106. **Massage Establishment**. Any fixed place of business where a person offers massages to patrons for a fee which may be in connection with the provision of another legitimate service.

107. **Masseur or Masseuse**. Any individual who performs massages at a massage establishment.

108. **Metal Stamping**. An establishment, within an enclosed building, employing a device or instrument used for making a permanent or lasting imprint on metal.

109. **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, leased, rented, or sold on an individual basis for the storage of non-hazardous personal goods, and not exceeding twenty (20) feet in height.

110. **Miniature Golf**. A facility, usually consisting of nine or eighteen holes, where individuals use a putter to hit a golf ball into a designated hole.

111. **Motel/Hotel**. See "Hotel/Motel".

112. **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.

113. **Nude or Nudity**. Showing of either the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the female breast with less than a full opaque covering on any part of the nipple.

114. **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.

115. **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.

116. **Nursery, Plant Materials or 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.

117. **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 deemed permissible. Streets, structures for habitation, submerged land, and the like shall not be included.

118. **Park**. A tract of land, designated and used by the public for active and passive use.

119. **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.

120. **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 street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

121. **Personal Services**. Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

122. **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.

123. **Playground**. An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

124. **Printing Shop/Publishing**. A commercial facility where documents are impressed with ink or similar substance resulting in a permanent copy of something.

125. **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.

126. **Propane Storage Facility**. A facility where two thousand (2,000) gallons or more of liquefied petroleum gases are stored for the purpose of distribution or sale to others.

127. **Public Community Facility**. Any facility owned and operated by a governmental agency for use by the general public.

128. **Public Park**. Land owned by a governmental entity which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the Township which is under the control, operation, or management of the Township, county, or state.

129. **Quarrying**. A place where rock, ore, stone, or similar materials are excavated for sale or for off-site use.

130. **Recreational 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.

131. **Recreation Facility**. A place designed and equipped for the conduct of sports and leisure-time activities.

132. **Recreation Facility, Commercial**. A recreation facility operated as a business and open to the public for a fee.

133. **Recreation Facility, Private**. A recreation facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.

134. **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.

   E. **Boats and Boat Trailers**: Includes boats, floats, rafts, personal watercraft, and the normal equipment required to transport the same on the highway.

135. **Research Laboratories**. An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

136. **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, tents, and the like.

137. **Restaurant**. An establishment where food and drink for sale to the general public is prepared, served, and consumed on the premises. Any entertainment or music, associated with the restaurant, must be within a fully enclosed building.

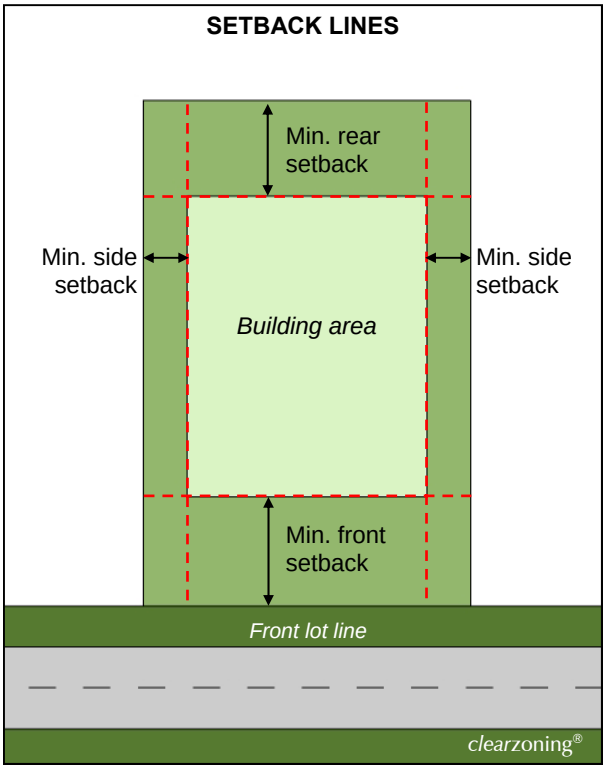
138. **Riding Stable**. Any land or structure used for the care and grooming of horses or ponies for which consideration is offered or received.

139. **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.

140. **Rock Crusher**. Any piece of equipment used to pulverize or reduce to smaller particles rocks or stones.

141. **School**. Any public or private educational facility, including, but not limited to, pre-schools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, colleges, junior colleges, and universities. School includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school.

142. **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 or the waters edge, to restrict the encroachment of buildings on the line, except as otherwise provided herein. ✍



143. **Sexual or Genital Area**. Includes the genitalia, pubic area, anus, perineum of any person, and the breasts of a female.

144. **Sexually Oriented Business**. An adult arcade, adult bookstore, adult cabaret, adult health club, adult motion picture theater or any establishment providing goods or services related to adult material.

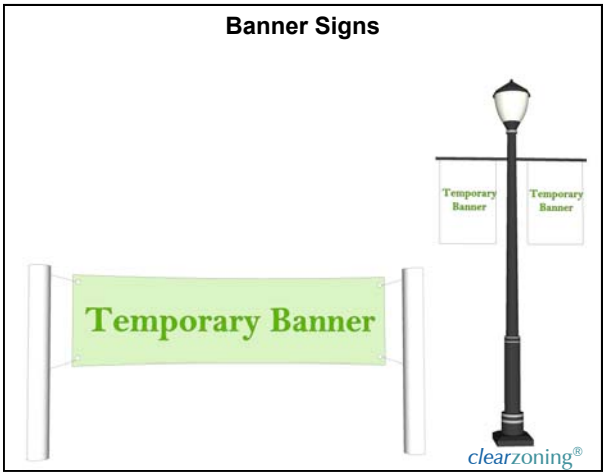
145. **Sign**.

A. **Abandoned Sign**. A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

B. **Animation**. A sign depicting action, motion, light, or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display made from a series of drawings, computer graphics, or photographs of inanimate objects (such as puppets) and that simulates movement by slight progressive changes in each frame.

C. **Awning Sign**. A sign painted on, printed on, or permanently attached flat against the surface of a canopy, marquee, or awning which is mounted onto a building and provides additional functionality as shelter. ✍ (See Signs graphic)

D. **Banner.** A temporary sign, made of durable fabric and designed with non-fade inks or paints, single- or double-sided, oriented vertically or horizontally with no enclosing framework. ✍



E. **Bench Sign.** A sign located on the back of a bench. ✍

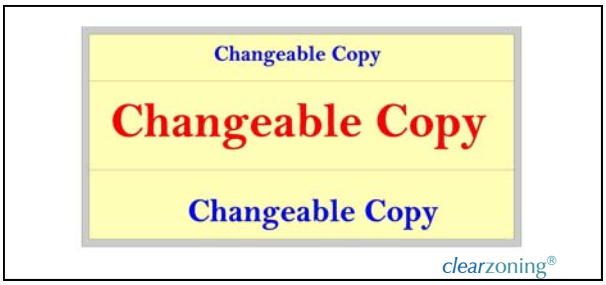
F. **Billboard.** See Off-Premises Sign.

G. **Canopy.** See Sign, Awning.

H. **Changeable Copy.** A sign whose informational content can be changed to change displays, words, lines, logos, or symbols on a sign to provide different information. Such signs may be altered by manual, electric, electromechanical, or electronic means. ✍ Changeable Copy Signs shall include the following types:

i. **Manually Activated:** Signs whose informational content can be changed or altered by manual means with the placement of letters or symbols on a panel, mounted in or on a track system.

ii. **Electrically Activated:** Signs whose informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. This includes LED signs.



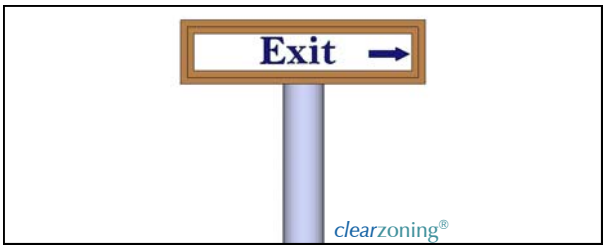
I. **Channel Letter.** A fabricated or formed three-dimensional letter that may accommodate a light source and typically individually affixed to the wall of a building or on a raceway.

J. **Commemorative Plaque.** A permanent sign which memorializes the historical, political, social, religious, scientific or educational significance of the premises.

K. **Development Sign.** A temporary construction sign denoting the architect, engineer, contractor, subcontractor, financier or sponsor of a residential or commercial development which may also designate the future occupant or use of the development.

L. **Development Site.** The outermost property lines of a development which may include multiple parcels, lots or structures.

M. **Directional Sign.** A permanent sign designed to direct the flow of vehicular or pedestrian traffic in or out of a premise such as "Entrance," "Exit," or to navigate vehicles or pedestrians on the property such as "Parking," "Drive-thru," "Loading," or that identifies the name of a place or location on the property on which it is located with a directional symbol. ✍



N. **Directory Sign.** An attached index consisting of the names of tenants of an office building, shopping center, or other multi-tenant business complex. ✍

O. **Double Face Sign.** A sign with two (2) facades back to back where the perimeters of both faces coincide in shape and size, are parallel, and not more than twenty-four (24) inches apart.

P. **Electronic Message Centers**. A sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

i. **Message Hold Time** - How long a single message is visible.

ii. **Transition Method** (a.k.a. the "Frame Effect") - How the message transitions to another (fade, slide in, scroll, etc.) The visual effect used to allow one message to disappear while it is simultaneously being replaced by another.

iii. **Transition Duration** - How long the Transition Method takes.

Q. **Estimated Reproduction Value**. The cost which would be currently incurred by a sign owner to replace the existing sign with a new sign of substantially the same size, copy, materials and other characteristics.

R. **Ground Mounted Sign**. A permanent sign placed upon or supported by the ground independent of any other structure, so that the bottom of the sign face area is less than 5 feet above grade. ✍ (See Signs graphic)

S. **Identification Sign**. See On-Premises Sign.

T. **Inflatable Device**. A sign that is an inflated object by gas or air, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable devices are restrained, attached, or held in place by a cord, rope, cable or similar method.

U. **Illegal Sign**. A sign located within the limits of Danbury Township in which its height, type, area, location, use, or structural support, does not conform to the requirements of this Code or such sign was constructed, modified or installed without obtaining the proper permits from the Township. Any signage located in the public right-of-way that is not government issued is also an illegal sign.

V. **Illuminated sign, external**. A sign that is illuminated by lights where the light source is visible from the exterior of the sign. The light source may be attached to the sign structure or freestanding.

W. **Illuminated sign, internal**. An illuminated sign whose light source is concealed or contained within the sign.

X. **Maintenance.** The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic sign face, design or structure, type, size, location, motion, or illumination of the sign. Maintenance does not include extending the longevity of a nonconforming sign to circumvent compliance with the zoning regulations.

Y. **Nonconforming Sign, Legal**. A permanent sign located within the Township on the effective date of this Resolution (November 6, 1975), and any amendments hereto, which, by its height, type, area, design, location, use, or structural support, do not conform to the Township's current sign regulations herein. This shall include signs that had been granted variances and signs that were issued a zoning permit by the Township and were actually constructed and completed.

Z. **Off-Premises Sign**. A sign, which directs attention to a business, commodity, service, entertainment, event or activity activity which is not conducted, sold, offered produced, manufactured, furnished or available on the premises where the sign is located or affixed.

AA. **On-Premises Sign**. A permanent or temporary sign, that advertises or otherwise directs attention to an activity located on the same premises of the occupant, business, or property identified on the sign. The occupant, business, or property is the principal use of the property, and the sign is an accessory use of the property on which it is located.

BB. **Permanent Sign**. A sign which is either permanently anchored to the ground or permanently affixed to a structure that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite and not constructed of materials of temporary durability.

CC. **Pole Sign**. A permanent sign that is mounted on a freestanding mono-pole or other support so that the bottom of the sign face area is 5 feet or more above grade. ✍ (See Signs graphic)

DD. **Projecting Sign**. A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from the wall of such building and generally perpendicular to the building fascia, except signs located on a canopy, awning, or marquee. ✍ (See Signs graphic)

EE. **Real Estate Sign**. A temporary sign advertising the real property upon which the sign is located for rent, for lease, or for sale and providing the name and location of the owner or his agent.

FF. **Roof Sign**. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eaves line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. ✍ (See Signs graphic)

GG. **Sign.** Any outdoor or indoor device, permanent or temporary, and its supporting structure, including any writing, word, letter, figures, number, phrases, sentences, pictorial, illustration, decoration, emblem, symbol, trademark, flag, banner, pennant, insignia, or similar feature which is placed in a manner that the communication, announcement, message, attraction, advertisement, or promotion inherent to the device is visible or appears to be intended to be visible to persons on adjoining property or nearby public rights-of-way, and is used for purposes of advertisement, announcement, declaration, demonstration, identification or expression.

HH. **Sign Area.** Shall mean the surface of a sign to be included when computing the minimum or maximum allowable area of the sign as measured according to Article 5.5 Signs. ✍

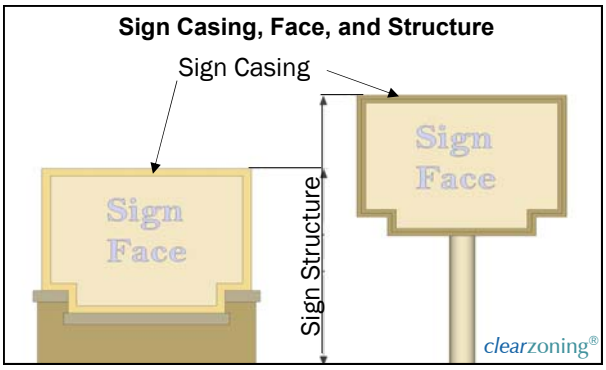
II. **Sign Casing**. The frame or portion of the sign structure that holds or supports the sign face/panel in place.✍

JJ. **Sign Copy**. The words and/or message displayed on a sign.

KK. **Sign Face/Panel**. Shall mean the area or display surface used for the message. ✍

LL. **Sign Height**. The vertical distance measured from the average natural or finished grade, whichever is lower, to the highest point of the sign or sign structure.

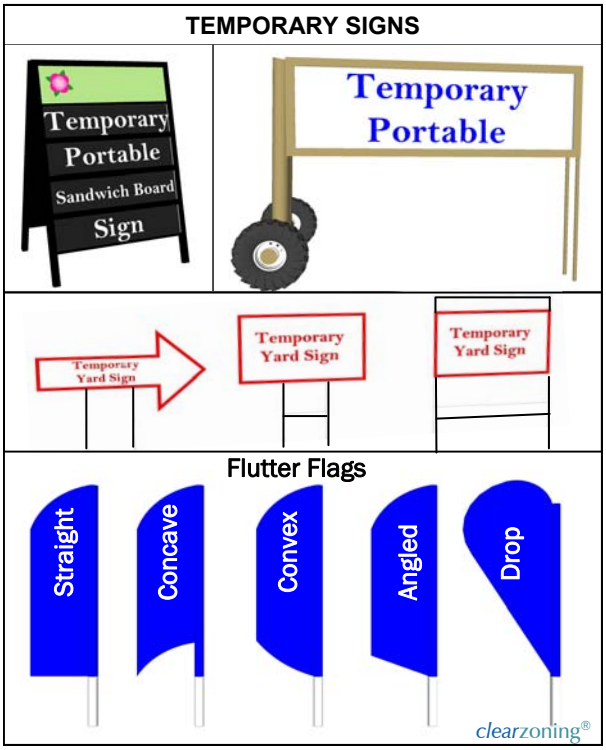
MM. **Sign Structure.** ✍



NN. **Snipe Sign**. A sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects and which is located within the public right-of-way.

OO. **Static.** A lack of movement, animation, or progression, fixed in one place or stationary.

PP. **Temporary Sign.** A sign not permanently affixed to the ground, building, or other structure, typically constructed of materials for temporary durability, and which may be moved from place to place, and intended to remain in use for a short period of time, including, but not limited to, signs designed to be transported by means of wheels, menu and sandwich board signs, banners, flutter flags, and are visible from the public right-of-way. ✍



Signs: Awning, Ground, Pole, Projecting, Roof, Wall, and Window

QQ. **Traffic Control Signs.** Any sign erected under the authority of the State of Ohio, Ottawa County or the Danbury Township Trustees that complies with the Manual of Ohio Traffic Control Devices.

RR. **Wall Sign.** A permanent sign attached, fastened to or painted on the outside wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure. ✍ (See Signs graphic)

SS. **Window Sign**. A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window. May be permanent or temporary. ✍ (See Signs graphic)

146. **Shop**. A small retail establishment offering a specialized line of good and service or handicraft items including such facilities as hobby, bicycle, plumbing, etc.

147. **Specified Anatomical Areas**. Means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

148. **Slaughter House**. An establishment where animals are butchered.

149. **Specified Sexual Activities**. Includes any of the following:

A. The fondling or other erotic touching of human genital, pubic region, buttock, anus, or female breasts;

B. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;

C. Masturbation, actual or simulated, or

D. Excretory functions as part of or in connection with any of the activities A-C above.

150. **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.

151. **Story**. That part of a building between the surface of the floor and the ceiling immediately above it.

152. **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".

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

154. **Substantial Progress**. Any construction, reconstruction, repair, or other improvement of a property, the cost of which equals or exceeds fifty (50) percent of the estimated total cost of such project, and completed within a specified time frame.

155. **Swimming Pool**. A permanent or semi-permanent 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.

156. **Tavern/Night Club**. See Bar, Saloon, Tavern/ Night Club.

157. **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.

158. **Townhouse**. Same as Dwelling, Multi-Family.

159. **Trailer Camp**. Same as Recreational Camp

160. **Unnecessary Hardship.** When 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.

161. **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.

162. **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.

163. **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.

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

165. **Wholesale Business**. An establishment primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

166. **Wind Farm, Small.** A wind powered electric generating facility, consisting of two or more wind turbines, whose main purpose is to supply electricity with a single interconnection to the electrical grid, and designed for or capable of operating at an aggregate capacity of less than five megawatts.

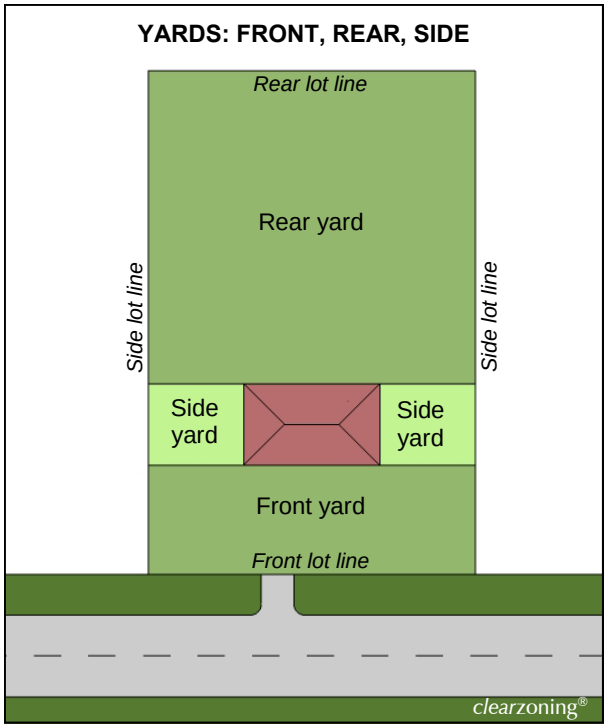
167. **Windmill, High Impact**:. A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity greater than 100 kW.

168. **Windmill, Low Impact**:. A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

169. **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.

170. **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 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. ✍

171. **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 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. ✍



172. **Yard, Required Front:**. The open space between the front lot line and the beginning of the building area, established by the setback dimensions of each district. Such required front yard is unoccupied and unobstructed from the ground upward, except for accessory buildings and/or structures, which may be located in this area if they comply with the regulations established in this resolution for such accessory buildings and/or structures.

173. **Yard, Required Rear**. The open space between the rear lot line and the beginning of the building 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 and/or structures, which may be located in this area if they comply with the regulations established in this resolution for such accessory buildings and/or structures.

174. **Yard, Required Side**. The open space between the front side line and the beginning of the building area, established by the setback dimensions of each district. Such required side yard is unoccupied and unobstructed from the ground upward, except for accessory buildings and/or structures, which may be located in this area if they comply with the regulations established in this resolution for such accessory buildings and/or structures.

175. **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 side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building. ✍

176. **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.

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Article 3.0
Zoning Districts

Article 3.0 Zoning Districts

3.1 Districts Established
3.2 Boundaries
3.3 Floor Area Requirements for Residential Dwellings
3.4 Lot Area, Lot Width and Building Setbacks for Dwellings in the C-1, C-2 and R-C Districts
3.5 General Regulations Applicable to all Districts

3.0 Zoning Districts

3.1 DISTRICTS ESTABLISHED

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

1. A Agricultural District
2. R-1 Rural Residential District
3. R-2 Suburban Residential District
4. R-3 High Density Residential District
5. L Lakeside District
6. LBO Lakeside Business Overlay District
7. C-1 Limited Commercial District
8. C-2 General Commercial District
9. C-3 Entertainment Commercial District
10. R-C Recreational Commercial District
11. M-1 Light Manufacturing District
12. M-2 Heavy Manufacturing District
13. MHP Manufactured Home Park District
14. PUD Planned Unit Development District

Digital User Note: Click on a district heading to go directly to the corresponding district regulations.

3.1.1 A Agricultural

A. INTENT

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

User Note: For uses listed in **bold blue**, refer to Article 4 for use-specific standards

B. PERMITTED USES

i. Agriculture
ii. One-family dwellings including **manufactured homes §4.1**
iii. Roadside stands
iv. Public parks and playgrounds
v. Riding stable
vi. Nurseries or greenhouses
vii. Historic sites
viii. Accessory buildings and uses
ix. **Windmill, low impact §4.11** powered electric generator

C. CONDITIONAL USES

i. Airport
ii. Cemetery
iii. Kennels
iv. Veterinary clinic, animal hospital
v. Home occupation
vi. Landing strip
vii. **Bed and breakfast inn §4.5**
viii. **Golf courses §4.8**(excluding driving ranges and miniature golf courses)
ix. **Clubs §4.8**
x. **Wind Farm, Small §4.13**
xi. **Nursery school and child day-care centers §4.10**

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	1.0 acre
Minimum lot width:	150 ft
Minimum lot depth :	120 ft (for residential)

Lot Coverage

Maximum lot coverage:	30%

Setbacks

Minimum front yard setback:	50 ft
Minimum rear yard setback:	40 ft
Minimum side yard setback:	20 ft

Building Height

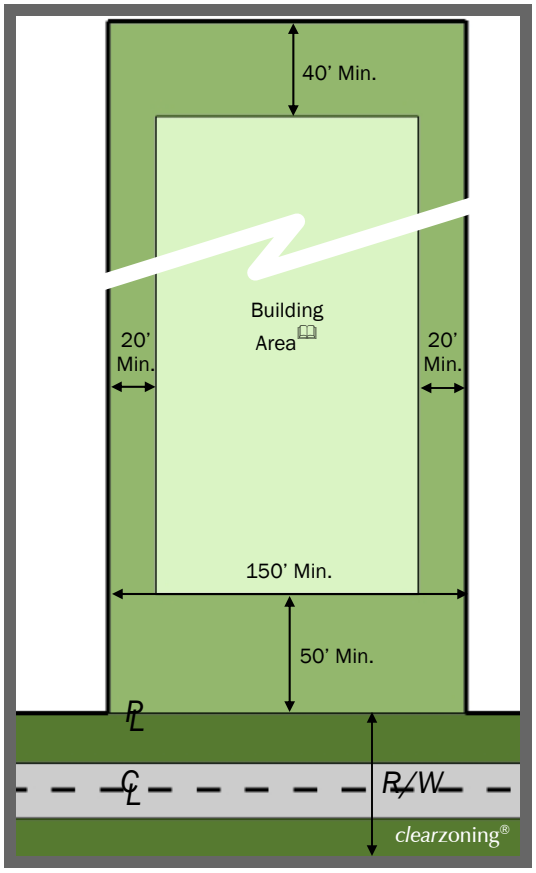
Maximum building height:	35 ft and 30 ft to the eaves

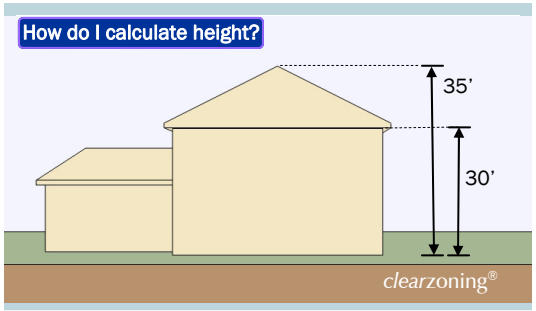
Building Width

Minimum building width:	20 ft

NOTES

- Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.
- See *Selected References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Floor Area Requirements for Residential Dwellings
- Planned Unit Development
- General Regulations Applicable to All Districts

5. Site Standards

- Accessory Buildings and Uses
- Automobile Parking Requirements
- Front Yard Requirements
- Signs
- Fences and Hedges
- Corner Clearance
- Swimming Pools
- Storage of Boats and Trailers

6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate

3.1.2 R-1 Rural Residential

A. INTENT

The purpose of the Rural Residential district is to accommodate low density single and two family residential uses in areas not served by both a community water supply and community sanitary sewage treatment system.

User Note: For uses listed in **bold blue**, refer to Article 4 for use-specific standards

B. PERMITTED USES

i. Agriculture
ii. One-family dwellings including **manufactured home §4.1**
iii. Public parks and playgrounds
iv. Churches or other places of worship
v. Schools, public and private
vi. Historic sites
vii. Accessory buildings and uses

C. CONDITIONAL USES

i. Two-family dwelling
ii. Home occupation
iii. **Bed and breakfast inn §4.5**
iv. Temporary building/structure/use
v. **Windmill, low impact §4.11**
vi. **Nursery school and child day-care centers §4.10**

R-1 Rural Residential

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	20,000 sq ft—one family 25,000 sq ft—two family
Minimum lot width:	100 ft
Minimum lot depth :	120 ft (for residential)

Lot Coverage

Maximum lot coverage:	35%

Setbacks

Minimum front yard setback:	40 ft
Minimum rear yard setback:	35 ft
Minimum side yard setback:	15 ft

Building Height

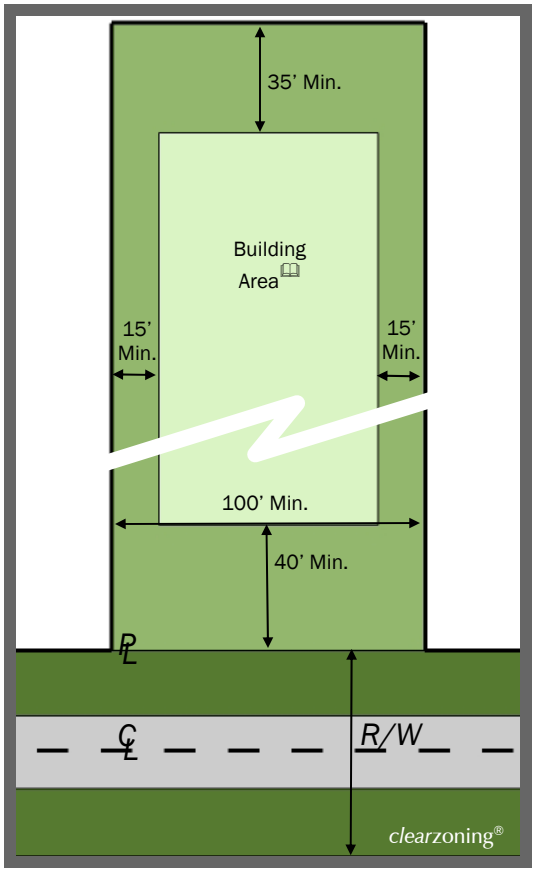
Maximum building height:	35 ft and 30 ft to the eaves

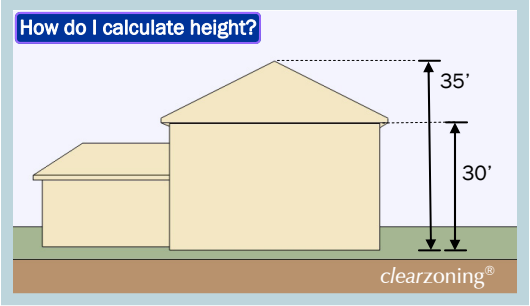
Building Width

Minimum building width:	20 ft

NOTES

- Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.
- See *Selected References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Floor Area Requirements for Residential Dwellings
- Planned Unit Development
- General Regulations Applicable to All Districts

5. Site Standards

- Accessory Buildings and Uses
- Automobile Parking Requirements
- Front Yard Requirements
- Signs
- Fences and Hedges
- Corner Clearance
- Swimming Pools
- Storage of Boats and Trailers

6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate

3.1.3 R-2 Suburban Residential

A. INTENT

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.

User Note: For uses listed in **bold blue**, refer to Article 4 for use-specific standards

B. PERMITTED USES

i. Agriculture
ii. One-family dwellings including **manufactured homes** §4.1
iii. Public parks and playgrounds
iv. Churches or other places of worship
v. Schools, public and private
vi. Historic sites
vii. Accessory buildings and uses

C. CONDITIONAL USES

i. Two-family and **multi-family dwellings** including **condominiums** §4.3
ii. Home occupation
iii. **Bed and breakfast inn** §4.5
iv. Temporary building/structure/use
v. **Continuing care retirement community** §4.6
vi. **Cluster housing community** §4.7
vii. **Nursery school and child day-care centers** §4.10

R-2 Suburban Residential

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	12,000 sq ft—one family 16,000 sq ft—two family
Minimum lot width:	80 ft—one family 100 ft—two family
Minimum lot depth:	120 ft (for residential)

Lot Coverage

Maximum lot coverage:	40%

Setbacks

Minimum front yard setback:	35 ft
Minimum rear yard setback:	35 ft
Minimum side yard setback:	10 ft

Building Height

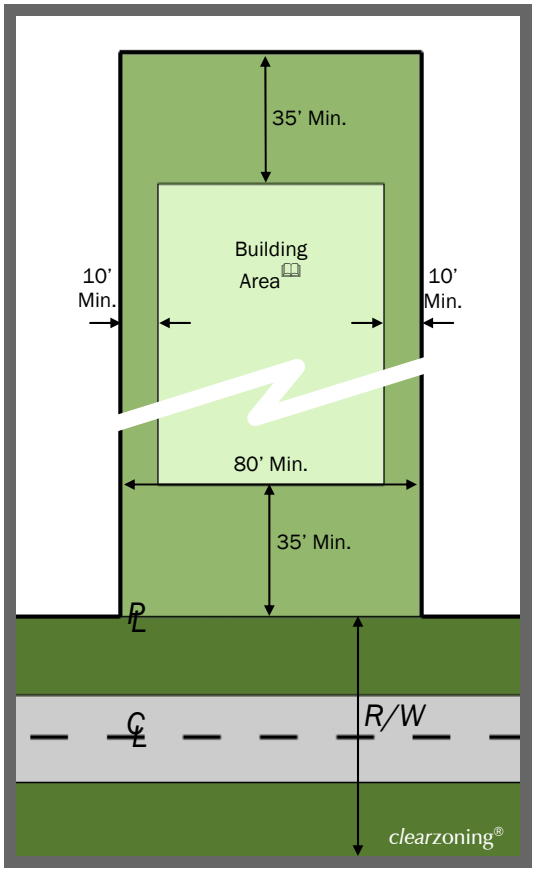
Maximum building height:	35 ft and 30 ft to the eaves

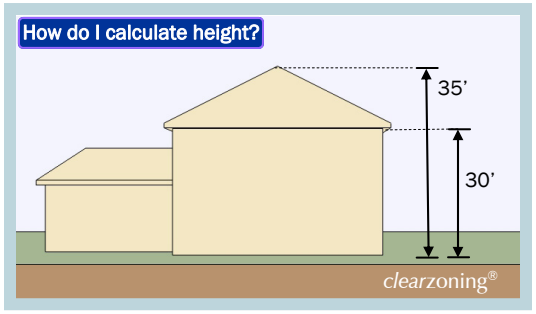
Building Width

Minimum building width:	20 ft

NOTES

- The illustration in the upper right shows standards for one-family residential.
- Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.
- See *Selected References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Floor Area Requirements for Residential Dwellings
- Planned Unit Development
- General Regulations Applicable to All Districts

5. Site Standards

- Accessory Buildings and Uses
- Automobile Parking Requirements
- Front Yard Requirements
- Signs
- Fences and Hedges
- Corner Clearance
- Swimming Pools
- Storage of Boats and Trailers

6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate

3.1.4 R-3 High Density Residential

A. INTENT

The purpose of the High Density Residential 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.

User Note: For uses listed in **bold blue**, refer to Article 4 for use-specific standards

B. PERMITTED USES

i. Agriculture
ii. One-family dwellings including **manufactured homes §4.1**
iii. Two-family dwellings
iv. Public parks and playgrounds
v. Churches or other places of worship
vi. Schools, public and private
vii. Historic sites
viii. Accessory buildings and uses

C. CONDITIONAL USES

i. **Multi-family dwellings** including **condominiums §4.3**
ii. Home occupation
iii. **Bed and breakfast inn §4.5**
iv. Temporary building/structure/use
v. **Continuing care retirement community §4.6**
vi. **Cluster housing community §4.7**
vii. **Nursery school and child day-care centers §4.10**

R-3 High Density Residential

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	7,200 sq ft - one family 8,400 sq ft - two family
Minimum lot width:	60 ft - one family 70 ft - two family
Minimum lot depth :	120 ft (for residential)

Lot Coverage

Maximum lot coverage:	40%

Setbacks

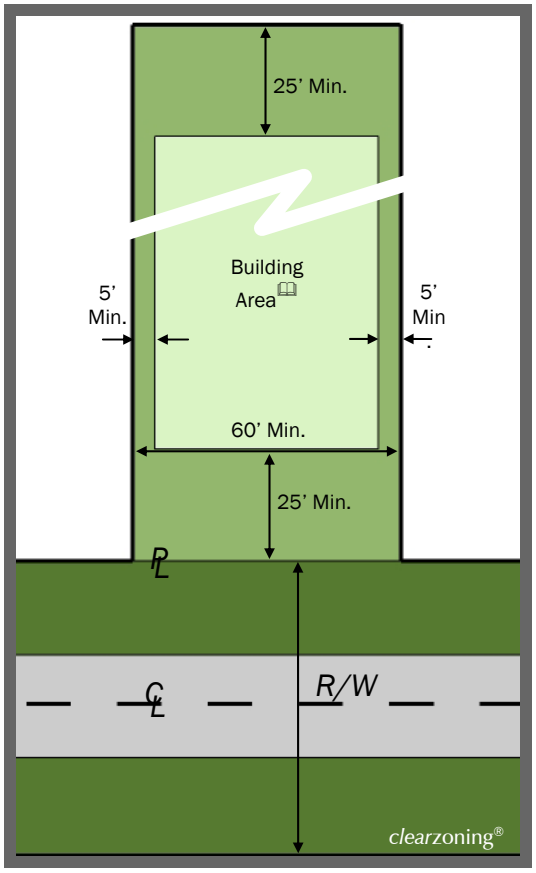
Minimum front yard setback:	25 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	5 ft - one family 8 ft - two family

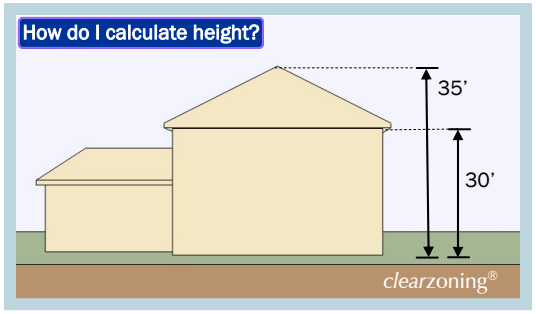
Building Height

Maximum building height:	35 ft and 30 ft to the eaves

Building Width

Minimum building width:	20 ft





The above drawings are not to scale.

NOTES

- The illustration in the upper right shows standards for one-family residential.
- Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.
- Dimensions for Multiple Family Dwellings are decided by Board of Zoning Appeals upon submission of detailed plans.
- See *Selected References* below for applicability

SELECTED REFERENCES

3. Zoning Districts

- Floor Area Requirements for Residential Dwellings
- Planned Unit Development
- General Regulations Applicable to All Districts

5. Site Standards

- Accessory Buildings and Uses
- Automobile Parking Requirements
- Front Yard Requirements
- Signs
- Fences and Hedges
- Corner Clearance
- Swimming Pools
- Storage of Boats and Trailers

6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate

3.1.5 L Lakeside

A. INTENT

The creation of the Lakeside district recognized the unique situation within the property owned by "The Lakeside Association" and is designed to accommodate the mix of residential, recreational, educational, and commercial uses therein. The Lakeside Historic District is listed on the National Register of Historic Places. Aside from zoning regulations stated in this Resolution, other design regulations may be enforced by the Lakeside Association through its Historic Preservation and Design Review Board.

B. PERMITTED USES

i. One-family dwellings
ii. Parking area, lot
iii. Accessory buildings and uses

C. CONDITIONAL USES

i. Two-family dwellings
ii. Bed and breakfast inn §4.5

L Lakeside

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	Existing lots of record
Minimum lot width:	Existing lots of record
Minimum lot depth:	Existing lots of record

Lot Coverage

Maximum lot coverage:	55%

Setbacks

Minimum front yard setback:	5 ft
Minimum rear yard setback:	3 ft
Minimum side yard setback:	3 ft

Building Height

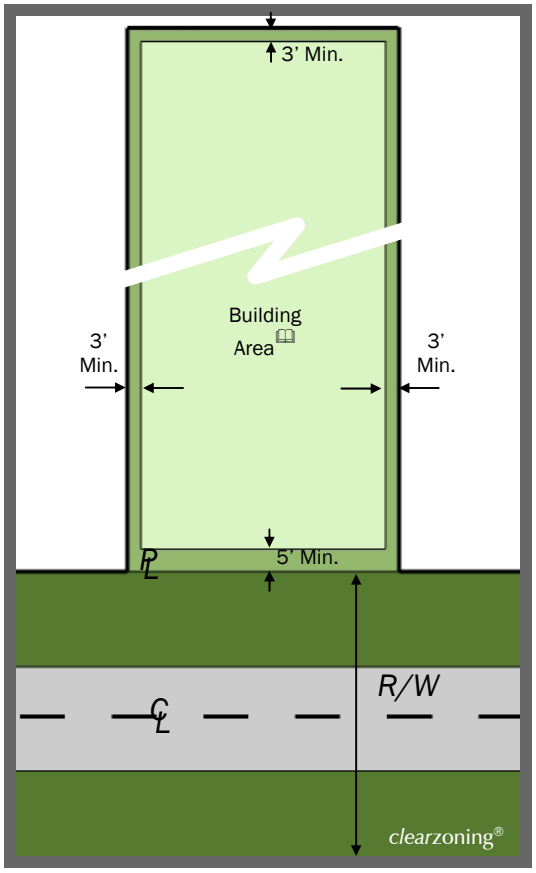
Maximum building height:	30 ft and 25 ft to the eaves

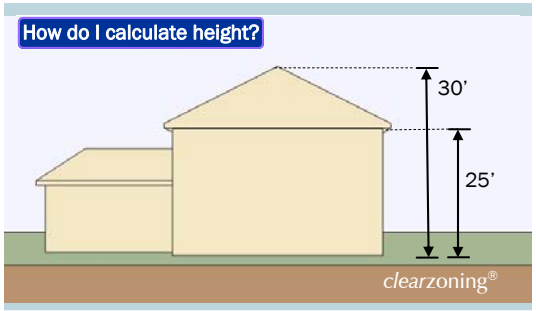
Building Width

Minimum building width:	20 ft

NOTES

- Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.
- See *Selected References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Floor Area Requirements for Residential Dwellings
- General Regulations Applicable to All Districts

5. Site Standards

- Accessory Buildings and Uses
- Automobile Parking Requirements
- Front Yard Requirements
- Signs
- Fences and Hedges
- Corner Clearance
- Swimming Pools

6. Development Procedures

- Zoning Certificate/Permit Approval

3.1.6 LBO Lakeside Business Overlay District

A. INTENT

The purpose of the LBO Lakeside Business Overlay District is to provide for retail sales, food services or other services involving an office or places of business frequented by clients or customers and is designed to accommodate the mix of residential, recreational, educational, and commercial uses therein.

Where the property is classified in an overlay district (i.e. Lakeside Business Overlay District) as well as a general use district then the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying district. In the event of an express conflict between the standards set forth in the underlying district and the standards set forth in the overlay district, the standards set forth in the overlay district shall control.

The district shall be comprised of the following areas of the Lakeside Subdivision plat: Blocks 11, 12, 19, 20, 22; lots 10,11 and 12 of Block 33; lots 1 and 9 of Block 18; and that area of the plat designated as Hotel, Central Auditorium and the area between Sycamore Ave., Kenton Row and the lakefront designated as Park.

B. PERMITTED USES

i. Business, neighborhood
ii. Business, recreational
iii. Grocery store
iv. Hotel/motel
v. Indoor theatres
vi. Miniature golf
vii. One-family dwellings
viii. Parking area, lot
ix. Personal services
x. Professional activities
xi. Restaurant
xii. Recreation Facility, Commercial
xiii. Recreation Facility, Private
xiv. Entertainment Facility
xv. Accessory buildings and uses

C. CONDITIONAL USES

i. Two-family dwellings
ii. Bed and breakfast inn

LBO Lakeside Business Overlay District

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	Existing lots of record
Minimum lot width:	Existing lots of record
Minimum lot depth:	Existing lots of record

Lot Coverage

Maximum lot coverage:	55%

Setbacks

Minimum front yard setback:	5 ft
Minimum rear yard setback:	3 ft
Minimum side yard setback:	3 ft

Building Height

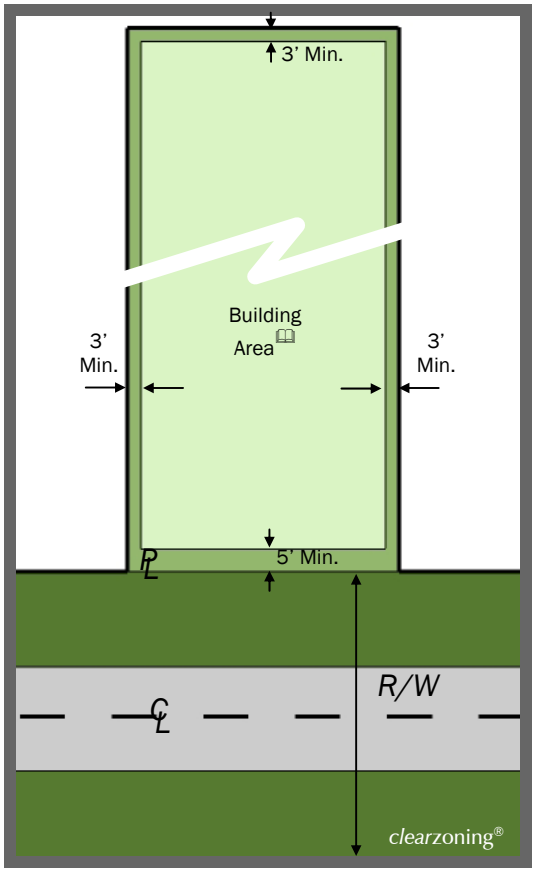
Maximum building height:	30 ft and 25 ft to the eaves

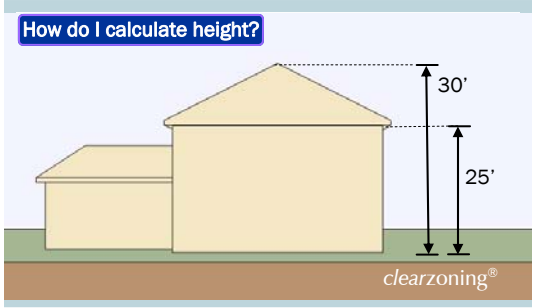
Building Width

Minimum building width:	20 ft

NOTES

- Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.
- See *Selected References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Floor Area Requirements for Residential Dwellings
- General Regulations Applicable to All Districts

5. Site Standards

- Accessory Buildings and Uses
- Front Yard Requirements
- Signs
- Fences and Hedges
- Corner Clearance
- Swimming Pools

6. Development Procedures

- Zoning Certificate/Permit Approval

3.1.7 C-1 Limited Commercial

A. INTENT

The purpose of the Limited Commercial 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.

User Note: For uses listed in **bold blue**, refer to Article 4 for use-specific standards

B. PERMITTED USES

i. Agriculture
ii. One-family dwellings including **manufactured homes** §4.1
iii. Roadside stands for the sale of agriculture and related products
iv. Neighborhood business of local nature for the retail sale of food products in an enclosed building
v. 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.
vi. Professional activities including doctors, dentists, attorneys, etc.
vii. Personal services
viii. Schools, public or private, including nursery schools and child day-care centers
ix. Churches or other places of worship
x. Public parks and playgrounds
xi. Government buildings and uses
xii. Accessory buildings and uses

C. CONDITIONAL USES

i. Restaurant
ii. Home occupation
iii. Two-family and **multi-family dwellings** including **condominiums** §4.3
iv. Hospital
v. Nursing home
vi. Flea markets
vii. **Windmill, low impact** §4.11

C-1 Limited Commercial

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	Not specified
Minimum lot width:	Not specified
Minimum lot depth :	120 ft (for residential)

Lot Coverage

Maximum lot coverage:	60%

Setbacks

Minimum front yard setback:	70 ft
Minimum rear yard setback:	15 ft
Minimum side yard setback:	10 ft

Building Height

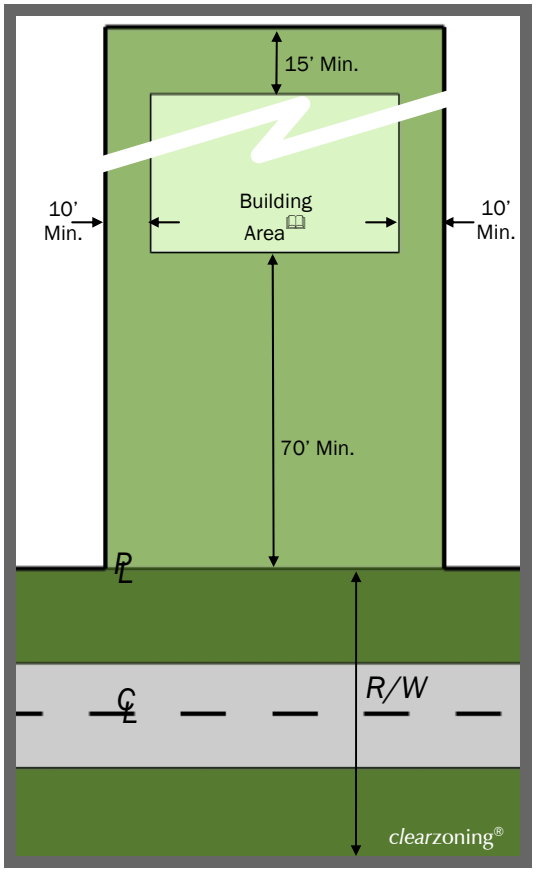
Maximum building height:	35 ft and 30 ft to the eaves

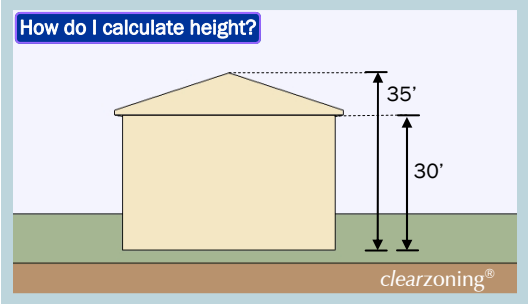
Building Width

Minimum building width:	20 ft (for residential)

NOTES

- Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.
- See *Selected References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Floor Area Requirements for Residential Dwellings
- Lot Area, Lot Width and Building Setbacks for Dwellings in the C-1, C-2 and R-C Districts
- General Regulations Applicable to All Districts

5. Site Standards

- Accessory Buildings and Uses
- Automobile Parking Requirements
- Off Street Truck Loading
- Front Yard Requirements
- Signs
- Fences and Hedges
- Corner Clearance
- Swimming Pools

6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate

3.1.8 C-2 General Commercial

A. INTENT

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

User Note: For uses listed in **bold blue**, refer to Article 4 for use-specific standards

B. PERMITTED USES

i. Agriculture
ii. One-family dwellings including **manufactured homes §4.1**
iii. Roadside stands for the sale of agriculture and related products
iv. Churches or other places of worship
v. Schools including nursery schools and child day-care centers
vi. Public parks and playgrounds
vii. Government buildings and uses
viii. General businesses
ix. Professional activities including doctors, dentists, attorneys, etc
x. Restaurants including drive-in restaurants.
xi. Indoor theaters
xii. Automotive service stations
xiii. Automotive, manufactured home, recreational vehicle, and farm implement sales and service
xiv. Mini-warehousing
xv. Hotel, motel
xvi. Wholesale business where no processing, fabrication, or assembly takes place
xvii. Printing shops - publishing
xviii. Storage areas on property being used for boat sales and service and provided storage and maintenance is kept in an orderly fashion
xix. Accessory buildings and uses
xx. Grocery stores
xxi. Personal services
xxii. Recreation facility, commercial
xxiii. Recreation facility, private

C. CONDITIONAL USES

i. Two and **multi-family dwellings** including **condominiums §4.3**
ii. Kennels
iii. Veterinary clinic, animal hospital
iv. Hospital
v. Nursing home
vi. Home occupations
vii. Flea markets
viii. Automotive repair
ix. Bar, saloon, tavern/night club
x. **Clubs §4.8**
xi. Drive-in theaters
xii. **Windmill, low impact §4.11**

C-2 General Commercial

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	Not specified
Minimum lot width:	Not specified
Minimum lot depth :	120 ft (for residential)

Lot Coverage

Maximum lot coverage:	60%

Setbacks

Minimum front yard setback:	70 ft
Minimum rear yard setback:	15 ft
Minimum side yard setback:	10 ft

Building Height

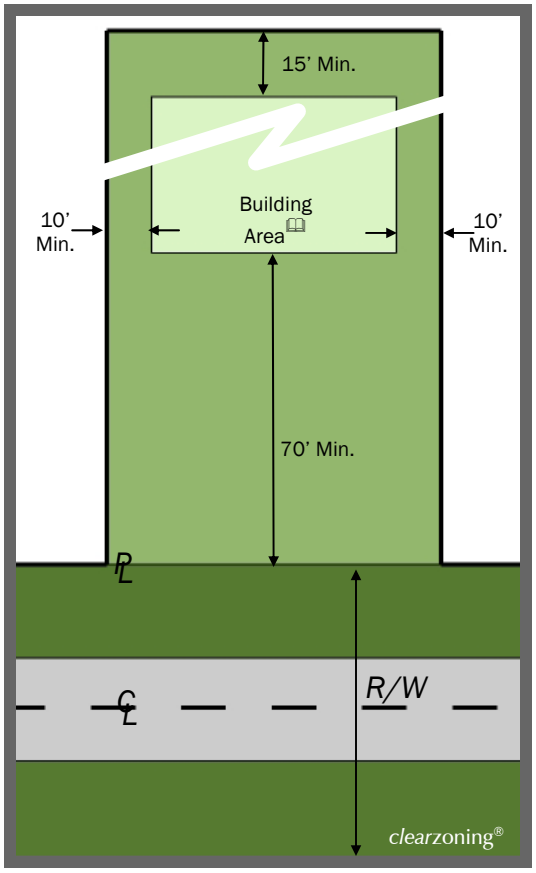
Maximum building height:	35 ft and 30 ft to the eaves

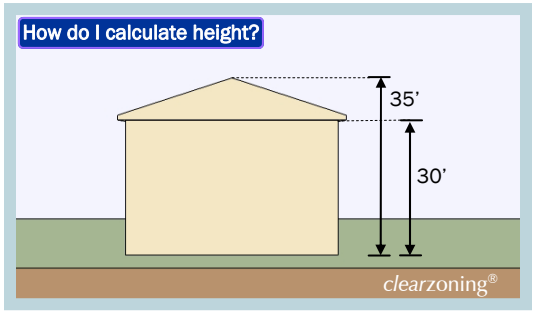
Building Width

Minimum building width:	20 ft (for residential)

NOTES

- Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.
- See *Selected References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Floor Area Requirements for Residential Dwellings
- Lot Area, Lot Width and Building Setbacks for Dwellings in the C-1, C-2 and R-C Districts
- General Regulations Applicable to All Districts

5. Site Standards

- Accessory Buildings and Uses
- Automobile Parking Requirements
- Off-Street Truck Loading
- Front Yard Requirements
- Signs
- Fences and Hedges
- Corner Clearance
- Swimming Pools

6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate

3.1.9 C-3 Entertainment Commercial

A. INTENT

The purpose of the Entertainment Commercial district is to provide areas for development of entertainment activities for the Township.

User Note: For uses listed in **bold blue**, refer to Article 4 for use-specific standards

B. PERMITTED USES

i. Agriculture
ii. Drive-in theaters
iii. Commercial amusement enterprises
iv. Indoor theaters
v. Accessory buildings and uses

C. CONDITIONAL USES

i. **Adult oriented sexual businesses** **§4.9**

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	20,000 sq ft
Minimum lot width:	100 ft
Minimum lot depth:	100 ft

Lot Coverage

Maximum lot coverage:	60%

Setbacks

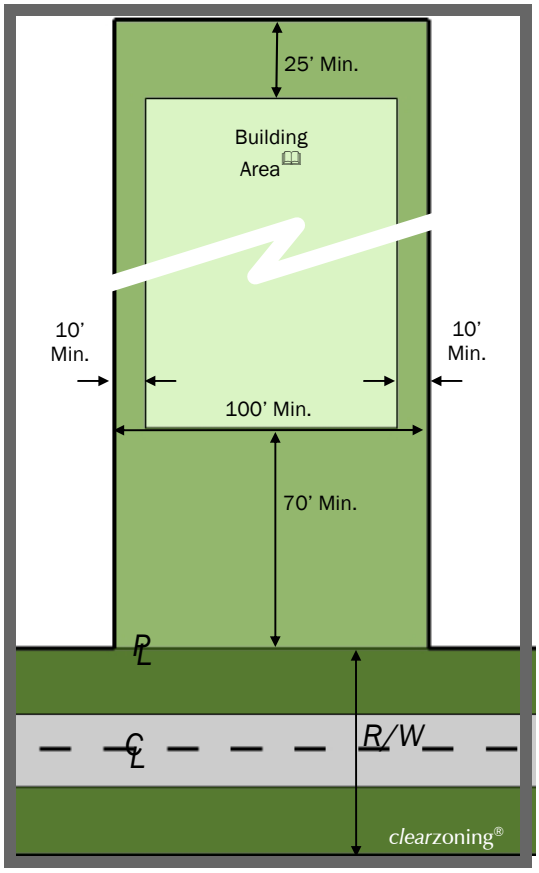
Minimum front yard setback:	70 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	10 ft

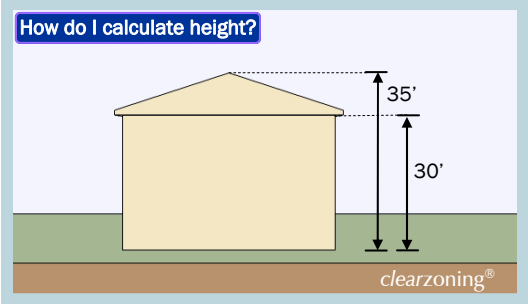
Building Height

Maximum building height:	35 ft and 30 ft to the eaves

NOTES

- Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.
- See *Selected References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- General Regulations Applicable to All Districts

5. Site Standards

- Accessory Buildings and Uses
- Automobile Parking Requirements
- Off-Street Truck Loading
- Front Yard Requirements
- Signs
- Fences and Hedges
- Corner Clearance

6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate

3.1.10 R-C Recreational Commercial

A. INTENT

The purpose of the Recreational Commercial district is to provide for the development of commercial activities related to the recreational nature of the area.

User Note: For uses listed in **bold blue**, refer to Article 4 for use-specific standards

B. PERMITTED USES

i. Agriculture
ii. One-family dwellings including **manufactured homes** **§4.1**
iii. Roadside stands for the sale of agricultural and related products
iv. Public parks and playgrounds
v. Hotels, motels
vi. Marinas, boat launching, docking facilities
vii. Storage areas, repair, services and sales provided maintenance is kept in an orderly fashion
viii. Beaches, commercial swimming pools
ix. Grocery stores
x. Automotive service stations
xi. Fishing, private or commercial and related businesses
xii. Golf driving range, miniature golf, golf courses
xiii. Riding stables
xiv. Public community facilities
xv. Restaurants
xvi. Recreational businesses
xvii. Historic sites
xviii. Accessory buildings and uses
xix. Personal Services
xx. Recreation facility, commercial
xxi. Recreation facility, private

C. CONDITIONAL USES

i. Flea markets
ii. Recreational Camp
iii. Two and **multi-family dwellings** including **condominiums** **§4.3**
iv. Home occupations
v. **Resort** **§4.4**
vi. **Clubs** **§4.8**
vii. Commercial amusement enterprises
viii. **Bed and breakfast inn** **§4.5**
ix. Temporary building/structure/use
x. **Nursery school and child day-care centers** **§4.10**

R-C Recreational Commercial

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	Not specified
Minimum lot width:	Not specified
Minimum lot depth:	120 ft (for residential)

Lot Coverage

Maximum lot coverage:	60%

Setbacks

Minimum front yard setback:	70 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	10 ft

Building Height

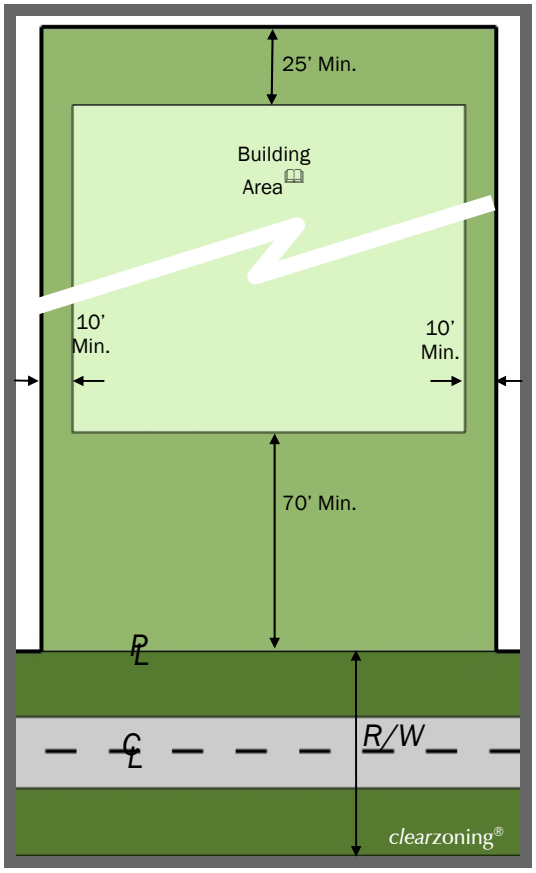
Maximum building height:	35 ft and 30 ft to the eaves

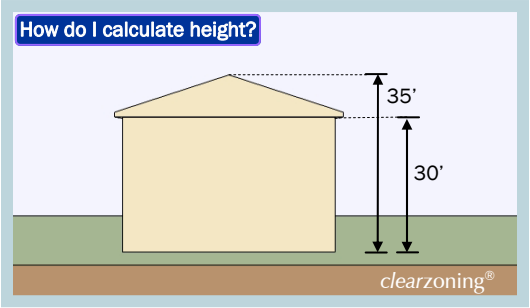
Building Width

Minimum building width:	20 ft (for residential)

NOTES

- Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.
- See *Selected References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Floor Area Requirements for Residential Dwellings
- Lot Area, Lot Width and Building Setbacks for Dwellings in the C-1, C-2 and R-C Districts
- General Regulations Applicable to All Districts

5. Site Standards

- Accessory Buildings and Uses
- Automobile Parking Requirements
- Off-Street Truck Loading
- Front Yard Requirements
- Signs
- Fences and Hedges
- Corner Clearance
- Swimming Pools

6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate

3.1.11 M-1 Light Manufacturing

A. INTENT

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

User Note: For uses listed in **bold blue**, refer to Article 4 for use-specific standards

B. PERMITTED USES

i. Agriculture
ii. Automotive service stations
iii. Building material sales, storage yards
iv. Contractors establishments including construction firms
v. Industrial establishments manufacturing or assembling the following:
   a. small metal products;
   b. clothing;
   c. drugs and medicines;
   d. electrical equipment;
   e. glass products;
   f. furniture and wood products;
   g. the assembly of finished equipment.
vi. Wholesale business and warehousing activities
vii. Propane storage facility
viii. Accessory buildings and uses
ix. Automotive repair

C. CONDITIONAL USES

i. Industrial parks
ii. **Windmill, high impact** §4.12

M-1 Light Manufacturing

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	1.0 ac
Minimum lot width:	150 ft
Minimum lot depth:	120 ft

Lot Coverage

Maximum lot coverage:	75%

Setbacks

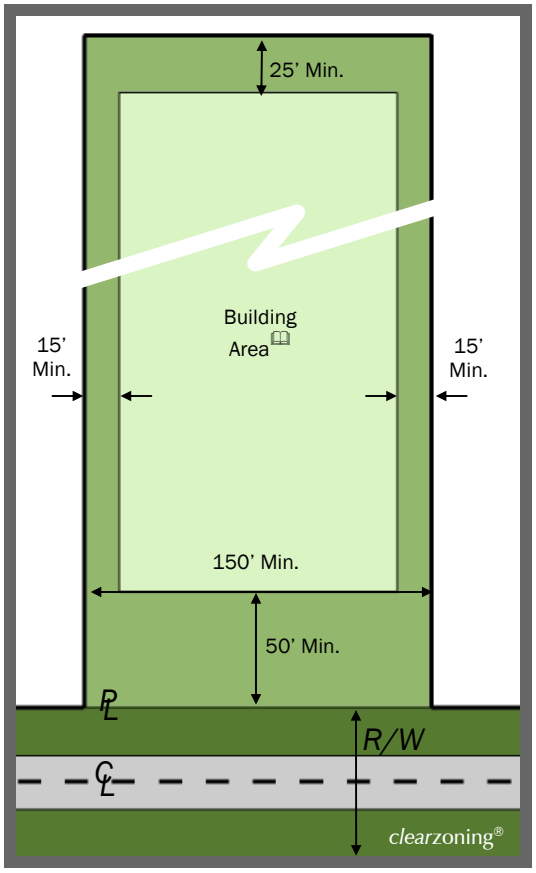
Minimum front yard setback:	50 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	15 ft

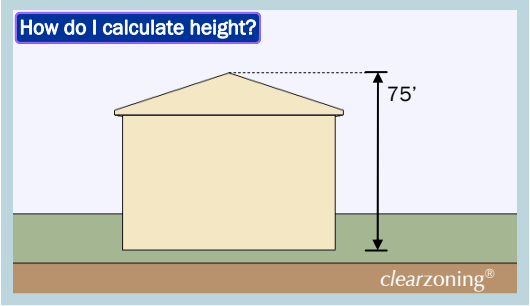
Building Height

Maximum building height:	75 ft

NOTES

- Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.
- Front yard setback shall be used for landscape purposes only.
- See *Selected References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- General Regulations Applicable to All Districts

5. Site Standards

- Accessory Buildings and Uses
- Automobile Parking Requirements
- Off-Street Truck Loading
- Front Yard Requirements
- Signs
- Fences and Hedges
- Corner Clearance

6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate

3.1.12 M-2 Heavy Manufacturing

A. INTENT

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

User Note: For uses listed in **bold blue**, refer to Article 4 for use-specific standards

B. PERMITTED USES

i. Agriculture
ii. Automotive service stations
iii. Building material sales, storage yards
iv. Contractor establishments including construction firms
v. Industrial establishments manufacturing or assembling the following:
   a. small metal products;
   b. clothing;
   c. drugs and medicines;
   d. electrical equipment;
   e. glass products;
   f. furniture and wood products; and
   g. the assembly of finished equipment
vii. Wholesale business and warehousing activities.
viii. Cement or cinder block manufacturing
ix. Automobile parts manufacturing and assembly
x. Quarrying
xi. Rock crushers
xii. Commercial shipping and docking facilities
xiii. Composting facility
xiv. Accessory buildings and uses
xv. **Windmill, high impact** **§4.12** powered electric generator
xvi. Automotive repair

C. CONDITIONAL USES

i. **Wind Farm, Small** **§4.13**

M-2 Heavy Manufacturing

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area	1.0 ac
Minimum lot width	150 ft
Minimum lot depth	120 ft

Lot Coverage

Maximum lot coverage:	75%

Setbacks

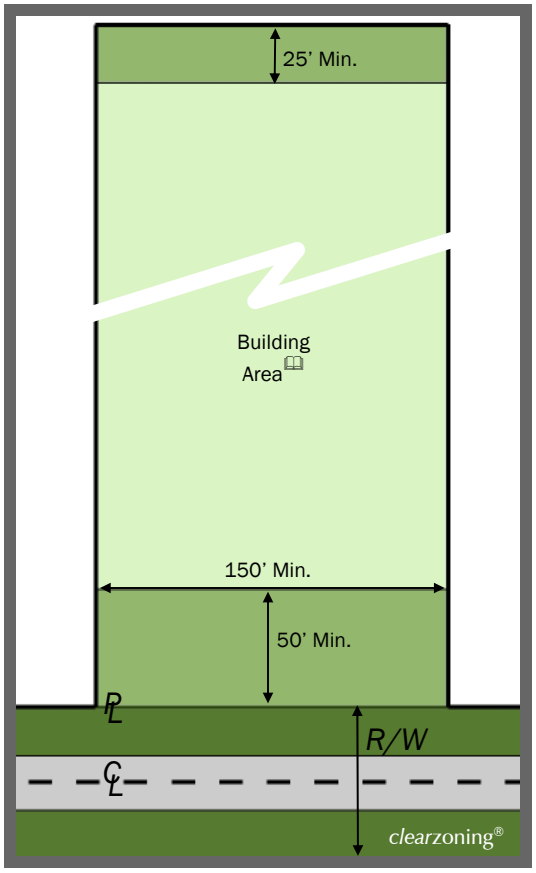
Minimum front yard setback:	50 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	0 ft (15 ft when adjacent to a residential district)

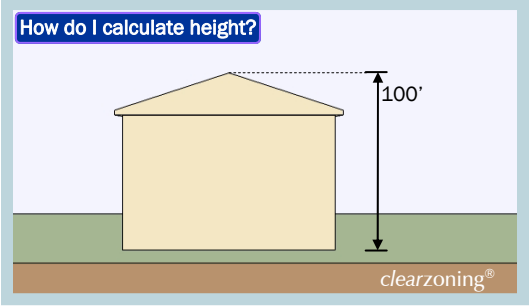
Building Height

Maximum building height:	100 ft

NOTES

- Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.
- Front yard setback shall be used for landscape purposes only.
- See *Selected References* below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- General Regulations Applicable to All Districts

5. Site Standards

- Accessory Buildings and Uses
- Automobile Parking Requirements
- Off-Street Truck Loading
- Front Yard Requirements
- Signs
- Fences and Hedges
- Corner Clearance

6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate

3.1.13 MHP Manufactured Home Park

A. PURPOSE

The purpose of the Manufactured Home Park district is to allow for the development of a manufactured home facility.

B. USES

i. Permitted: Manufactured Home Park

ii. Accessory Building and Uses

a. Accessory buildings

b. Swimming pools

c. Fences

d. Signs

B. GENERAL STANDARDS

The proposed development shall meet the following minimum Requirements:

i. 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.

ii. 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.

iii. The minimum floor area of each manufactured home shall be at least seven hundred (700) square feet.

iv. The manufactured homes must be completely skirted with materials similar to the unit in color and material to prevent uncontrolled access to the unit.

v. The maximum building height shall be thirty (30) feet.

vi. 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.

vii. No commercial sales of any type shall be permitted to occur within the park.

viii. All other requirements of the Ohio Public Health Council through the Ohio Administrative Code shall be met.

ix. 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.

x. A single identification sign not exceeding thirty -two (32) 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 feet from the edge of the road right-of-way

PUD Planned Unit Development

A. PURPOSE AND BENEFITS

i. 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.

ii. 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.

iii. Responsibilities of the Applicant: In order to be eligible for consideration under the provisions of the Planned Unit 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.

B. ESTABLISHMENT

i. Establishment of a Planned Unit Development district may occur by application in accordance with the provisions of Article 6 and in accordance with the requirements established herein within Article 3.

ii. Regulations pertaining to the use of land and/ or structures and the physical development thereof are hereby established and adopted.

C. RULES OF APPLICATION

The following rules of application shall apply:

i. 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.

ii. 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.

iii. 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.

iv. Development Standards: The development standards set forth shall be the minimums allowed for development in a Planned Unit Development district.

D. PERMITTED USES

Land and buildings in the Planned Unit Development district shall be limited to one or more of the following uses:

i. One family dwellings

ii. Zero lot line, townhouse, or other innovative form of residential development, provided all density criteria and applicable requirements are met

iii. Home occupations .

iv. Public or private schools offering general educational courses and having no rooms used for housing or sleeping of students

v. Parks, playgrounds, and play-fields open to the public without fee

vi. 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

vii. Churches or other places of worship

3.1.14 PUD Planned Unit Development

viii. Other residentially-oriented uses, which in the opinion of the Township Zoning Commission and Township Trustees, meet the purpose and intent of the Planned Unit Development district and are adequately designed, located or otherwise provided for by the development plan and other required documents

ix. Signs meeting the requirements of Article 5 for the specific use involved.

x. Accessory buildings and uses in association with a permitted residential use.

E. TRACT AND DENSITY CRITERIA

i. 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 Unit Development district.

ii. The density of development within the Planned Unit Development district shall not exceed a total of five (5) dwelling units per acre.

F. PROCEDURE

i. Sketch Plan: In exchange for flexibility, the Planned Unit 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.

ii. 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 plans 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 storm water 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, access ways, 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 Township Trustees, in order to determine compliance with this Resolution.

iii. 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.

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

f. 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.

g. 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 Unit Development district.

iv. Development Standards

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

a. 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.

b. 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.

c. 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.

d. Parking: Off-street parking shall be provided in accordance with Article 5 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.

3.2 BOUNDARIES

1. The location and boundaries of the Districts shall be shown on the map entitled, "Danbury Township Zoning Plan, 1975", as amended. 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.
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.

3.3 FLOOR AREA REQUIREMENTS FOR RESIDENTIAL 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:

District	Minimum Floor Area (sq ft) Per Dwelling			
	One Story	One and One Half Stories (first floor)	Two Story (per floor)	Multiple Level (above grade)
A	1,200	950	900	1,200
R-1	1,200	950	900	1,000
R-2	1,000	950	900	1,000
R-3	800	600	600	BZA*
L	600	600	600	600
C-1	800	600	600	BZA*
C-2	800	600	600	BZA*
R-C	800	600	600	BZA*
BZA* Board of Zoning Appeals, within conditional use procedure, shall establish the minimum.				

3.4 LOT AREA, LOT WIDTH AND BUILDING SETBACKS FOR DWELLINGS IN THE C-1, C -2 AND R-C COMMERCIAL DISTRICTS

For all dwellings in the C-1, C-2 or R-C districts, the following shall apply:

1. Without community water supply or community sanitary sewer treatment systems, the "R-1" requirements shall apply.
2. With community water supply or community sanitary sewer treatment systems, the "R-2" requirements shall apply.
3. With both community water supply and community sanitary sewer treatment systems, the "R-3" requirements shall apply.
4. Building Width for residential purposes is 20 feet

3.5 GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS

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.
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. Windmills, as herein defined, shall comply with the requirements as listed in Article 4, Section 4.10 and Section 4.11.

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.
4. No building shall be erected, or structurally altered except in conformity with the off-street parking and loading regulations of the district in which such building is located unless otherwise specified herein.
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 or lot area requirement for any other building, nor shall any lot area be reduced beyond the district requirements of this Resolution, including setback requirements.
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 may be considered to be one lot for the purposes of these regulations unless said lots are part of a recorded subdivision.
7. Any lot of record at the time of the adoption of this Resolution may be used for a single family dwelling. Any lot of record that can comply with the required setback requirements of the district in which it is located shall be required to do so. However, on such lots in all districts where compliance with required district setbacks can not occur, the following setbacks shall be maintained unless a variance is granted by the Board of Zoning Appeals:

Required Setbacks	
Yard	Minimum Depth
Front	20 ft.
Rear	5 ft
Side	5 ft

8. Additions to existing buildings on pre-existing lots shall also be required to meet the setbacks described above. For pre-existing corner lots, the minimum front yard depth as described above shall be met for both front yards. For lots that use the waters of Lake Erie as their front yard, the minimum rear yard depth from the road shall be twenty (20) feet.
9. Every residential 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) residential building on one (1) lot except as specifically provided hereafter.
10. Uses other than those specifically mentioned herein shall be prohibited, unless 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 uses specifically mentioned and are consistent with the intent and purpose of the zoning resolution and the district and the required use variance is granted.
11. For residential uses, all building and structures must conform to the requirements of either the Ohio Basic Building Code or the Manufactured Housing Construction and Safety Standards Act of 1974. For manufactured homes, the standards in Section 4.1 of the Danbury Township Zoning Resolution shall also be met.

    For non-residential uses, only buildings and structures that conform to the Ohio Basic Building Code may be occupied for commercial and industrial purposes.

    Any structure designed or intended to be used for temporary residential use, for transporting materials on the highway , or for the temporary sale of food, drink, food products, and any other products or services shall not be located in the township. The exception is where these vehicles are allowed as a part of an approved temporary amusement/philanthropic event or activity such as a flea market, carnival, festival etc. or where such concessions are permitted by zoning regulations and/or variances and conditional uses.

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Article 4.0
Use Standards

Article 4.0 Use Standards

4.1 Manufactured Homes
4.2 Recreational Camp
4.3 Condominium/Multi-Family Housing Development
4.4 Resort
4.5 Bed and Breakfast Inn
4.6 Continuing Care Retirement Community
4.7 Cluster Housing Community
4.8 Clubs, Private and Public, Golf and Country Clubs, and Lodges Operated by Educational, Social or Fraternal Organizations
4.9 Conditions for Operation of a Sexually Oriented Adult Business
4.10 Child Day Care Center
4.11 Windmill, Low Impact
4.12 Windmill, High Impact
4.13 Wind Farm, Small

4.1 MANUFACTURED HOMES

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

1. The axles and wheels must be removed and the tongue removed or covered with a material similar to the exterior siding of the home.
2. 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.
3. 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.
4. The roof must consist of shingles or other materials customarily used for conventional dwellings constructed on site.
5. The minimum building width for a manufactured home shall be twenty (20) feet for a minimum depth of twenty (20) feet; and
6. The replacement of a manufactured home previously located on a lot shall be required to comply with all of the above conditions.

4.2 RECREATIONAL CAMP

1. 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.
2. Camp Requirements: All camps shall meet the following requirements:
   i. Size - Minimum of 10 acres.
   ii. Width and Depth - Minimum width of 200 feet; ratio of width to depth shall not exceed one to five (1:5).
   iii. Yard - Minimum required front yard of 70 feet; minimum required side yards of 45 feet each side; minimum required rear yard of 60 feet. If either side yard abuts a public or private right-of-way, the minimum required yard shall be 55 feet. The first 20 feet of each required yard setback shall be composed of a green planting strip (buffer zone).
   iv. 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.
   v. 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.
   vi. 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.
3. Site Requirements: Individual sites within the camp shall meet the following requirements
   A. Site Area - Minimum of 1,200 square feet per site.
   B. Site Width - Minimum of 30 feet and should front on road.
   C. Site Setbacks - Minimum of 8 feet on all boundaries for all trailers, tents, etc.
   D. Corner Markers - All 4 corners of each site shall be appropriately marked as approved by the Board of Zoning Appeals.
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.
5. Supplementary Regulations: 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

4.3 CONDOMINIUM /MULTI-FAMILY HOUSING DEVELOPMENT

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 6.1.3.C of this resolution shall be met.
2. Condominium/Multi-Family Housing Development Requirements All condominium/ multi-family housing developments shall meet the following requirements:
   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 in the "R-3", "C-1", "C-2" and "R-C" districts and twelve thousand (12,000) square feet for each additional unit in the "R-2" district 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.

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).

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.

D. Yard. There shall be a required front yard of not less than thirty-five (35) feet, except as provided in Article 5, Section 5.4. There shall be a required side yard of not less than ten (10) feet. There shall be a required 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:

Dwelling Size		
Stories	R-2 District	R-3, C-1, C-2, R-C Districts
One	1,000 sq ft	800 sq ft
One and One Half	950 sq ft on 1st floor	720 sq ft on 1st floor
Two	900 sq ft per floor	550 sq ft per floor
Split Level	1,000 sq ft above grade	950 sq ft 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.

I. Parking Requirements. Each dwelling must be provided with two (2) parking spaces. All other requirements of Article 5 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.

L. Streets. Streets and driveways on the site will be adequate to serve the residents and suitable to accommodate the anticipated traffic within and through the development including access by emergency and fire vehicles. 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.

4.4 RESORT

The following requirements shall be met:

1. Setbacks. There shall be a required front yard setback of fifty-five (55) feet, a required side yard of forty-five (45) feet, and a required rear yard setback of fifty-five (55) feet. The setback area to be totally open except for plantings and trees.
2. Parking. Each unit used for lodging purposes shall be provided with two (2) parking spaces. Other uses shall meet the requirements of Article 5, Section 5.3.
3. Density. The maximum number of cabins, cottages, recreational vehicles and the like per acre for the resort shall not exceed five (5).
4. 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.
5. Minimum Acreage. A minimum of five (5) acres shall be included in each resort.
6. 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.
7. 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.

4.5 BED AND BREAKFAST INN

The following conditions shall be met for all Bed and Breakfast Inns in addition to those identified in its definition in Article 2.

1. The Inn must be owner occupied; it must be the principal residence of the owner and be occupied by the owner.
2. One (1) individual not residing in the Inn may be employed in the operation of the Inn.
3. No more than four (4) rooms shall be offered for rent.
4. 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.
5. No use of an accessory building for rental rooms or the owner's residence will be allowed.
6. No cooking facilities of any type shall be permitted in the rented rooms.
7. A minimum of one (1) on-site parking space per room offered for rent and two (2) spaces for the owner shall be required.
8. The outside appearance of the dwelling shall remain residential in appearance, including any additions thereto.
9. One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a Bed and Breakfast Inn.

4.6 CONTINUING CARE RETIREMENT COMMUNITY

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.
2. Continuing Care Retirement Community Requirements:
   A. Setbacks. There shall be a required front yard setback of fifty (50) feet, a required side yard setback of forty (40) feet, and a required 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.

G. Dwelling units shall have a minimum floor area of:

Bedroom	Dwelling Unit Size
Studio*	350 sq ft
One	500 sq ft
Two	700 sq ft

** 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.*

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

I. 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.

J. 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.

K. 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.

L. 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.

M. 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.

N. Emergency Access. All dwelling units shall be so positioned as to allow access of emergency and fire vehicles.

O. 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.

P. 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.

4.7 CLUSTER HOUSING COMMUNITY

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.

2. Parcel Size. In order to qualify for a cluster housing community, the parcel must contain a minimum of three (3) acres.

3. Setbacks. There shall be a minimum of twenty-five (25) feet in the "R-3" district and a minimum of thirty-five (35) feet in the "R-2" District 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. Multifamily or duplex buildings in the "R-3" district shall be separated from other buildings by a minimum of twenty (20) feet. Single-family buildings in the "R-3" district shall be separated from other single-family buildings by a minimum of ten (10) feet. Single-family buildings in the "R-3" district shall be separated from other non-single-family buildings by a minimum of twenty (20) feet. Buildings in the "R-2" district shall be separated from each other by a minimum 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.

4. Parking Requirement. Each dwelling shall have two off-street parking spaces.

5. 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 in the "R-3" district and twelve thousand (12,000) square feet for each additional unit in the "R-2" district 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.

6. 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.

7. 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:

Dwelling Size		
Stories	R-2 District	R-3 District
1	1,000 sq ft	800 sq ft
1 & 1/2	950 sq ft on 1st floor	720 sq ft on 1st floor
2	900 sq ft per floor	550 sq ft per floor
Split Level	1,200 sq ft above grade	950 sq ft above grade

8. 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.

9. Building Height: Maximum building height shall be thirty-five (35) feet.

10. 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:

    A. 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;

    B. Zoning classification of the site and other surrounding properties.

    C. Location and use of all proposed buildings, including setback lines and yard areas.

    D. 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.

    E. Proposed general grading and/or other methods to be used for adequate drainage control.

    F. Location of all public and private streets, roads, or highways.

    G. Proposed sanitary sewers, storm sewers and central water utilities, showing their connections with the existing system.

    H. Contour lines sufficient to define the topography of the site.

    I. The dimensions and bearings of the property lines, site acreage and legal description of the property.

J. A vicinity map showing the location of the property in relation to existing streets and roadways.

11. 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:

    A. 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.

    B. A staged development plan if applicable.

12. 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.

13. 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.

14. 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.

15. 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.

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

1. 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.

2. Club Requirements are as follows:

    A. Adequate lot areas shall be provided for the use contemplated in order to meet all of the requirements of the regulations herein.

    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 six (6) feet in height shall be provided.

    C. Parking shall be provided as required in Article 5, Section 5.2.

    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.

4.9 CONDITIONS FOR THE OPERATION OF A SEXUALLY ORIENTED ADULT BUSINESS

1. This requirement establishes reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the Township. This requirement has neither the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this requirement to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the

distributors or exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this requirement to condone or legitimize the distribution of obscene materials.

2. Such uses shall be permitted subject to the following conditions:

   A. The applicant shall file in writing a report containing the following information:

      i. The address where the sexually oriented business is operated or is to be operated.

      ii. The status of the applicant as an individual, partnership, or limited partnership, domestic or foreign corporation, or other entity; The full name, residence address, date of birth, and social security number of the applicant or the person applying on behalf of a partnership, corporation or other entity.

         a. If the applicant is a partnership or limited partnership, the name of the partnership the status of the partnership as a general or limited partnership; The state or other jurisdiction under which it is organized; The address of its principal office in Ohio; Its federal identification number; The name and address, date of birth, and social security number of each partner; and the status of each partner as a general or limited partner.

         b. If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth, and social security number of each stockholder holding more than two percent of the applicant's stock.

         c. If any shareholder is a corporation or a general or limited partnership, the same information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership.

      iii. The application must contain the address where the sexually oriented business is to be located and shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

      iv. Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the Township, shall be grounds for revocation or non-renewal of a permit.

      v. Any other information determined by the Board to be necessary.

3. A decision of whether or not to issue a permit or license shall be made within twenty-one (21) days after receipt of all the information required under the paragraphs.

4. A permit or license issued under this section to a sexually oriented business shall expire one year after the date of issuance. An application for a renewal permit shall be filed not later than forty-five (45) days of the expiration of the permit. An application for renewal shall be acted upon within twenty-one (21) days of receipt of the application. The information contained with the initial application for a permit and supplementary information required by Section 2.A.iv. above shall be used to determine whether or not to renew a permit. Each permit for a sexually oriented business shall contain the name of the applicant, the address of the sexually oriented business and the expiration date of the permit.

5. In addition, such uses shall be permitted subject to the following conditions:

   A. Sexually oriented business uses shall be located at least five hundred (500) feet

from any church, child day care center, library, public park, public or private school, social service facility, neighborhood center, or amusement arcade.

B. Sexually oriented business uses shall be located at least five hundred (500) feet from any boundary of any residential district in an abutting local unit of government.

C. Sexually oriented business uses shall be located at least one thousand five hundred (1,500) feet from any other adult entertainment uses.

D. Adult entertainment uses shall be located at least two hundred (200) feet from a bar, tavern, or other business serving or selling liquor, beer, wine, or other alcoholic beverages.

4.10 CHILD DAY CARE CENTER

The following conditions shall be met for child day care centers in the A, R-1, R-2, R-3 and R-C Districts:

1. An application for a conditional use must be filed with the Board of Zoning Appeals including a site plan and a fee as established by the Board of Township Trustees.
2. The building in which a child day care center is established, if a Type A or Type B home daycare, shall be residential in character.
3. Any child day care center in districts other than the R-C, shall be operated as a home occupation and meet the requirements of a home occupation as defined in Chapter 2, with the exception of the floor area.
   A. Any toys or outdoor play equipment shall be kept in an orderly fashion.
   B. Outdoor play yards shall only be permitted in the side or rear yards and follow the Accessory Building setbacks established in Section 5.1
4. A nursery school or child day care center in the R-C district, and not in a residential neighborhood or recorded subdivision, is not required to be operated as a home occupation, provided the Board of Zoning Appeals approves it as a Conditional Use and conditions 3.A & 3.B above are satisfied.
5. A copy of any required licenses for such operation shall be provided to the Township Zoning Inspector and kept with the Board of Zoning Appeals case.

4.11 WINDMILL, LOW IMPACT

The following conditions shall be met for windmill, low impact wind powered electric generator:

1. The proposed wind powered electric generator/ windmill shall be a distance of at least 125% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.
2. The maximum tower height shall not exceed one hundred and fifty (150) feet.
3. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
4. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW.
5. The wind powered electric generator/windmill shall service only one property.
6. The noise level measured at the property line(s) shall not exceed 60 dBA.
7. All necessary township, county, state and federal permits shall be obtained.

4.12 WINDMILL, HIGH IMPACT

The following conditions shall be met for windmill, high impact wind powered electric generator:

1. The proposed wind powered electric generator/ windmill shall be a distance of at least 150% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.
2. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
3. The wind powered electric generator/windmill shall have a rated capacity of more than 100 kW.
4. The noise level measured at the property line(s) shall not exceed 60 dBA.
5. All necessary township, county, state and federal permits shall be obtained.

4.13 WIND FARM, SMALL

A small wind farm shall be subject to the following conditions:

1. The aggregate output of electricity that can be generated by the small wind farm shall be less than five (5) megawatts. If additional phases are added that result in the wind farm exceeding five (5) or more megawatts, the wind

farm shall be exempt from the Danbury Township Zoning Resolution.

2. A letter shall be submitted from the owner of the electrical grid agreeing to accept the output generated by the small wind farm.
3. A site plan showing the planned location of the each wind powered electric generator, property lines, setback lines, roads (public and private), substations and other accessory buildings required by the small wind farm, a lighting plan, fence plan, associated transmission lines, the area that will be impacted by shadow flicker, and other pertinent information shall be submitted with the conditional use application.
4. The small wind farm shall conform to all construction, design safety, electrical standards, and other applicable industry standards. The appropriate industry standards shall be displayed. A professional engineer registered in the State of Ohio shall certify the installation design plans.
5. All wind powered electric generators part of the small wind farm shall be equipped with a redundant braking system including both aerodynamic overspeed controls and mechanical brakes.
6. The wind powered electric generators, including the blades, shall be a non-obtrusive color such as white, off-white, silver, or gray and contain no advertising display or message on any if its parts.
7. The small wind farm and the wind powered electric generators located within it shall not be artificially lighted except to the extent required by the Federal Aviation Administration.
8. On-site transmission and power lines shall be placed underground to the maximum extent possible.
9. Access to the wind powered electric generators, electrical equipment, and any accessory structures shall be controlled using appropriate fencing. Climbable access to the generators shall begin no less than fifteen feet off the ground.
10. A wind powered electric generator shall be setback a distance of not less 125% of the height of the tower supporting the generator from the nearest off-site residence, public road, and any school, church, or other building used for public gathering. The setback distance shall be measured from the center of the base to the nearest point of the foundation of the structure.
11. The small wind farm shall be designed and all reasonable efforts shall be made to minimize or eliminate shadow flicker to any occupied building on a non-participating property.
12. If a non-participating landowner, adjacent to the small wind farm, agrees to waive the setback requirement and/or the shadow flicker established above, such waiver shall be recorded in the Ottawa County Recorder's Office. The waiver shall describe the property benefited and burdened and advise all subsequent purchasers of the burdened property that the setback and/or shadow flicker waiver shall run with the land and may forever burden the subject property. The waiver will automatically be removed/eliminated when the wind farm is no longer operational and the decommissioning of the small wind farm has been completed.
13. The anticipated audible sound from the small wind farm shall be provided to the Board of Zoning Appeals for their review. The noise level measured at all of the adjoining property lines shall not exceed 60 dBA.

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Article 5.0
Site Standards

Article 5.0 Site Standards

5.1 Accessory Buildings and Uses
5.2 Automobile Parking Requirements
5.3 Off-Street Truck Loading
5.4 Front Yard Requirements
5.5 Signs
5.6 Fences and Hedges
5.7 Corner Clearance
5.8 Swimming Pools
5.9 Storage of Boats and Trailers

5.1 ACCESSORY BUILDINGS AND USES

1. All accessory buildings in the A, R-1 through R-3, C-1 through C-3, and R-C 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 item 1.D below:
   A. The cumulative square footage of all accessory buildings will be the lot coverage remaining after the square footage of the principal building (if applicable) is subtracted or the following, whichever is smaller :
      i. 2,000 square feet in the A, C-1, C-2 and C-3 district .
      ii. 1,200 square feet in the R-1, R-2, R-3 and R-C districts.
   B. Accessory buildings shall be permitted in the side or rear yard.
   C. For lots with a principal building, the following shall apply:
      i. Such buildings shall not exceed 20 feet in height,
      ii. Shall be no closer than five (5) feet to the principal building, no closer than five (5) feet to the side lot line and no closer than five (5) feet to the rear lot line.
   D. For lots without a principal building, the following shall also apply:
      i. The lot on which the principal 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, must be located a minimum of five (5) feet and a maximum of ten (10) feet from the rear lot line and a minimum of five (5) feet from the side lot line.
      ii. The maximum ground floor area permitted for the accessory building may not exceed two thousand (2,000) square feet in the A, C-1, C-2 and C-3 districts and may not exceed twelve hundred (1,200) square feet in the R-1, R-2, R-3 and R-C districts.
      iii. An affidavit shall be required retaining the two (2) parcels (principal structures 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. The applicant shall pay the cost of the recording fee.
   E. For lots declaring 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. In addition, docks, decks connected to the dock and other necessary appurtenances to the dock may be located in the required front yard but shall be no closer than five (5) feet to the side lot lines.
2. All Accessory buildings in the L district shall be permitted only on lots with a principal building already in existence and are permitted in the side or rear yard. The minimum setback shall be three (3) feet from the side and rear lot line. Such buildings shall not exceed fifteen (15) feet in height .
3. Accessory buildings in the M-1 and M-2 districts shall be permitted only on lots with a principal building already in existence and are permitted only in the side or rear yard.
4. Accessory buildings and structures shall be permitted in certain zoning districts as indicated in the table, Accessory Buildings and Structures:

Accessory Buildings and Structures	Districts												
	A	R-1	R-2	R-3	L	C-1	C-2	C-3	R-C	M-1	M-2	MHP	PUD
Accessory Buildings	P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pools	P	P	P	P	P	P	P	NP	P	NP	NP	P	P
Signs	P	P	P	P	P	P	P	P	P	P	P	P	P
Fences	P	P	P	P	P	P	P	P	P	P	P	P	P
P—Permitted NP—Not Permitted													

5.2 AUTOMOBILE PARKING REQUIREMENTS

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 two hundred (200) square feet per parking space with minimum dimensions of ten (10) feet wide by twenty (20) feet long, and with adequate provision made for ingress and egress to the parking spaces.

   In the L district, the size of the parking spaces shall be a minimum of one hundred sixty-two (162) square feet per parking space, with minimum dimensions of nine (9) feet by eighteen (18) feet.

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 and the zoning district is the same as the main use.

3. Improvement to Parking Areas for Non-Residential Uses.

   A. All parking areas shall be surfaced with gravel or crushed stone with adequate dust

Use		Minimum Number of Parking Spaces 🕮 (exclusive of driveways) per Unit of Measure
A. Residential		
i.	Residential Dwelling	Two (2) for each dwelling and unit (*inclusive of driveways*)
B. Institutional		
i.	Hospitals and Institutions .	One (1) for each eight hundred (800) square feet of floor area
ii.	Churches and Schools	One (1) for each three (3) seats in the main auditorium or assembly area.
iii.	Clubs or lodge halls	One (1) for each three (3) members
C. Business and Industrial		
i.	Boat Storage/Dockage	One (1) space for every one and one-half (1 1/2) boats stored or docked except for winter storage where one (1) for every ten (10) boats are stored
ii.	Commercial Buildings	One (1) space for each two hundred (200) square feet of floor area
iii.	Hotels, Motels, Cottages and Cabins	One (1) per unit plus one (1) for every two (2) employees
iv.	Indoor Theaters	One (1) for every three (3) seats
v.	Industrial	One (1) for every two (2) employed on the largest working shift
vi.	Restaurant, Bar, Saloon, Tavern or Night Club	One (1) for every eighty (80) square feet of floor area

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 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.

C. 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.

D. 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:

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

   ii. No fee shall be charged for parking thereon;

   iii. No signs of any kind shall be erected, except those necessary for the orderly parking thereon.

   iv. No parking shall occur within fifteen (15) feet of any lot line.

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

   i. The parking area shall be surfaced with gravel or crushed stone with adequate dust treatment or with permanent surfacing;

   ii. 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;

   iii. The area shall be kept clean and orderly;

   iv. The owner or operator will be responsible for the orderly control and parking of vehicles within the area;

   v. No parking shall occur within fifteen (15) feet of any lot line.

5.3 OFF-STREET TRUCK LOADING

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

2. 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:

Floor Area (in square feet)	Number of Loading Berths
5,000—10,000	1 space
10,000—20,000	2 spaces
20,000 +	3 spaces

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

Floor Area (in square feet)	Number of Loading Berths
5,000—40,000	1 space
40,000 +	2 spaces

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

3. 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.

4. Each space shall be easily accessible from a street or alley without substantial interference with traffic.

5. 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.

6. No loading berth shall be located in a required front or side yard.

5.4 FRONT YARD REQUIREMENTS

The following regulations shall apply to required front yards in all districts:

1. Interior lots having frontage on two streets shall provide the required front yard on both streets.
2. In the case of corner lots, one front yard shall meet the required setback of the zoning district in which it is located and the other shall be a minimum of twenty-five (25) feet.
3. 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.
4. 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.

5.5 SIGNS

1. **Purpose & Intent.** It is the intent of these regulations to establish reasonable regulations governing the size, character, location, type, design, motion, illumination, and maintenance of signs to:
   A. Promote the creation of an attractive visual environment that promotes a healthy economy by:
      i. Permitting businesses to inform, identify, and communicate effectively;
      ii. Balancing the public and private interests by acknowledging that signs and their messages must be visible and comprehensible to communicate effectively; and
      iii. Directing the general public through the use of signs while maintaining attractive and harmonious application of signs on the buildings and sites.
   B. Protect and enhance the physical appearance of the community that recognizes the rights of property owners by:
      i. Encouraging the appropriate design, scale, and placement of signs.
      ii. Encouraging the orderly placement of signs while avoiding regulations that are rigid and inflexible.
      iii. Assuring that the information displayed on a sign is clearly visible and legible so that the sign achieves the intended purpose.
   C. Foster public safety along public and private streets by assuring that all signs are in safe and appropriate locations.
      i. Reduce clutter and to improve corridor visibility;
      ii. To minimize the possibility that signs will create hazards; and
      iii. Eliminate any conflict between traffic control signs and other signs which would be hazardous to the safety of or pedestrians.
   D. To have administrative review procedures that:
      i. Balance the community's objectives and regulatory requirements with the reasonable advertising and way finding needs of businesses.
      ii. Allow for consistent enforcement of the Sign Resolution.
      iii. Minimize the time required to review a sign application.
      iv. Provide flexibility as to the number and placement of signs so the regulations are more responsive to business needs while maintaining the community's standards.
   E. These regulations do not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Article I, §11 of the Ohio Constitution.
2. **Applicability.** These regulations apply to all signs and to all zoning districts as specified in Section 5.5. In the event that the provisions of this Chapter conflict, the more stringent requirement shall prevail.
   A. **Exemptions.**
      i. Any public purpose/safety sign and any other notice or warning required by federal, state or local law, including:
         a. Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message;

b. Maritime and navigational markers and buoys as required by the Ohio Administrative Code, Ohio Department of Natural Resources (ODNR) or other regulating authority of navigable waterways, for marinas, channels and harbors on Lake Erie, West Harbor, and Sandusky Bay.

ii. Religious and other holiday lights and decorations containing no commercial message.

iii. Address numerals, memorial tablets, historical markers and names of buildings built into the walls of the building as an integral part of the building.

iv. Flags of the United States, the State of Ohio, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, any organization, whether for-profit or not-for-profit bearing no commercial message other than the name and/or symbol/logo of the organization.

3. **General Regulations Applicable to All Signs and Districts:**

A. **Location:**

i. No sign shall be erected or maintained where it may obstruct or impair traffic.

ii. No portion of any sign shall be placed within the clear vision triangle as defined in Section 5.7 Corner Clearance.

iii. No sign shall be erected, maintained or placed in any public street right-of-way except publicly owned signs, such as traffic control signs.

iv. No sign shall be installed, erected, or attached to a fire escape or any door or window giving access to any fire escape.

B. **Computation:**

i. For purposes of determining the number of signs, a sign with two (2) facades (double-faced sign) used for display shall be counted as one sign.

a. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart.

ii. When computation is based on the street or lot frontage; the longest street or lot frontage, and not the total street frontage, fronting on a public street, shall be used.

a. This includes all permanent on-premises, off-premises and temporary signage for the development site unless otherwise specified herein.

iii. When computation is based on building frontage, measurement shall be based on the portion of the building that is parallel to the public street. In multi-tenant structures, or structures that are not parallel to the street, each tenant shall calculate the allowable wall signage based on the frontage (length) of their building space on the first floor where their front door is located and that the public generally enters.

iv. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.

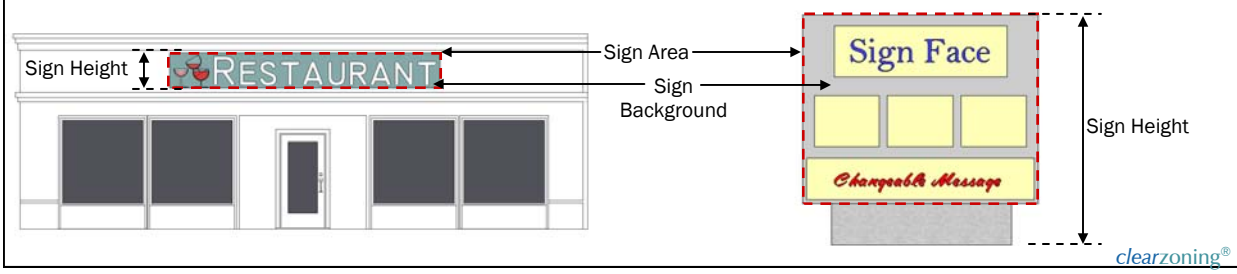
v. The area of a sign shall be calculated as follows:

a. For a sign mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface. See Figure 5.5.3.B.v.a ✍

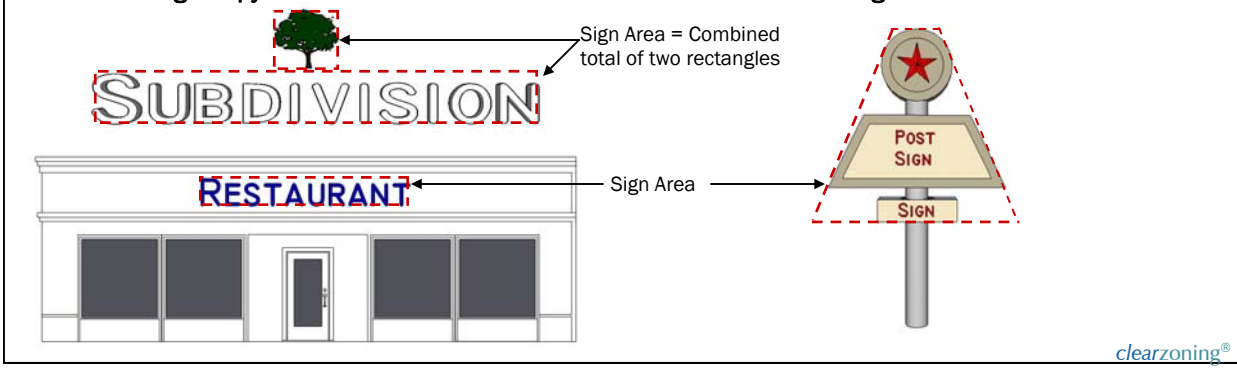
b. For sign copy where individual letters or elements are mounted or painted on a building façade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the combination of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign. See Figure 5.5.3.v.B.b ✍

c. The calculation of sign area may include any supporting framework, bracing, or decorative fence, wall or other architectural feature and material which is determined to constitute an integral part of the sign design, as determined by the Zoning Administrator. See Figure 5.5.3.B.v.c. ✍

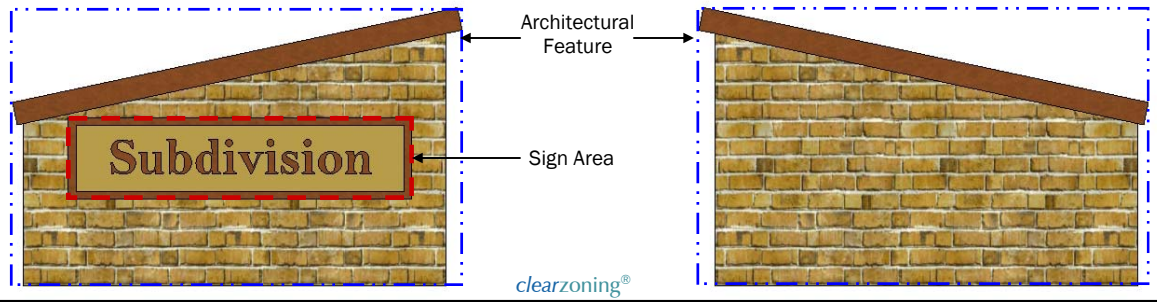
5.5.3.B.v.a Sign Measurement with Sign Background and Sign



5.5.3.B.v.b Sign Copy Where Individual Letters are Mounted Without a Background



5.5.3.B.v.c Sign Copy Which is an Integral Part of Architectural Feature



C. **Height**:

i. The height of a sign shall be computed as the distance from the base of the sign at natural or finished grade, whichever is lower, to the top of the highest attached component of the sign, including any decorative features.

ii. The maximum height of any wall sign shall be measured from the bottom of the sign to the top of the sign, including the background if a background is included. See Figure 5.5.3.B.v.a

D. **Setbacks**: The minimum setback shall be the distance from the street right-of-way line to the nearest part of the sign, measured perpendicularly to the edge of the road right-of-way.

E. **Illumination**:

i. Any permitted 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.

ii. No illuminated signs, other than permanent on-premises signs, are permitted in the A, R-1, R-2, R-3 and L districts.

iii. Any illuminated signs or lighting devices shall employ only a source which emits lighting which does not cause glare or reflection that may constitute a traffic hazard or nuisance.

iv. The light from any illuminated sign or from any light source shall be so shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect surrounding or facing residential districts, or adversely affect the safe vision and operation of vehicles moving on public or private roads, highways, or parking areas. Light from the illuminated sign shall not directly shine or reflect on or into residential structures.

F. **Maintenance**:

i. The structural integrity of all signs shall be maintained.

ii. If the corresponding service, commodity, or facility ceases to exist, its sign shall be removed, or replaced with a blank sign face within ninety (90) days.

iii. All signs shall comply with the Ottawa County Building Code.

iv. Signs shall be free from rust, dust, dirt, and other such debris. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced.

v. Maintenance may include upgrading of materials or parts only if such upgrades do not take the sign out of conformance with this Resolution or, in the case of a legal nonconforming sign, if such upgrades do not increase the degree of nonconformity.

vi. The Zoning Inspector may order the repair or removal of any sign that is defective, damaged, or substantially deteriorated.

vii. Should any sign be or become unsafe or be in danger of falling, the owner, tenant, or occupant shall, upon receipt of written notice from the Zoning Inspector, proceed at once to correct the unsafe condition and/or remove the sign in question.

G. **Prohibited Signs**: The following types of signs are prohibited in all zoning districts:

i. Air activated (inflatable) graphics or balloons used for commercial or advertising purpose.

ii. Animated, flashing, rotating, revolving, streamers, pennants, spinners, ribbons, searchlights or other device similar to those listed above, unless otherwise expressly permitted under this Article;

iii. Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying such sign to attract attention or provide advertising in addition to that permitted for legal signage on the site. This provision does not apply to lettering on buses, taxis, trailers or company vehicles used by an operating business where such vehicles are consistently on the road in the normal course of trade or business;

iv. Signs imitating or resembling official traffic or governmental signs or signals;

v. Snipe Signs.

vi. Abandoned signs.

H. **Permitting**:

i. Unless otherwise provided by this Article, it is unlawful for any person to erect, place, repair or replace a sign in the Township without first obtaining a Zoning Certificate.

ii. No Zoning Certificate is required for the general maintenance of a sign (i.e. painting, repair or replacement of defective parts in accordance with F.v. above.; replacement of lights, billboard sign copy changes, changeable copy signs, message changes or panel replacements within an existing sign cabinet).

iii. A Zoning Certificate is required for all new signs and sign structures including, when a sign is relocated, when the sign casing is modified to fit a new sign face, new or replacement wall signage (unless replacing a panel within a permanent cabinet), there is an increase or reduction in sign area or to the height of the sign.

iv. A Zoning Certificate is also required when a legally established nonconforming sign has been damaged by fire, explosion, act of God, the public enemy or voluntarily, to the extent of seventy-five (75) percent or more of its estimated reproduction value at the time of damage and in accordance with Section 5.5.7 Nonconforming Sign provisions herein.

4. **Permanent On-Premises Signs**

A. General. These regulations describe the signs permitted for the purposes of identification and advertising on-site, permanently. These signs are primarily intended to provide for identification of uses from off-site, but also include pedestrian-scale signs that are intended to provide more detailed information to people who approach the primary entrance to these land uses.

B. <u>Residential Zoning Districts (A, R-1, R-2, R-3 and MHP Zoning Districts including the R-C Zoning District when such use described in B.i-iii below is applicable</u>).

i. Subdivision, Residential Development, Multi-Family Development Signs, are permitted as follows:

a. Number Permitted: Two (2) per development entrance

b. Type: Ground Mounted

c. Square Footage: 24sq.ft maximum for each sign area

d. Height: Max. lettering height = 2'

No portion of the sign structure or architectural features containing the sign shall exceed 6 feet in height or 12 feet in width.

e. Setback: 5'* (*See g.(1). below) from right-of-way of State, County and Township Roads, not including Private Street right-of-way(s) and 10' from adjacent property lines of parcels that are not part of the subdivision or development.

f. Illumination: Externally illuminated only.

g. Other:

(1) For signs integrated in or on wall-like structures (See Figure 5.5.3.B.v.c), the wall structure shall be setback 10' from the right-of-way of State, County and Township Roads.

(2) Any landscaping in front or around the sign structures, including wall-type structures, described in this section shall not impair the vision of vehicles attempting pull out from the development site onto a State, County and Township Roads and shall be subject to Section 5.7 Corner Clearance of this Resolution.

ii. <u>Public/Institutional Use, or Commercial Enterprise Signs are permitted in a residential zoning district (church, kennel, riding stable, etc.) provided the sign meets the following requirements</u>:

a. Number Permitted: One (1) Ground and one (1) Wall per development site.

b. Type: Wall and Ground Mounted

c. Square Footage: 32sq.ft maximum for each sign area (Wall or Ground Mounted)

d. Height: Max. lettering height = 2'

No portion of the sign structure or architectural features containing a ground mounted sign shall exceed 6 feet in height or 12 feet in width.

e. Setback: 5' from right-of-way and 10' from adjacent property lines.

f. Illumination: Externally illuminated only.

g. Other:

(1) Directional and Directory signs are permitted in accordance with Section 5.5.4.C.iii and 5.5.4.C.iv below.

(2) Electronic Message Centers for these uses in a residential zoning district are prohibited.

iii. **Home Occupation Signs.**

a. Number Permitted: One (1)

b. Type: Wall or Ground Mounted, but not both.

c. Square Footage: 20sq.ft maximum including integrated architectural features.

d. Height: No portion of the structure or architectural features containing the sign shall exceed 4' feet in height or 5' feet in width.

e. Setback: 5' from right-of-way and 10' from adjacent property lines.

f. Illumination: Naturally illuminated only.

C. Commercial & Manufacturing Districts (C-1, C-2, C-3, R-C, M-1and M-2 Zoning Districts).

i. **Ground Mounted & Pole Signs**

a. Number Permitted: One (1) per development site.

b. Type: Ground Mounted or Pole, not both.

c. Square Footage: 48sq.ft maximum for the sign area. No portion of the sign structure or architectural features containing the sign shall exceed 2 times the square footage of the sign area (i.e. the entire sign structure cannot exceed 96 s.f. including the 48 s.f.sign).

d. Height: 10' maximum including integrated architectural features.

e. Setback: 5' from right-of-way and 10' from adjacent residential property lines.

f. Illumination: Internal or external.

ii. **Wall, Awning*, Roof & Projecting Signs****

a. Number Permitted: Two (2) per tenant*** (See g. below).

b. Type: Wall, Awning* Roof and/or Projecting**

c. Square Footage: A ratio of 2 square feet for each lineal foot of building/tenant space frontage for the total of all wall signage, not each sign (See also 5.5.3.B Computation above and h.(1) below)

d. Maximum Height: 4'

(1) If the average front setback of the structure is less than 100 feet, then the sign may be no more than 4 feet tall. If the average front setback of the structure is 100 feet or greater then a sign may be no taller than the average front setback of the structure multiplied by 0.04, but in no case taller than 12 feet.

(2) A roof sign on top of a structure is subject to meeting the structural building height restriction of the district in which it is located. (i.e. If the maximum building height is 35 feet, the existing building is 33 feet tall, the roof sign may only be 2 feet tall). No roof sign shall exceed four (4') feet in height.

e. Setback: Same as building setback for the zoning district.

f. Illumination: Internal or external.

g. Projecting Signs**. There are two types of projecting signs:

(1) A projecting sign used in the same capacity as a wall sign as a primary identification sign for the business;

(A) Number Permitted: One (1) per tenant

(B) Square Footage: A ratio of 2 square feet for each lineal foot of building/ tenant space frontage (See also 5.5.3 Computation above and (E) below)

(C) Minimum Height: The bottom of the sign shall be a minimum of 8' above the sidewalk

Maximum Height: 6'and shall not extend beyond the roofline of the building structure it is attached too.

(D) Maximum Projection: The sign shall not project more than 4' from the wall of the building on which the sign is placed.

(E) Other: Such projecting sign is permitted in-lieu of 1 wall sign allowance outlined above.

(2) A projecting sign designed and placed for the purpose of identifying the businesses for pedestrian walking along the same side of the street as the business they seek or under a continuous veranda, portico or canopy projecting from the building.

(A) Number Permitted: One (1) per tenant

(B) Square Footage: 6 sq.ft. Maximum

(C) Minimum Height: The bottom of the sign shall be a minimum of 8' above the sidewalk.

Maximum Height: 2'

(E) Maximum Projection: The sign shall not project more than 3' from the wall of the building on which the sign is placed if this is the selected method of attachment.

h. Other:

(1) If there are multiple structures for a single tenant, the sign area calculation shall be based on the structure on which the sign will be located.

(2) ***Buildings located on a corner lot, including alleyways and private streets, may have one additional sign on the additional building façade facing a public street. The area of such additional sign shall be 0.5 square feet per lineal foot of the structural wall in which it will be located on.

(3) Except where a projecting sign is allowed, wall signs shall be mounted on or flush with, a wall; a wall sign may be painted directly onto the building structures wall.

(4) Wall signs shall not protrude more than 12 inches, regardless of whether a raceway is used, as measured from the wall or face of the building to which it is attached or extend beyond the façade of the structure.

(5) *Any awnings or canopies containing a sign shall be included as part of the wall sign area calculation.

iii. **Directional Signs**: Contains no commercial message other than to direct traffic and pedestrian flow within a development site and from a public roadway into the property. Directional signs may contain a company logo, name or insignia.

a. Number Permitted: Two (2) Ground Mounted or Pole per development entrance, but not both* (See also g. below).

b. Type: Wall* (See g. below), Ground Mounted or Pole

c. Square Footage: 6 sq.ft for each sign area.

d. Maximum Height: 4'

e. Setback: 1' from right-of-way and adjacent property lines.

f. Illumination: Internal or external but may not glare as to cause a distraction to passing motorist.

g. Other: Directional wall signs shall not exceed 2' in height. There shall be no limit on the number of directional wall signs and such signs shall not count towards the allowable wall signage.

iv. **Directory Signs**. Index or "way-finding" signs consisting of the names of occupants of an office building, shopping center, or other multi-tenant business complex that guides vehicular and pedestrians intended travel to a business or tenant within the development site and bears no commercial message.

a. Number Permitted: No limit.

b. Type: Ground Mounted Only

c. Square Footage: 24 sq.ft for total sign area for each directory.

d. Maximum Height: 6'

e. Setback: 20' from right-of-way and 10' from any residential property.

f. Illumination: Internal or external.

g. Other: Directory signs shall be located wholly within the development site.

v. **Bench Signs**.

a. Number Permitted: Maximum of 10 benches per development site.

b. Setback: All benches must meet the setback requirements for the zoning district in which they are located.

c. Location: All benches must be located near or around the principal building located on the property but not in a way to obstruct any required parking spaces or impede pedestrian traffic into the building.

d. Illumination: None.

e. Other:

(1) Bench signs may advertise for the on-premises business or for an off-premises business and is not subject to the 250'off-premises spacing requirement in Section 5.A.vi.b.

(2) Only the back of such bench shall be used for advertising and the size of such sign shall not exceed the typical dimensions (16" x 8') of the back of a bench.

(3) No permits are required for the installation of bench signs, bench structures or changing the sign face.

(4) Legally established, occupied and active nonconforming uses or structures that encroach into the required setbacks of the district in which they are located may be permitted to have bench signs in accordance with this section.

vi. **Maritime/ Navigational Signs**. Maritime and navigational markers and buoys are permitted as required by the Ohio Administrative Code, Ohio Department of Natural Resources (ODNR) or other regulating authority of navigable waterways, for marinas, channels and harbors on Lake Erie, West Harbor, and Sandusky Bay. In addition to other signs listed in this Article, Marinas may install the following:

a. Number Permitted: One (1) on each channel or jetty entrance to the harbor and dockage area.

b. Type: Ground Mounted or Pole

c. Square Footage: 48 sq.ft for each sign area.

d. Maximum Height: 10'

e. Illumination: Internal or external

f. Other: Directional signs within a harbor area directing boaters to gas pumps, restaurants, public docks and other marina amenities shall follow the Directional Sign Standards as contained in Section 4.C.iii. above.

vii. **Electronic Message Centers**. Signage that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or

automatic means for permanent, on-premises advertising.

a. Number Permitted: One (1) per development site

b. Type: Ground Mounted or Wall.

c. Square Footage: 24 sq.ft.

d. Maximum Dimensions: 4' in height and 6' in width.

e. Illumination: Internal

f. Message Hold Time: 8 static seconds minimum

g. Transition Method: Instant. No fading, scrolling, sliding, flashing or other forms of transition animation are permitted.

h. Transition Duration: 1 second

i. Other:

(1) No electronic message center shall display video or animation.

(2) All electronic message centers shall be equipped with automatic dimming capabilities, which automatically adjust the brightness of the light emitted from the sign to the ambient light.

(3) Such message center may be used in combination with a permanent on-premises identification sign in accordance with Section 4.C.1 and Section 4.C.2. or as a stand-alone sign, but in no case shall the electronic message board exceed 24 square feet in size.

(4) Gas stations that typically utilize electronic means to display gas prices are permitted to have one ground or pole sign in accordance with Section 4.C.1. and i.iii above, but may provide one (1) electronic price display in addition to the wall signage requirements of Section 4.C.2, as a wall sign on the canopy over the pumping stations. The cumulative square footage of all gas prices displayed electronically may exceed 24 square feet but shall be no more than 36 cumulative sq.ft.. Should the electronic gas prices be less than 24 square feet, any square footage available after configuring the total square footage used for the price displays may be used as an electronic message center in accordance with these regulations.

(5) Electronic Message Centers are specifically prohibited in the "L" & "LBO" Lakeside Districts.

D. <u>"L" & "LBO" Lakeside Districts</u>

i. Number Permitted: One (1) per tenant* (See vi.a below)

ii. Type: Wall or Projecting

iii. Square Footage: 12 sq.ft maximum for the sign area

iv. Height: Such sign may not be located any higher from natural or finished grade whichever is lower, than 12' to the top of such sign.

v. Illumination: External.

vi. Other:

a. A Certificate of Appropriateness (COA) is required by the Lakeside Historical and Architectural Design Review Commission for these signs.

b. Property owners may display signs on their homes giving their family names or the name they have given to their home without obtaining a zoning permit from the township. Such signs shall not exceed 12 sq.ft.

5. **Permanent Off-Premises Signs (Billboards)**

A. General. Off-premises outdoor advertising signs shall be classified as a business use and be permitted in all districts zoned for industry, business, or trade, or lands used for agricultural purposes, pursuant to ORC §519.20 and subject to the provisions of this section.

i. Number Permitted: Two (2) per parcel

ii. Type: Wall, Ground Mounted or Pole

iii. Square Footage & Setback

a. Private, Township, County Roads or State Routes 163 & 269:

(1) 32sq.ft. to 52sq.ft signs shall be setback from the road right -of-way by 40 feet.

(2) 53sq.ft. to 72sq.ft. signs shall be setback from the road right -of-way by 55 feet

(3) No permanent off-premise sign shall be less than 32 sq.ft. and no more than 72 sq.ft. in size along these roadways. Existing signs located closer or larger will be considered nonconforming and subject to Section 5.5.7.

b. State Route 2: Off-Premises signs along State Route 2 shall be a minimum of 72 sq.ft. and a maximum of 500 sq.ft Such sign may be setback from the road right-of-way in accordance with Interstate/ State Highway Requirements (ODOT).

iv. Height:

a. Private, Township, County Roads or State Routes 163 & 269: The maximum height from natural or finished grade, whichever is lower, to the top of the sign structure shall not exceed 15'.

b. State Route 2: The maximum height from natural or finished grade, whichever is lower, to the top of the sign structure shall not exceed 35'.

v. Illumination: External. Such Off-Premises Sign must be effectively shielded to prevent light from being directly, or indirectly, cast on any portion of the street or highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle.

vi. Other:

a. On State Route 2, spacing shall be in accordance with regulations enacted by the Ohio Division of Highways, but also subject to the spacing requirements below.

b. There shall be a minimum distance of 250 feet between any permanent off-premises sign(s), permanent on-premises sign(s), recorded subdivision or any residential lot less than 1 acre in all districts, unless otherwise specified herein. Existing signs located closer together will be considered non-conforming and subject to Section 5.5.7.

c. Off-Premises signs shall not be permitted as roof signs.

B. "L" & "LBO" Lakeside Districts. Off-Premises, billboard type signs are specifically prohibited in the "L" or "LBO" Lakeside Districts.

C. Electronically Activated Off-Premises Signs (Digital Billboards). These billboards are only permitted along State Route 2 as regulated by the Ohio Division of Highways, and are also subject to the requirements above in regards to height, size and spacing.

6. **Temporary Signs**

A. General.

i. No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roof of a structure.

ii. No temporary sign shall be mounted, attached, affixed, installed or otherwise secured by any permanent means to any building, permanent sign, other structure or improvement, or to the ground upon which it is erected.

iii. No temporary sign shall be mounted, attached, or affixed to a telephone or power pole or any federal, state or local government issued public purpose/safety sign.

iv. No temporary sign shall be illuminated internally or externally except by the natural daylight.

v. All restrictions as listed under Section 5.5.3 General Regulations Applicable to All Signs and Districts above are also applicable to all Temporary Signs.

vi. Use of temporary sign displays on days without approval by Zoning Certificate, when required, or beyond the stated date of approval, when applicable,

shall be deducted from the allotted number of days.

vii. Temporary signs shall be located:

a. A minimum of 10 feet from the edge of street pavement or 5' from the edge of a street right-of-way, whichever is the greater setback;

b. A minimum of 10 feet from all lot lines adjacent to a residential use or residential zoning district;

c. A minimum of 5 feet from all other property lines; and

B. **Temporary Signs without Commercial Messages**. Temporary signs that have no commercial message are permitted in all zoning districts as follows:

i. Zoning permits and fees shall not be required;

ii. There shall be no maximum sign area requirement, except as provided for in Section 6.D. below;

iii. There shall be no maximum number of signs, except as provided for in Section 6.D. below;

iv. The maximum height of the sign shall be 4 feet, except as provided for in Section 6.D. below. The sign shall not be attached in such a manner as to extend above the roof line of the building.

v. The signs shall be located in accordance with 6.A.vii. above

C. **Temporary Signs with Commercial Messages**. This section addresses permitted temporary signs, with commercial messages, in all agricultural, residential, commercial and industrial districts.

i. Number Permitted: 3 per development site maximum and one additional temporary sign for each additional occupant over 3 [i.e. 1 tenant on a development site equals 3 signs; 5 tenants on a development site equals 5 signs max.] (*See also D. below for certain Sign Types)

ii. Type: Yard, Sandwich Board, Flutter Flags, Portable, Changeable Copy * (See D.iv.b. below) and/ or Banner signs

iii. Square Footage: 8 sq.ft for each sign area

iv. Maximum Height: 4' in height maximum unless otherwise indicated in D. below based on Sign Type

v. Setback: See A.vii. above

vi. Illumination None.

vii. Duration:

a. 14 days (consecutive or non-consecutive) per month.

b. Temporary sign(s) with an off-premises commercial message advertising for a special or long-term event such as, but not limited to, a festival, the sale or lease of land, a construction or development project or for work or service being provided on-premises is permitted until completion of construction or development, transfer of the property, or completion of such special or long-term event.

c. It shall be the responsibility of the sign owner or organization who installs such temporary sign(s) to ensure all temporary signs are removed and gathered within 14 days following the event which is being advertised.

viii. Other:

a. Temporary signs 8 sq.ft. or less shall not require a Zoning Certificate or a payment of a fee, unless otherwise specified herein.

b. A temporary sign greater than 8 sq.ft., but no more than 32 square feet in size are permitted on lots larger than one (1) acre on agricultural, residential, commercial and industrial zoned property, provided:

(1) The owner of the property or sign applies for, and receives a Zoning Certificate (but no fee) for the sign.

(2) There shall be a limit of one (1) sign of this extended size per development site and such sign may have a maximum of two sides with no more than a 24" separation space between sign panels; and

(3) Such sign shall not exceed 6' in height

(4) Such sign shall be removed within 14 days following the event, work or service being performed transfer of the property, or completion of such special or long-term event or other message the commercial message is advertising.

D. **Sign Type Regulations, Regardless of Message.** The following types of temporary signage are regulated as follows in all zoning districts regardless if it contains a commercial or noncommercial message. Such sign types shall be located in accordance with 6.A.vii. and subject to C.i above for temporary signage containing commercial message.

i. Window Signs (No permit required)

a. No window sign or combination of window signs shall occupy more than 50% of the window pane in which it is located.

b. There is no time limit or number permitted limitation on temporary window signage.

ii. Banners (Permit required if over 8 sq.ft. – See Section 6.C.viii.b. above).

a. Banners shall not exceed 10' in length or 4' in height or 24 sq.ft.

b. Banners shall be securely fastened, in a non-permanent manner to the permanent sign structure on the property, light post fixture, the façade of a structure or tenant space, or between two supporting posts freestanding in a yard.

iii. Flutter Flags (Permit Required). No flutter flag shall exceed 10' in height.

iv. Portable, Changeable Copy Signs (Permit Required).

a. Portable, Changeable Copy Signs, on or off wheels, shall not exceed 5' in height or 8' in width or 32 sq.ft.

b. There shall be a maximum of one (1) Portable, Changeable Copy Signs per development site, subdivision development or residential parcel.

c. Portable, Changeable Copy Signs are not intended by this resolution to be used as a permanent, on-premises identification sign. A changeable copy sign used for permanent means of advertising shall meet the on-premises sign requirements or off-premises sign requirements, whichever is applicable.

v. Sandwich Board Sign (Permit required if over 8 sq.ft. – See C.viii.b. above).

a. Sandwich Board signs shall not exceed 4' in height or 4' in width.

b. Sandwich Board Signs are not intended by this resolution to be used as a permanent, on-premises identification sign. A Sandwich Board sign used for permanent means of advertising shall meet the on-premises sign requirements or off-premises sign requirements, whichever is applicable.

E. **"L" & "LBO" Lakeside Districts.** Only one (1) temporary yard sign containing a commercial message is permitted per address in the Lakeside District and shall be a maximum of 12 square feet and 4 feet in height. Such sign shall be removed within 14 days following the event, work or service being performed transfer of the property, or completion of such special or long-term event or other message the commercial message is advertising. No permit or additional review by the Historical and Architectural Design Review Commission or the Lakeside Association is required.

7. **Nonconforming Signs**

A. General Provisions

i. Except as otherwise specifically provided, nothing in this section shall require the removal or discontinuance of a legal nonconforming signs.

ii. A nonconforming sign shall not be altered, modified, rebuilt, enlarged, extended, or relocated, or reconstructed except:

a. When such alteration, modification or reconstruction would bring such sign into conformity with these regulations;

b. When the existing use has new ownership which results in a change in the name or logo of the use or business on the property, and such change complies with subsection "d" below;

c. When the space is reoccupied by a similar use and the new occupant requires no external building or site renovation, and such change complies with subsection "d" below;

d. Any alteration, modification or reconstruction permitted in this section shall be limited to the replacement of a sign panel, replacing individual letters and logos within the same structural casing or frame, or repainting a sign face, and does not permit changes to the structure, framing, erection or relocation of the sign unless such changes conform to subsection "a" above.

iii. Temporary or portable signs shall not be designated a legal nonconforming sign. Portable signs altered to be made non-portable shall still be considered to be portable unless such sign receives a permit in accordance with the permanent, on-premises identification sign regulations.

B. Determination of Legal Nonconformity. Existing signs that do not conform to the specific provisions of this Section may be eligible for the designation of a "legal nonconforming sign" provided that the sign was covered by a valid permit or variance, or complies with all applicable laws on the effective date of this Resolution.

C. Loss of Legal Nonconforming Status

i. A legal nonconforming sign loses the legal nonconforming designation if:

a. The sign is relocated;

b. The sign is replaced;

c. The structure or size of the sign is altered in any way except towards compliance with this Article. This provision does not refer to general maintenance, changeable marquees, or face and copy changes.

d. The sign is part of an establishment that discontinues its operation or has been abandoned for a period of 2 years.

e. A legally established nonconforming sign which has been damaged by fire, explosion, act of God, the public enemy or voluntarily, 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 herein. When damaged by less than seventy-five (75) percent of its reproduction value, a nonconforming sign may be repaired or reconstructed, and used as before the time of damage, unless such sign is located in the public road right-of-way.

D. Maintenance and Repair of Nonconforming Signs

i. All existing nonconforming signs shall be kept in a state of good repair, good working order, and in a safe condition, free from fading, peeling paint, broken, cracked or missing faces, rotting/ decaying supporting structures or frames, improperly or partially functioning lighting fixtures, or other aesthetically displeasing characteristics.

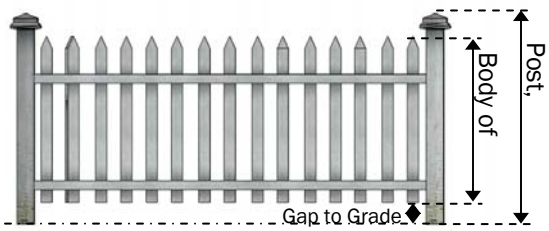
ii. A legally established nonconforming sign that suffers damage to an extent greater than 50 percent of the estimated reproduction value, regardless of the cause (voluntary or non-voluntary), the sign shall be replaced with a sign that complies with this Article.

iii. The Zoning Inspector shall be authorized to make a determination of whether a legally nonconforming sign is properly maintained and does not endanger the public or constitute a nuisance.

5.6 FENCES AND HEDGES

The following regulations shall apply to all fences in Danbury Township.

1. No fence may conflict with utilities or drainage flow.
2. Fence height shall be determined by measuring the height of the body of the fence. A space of not greater than four (4) inches for drainage and/or landscaping purposes, is permitted between the bottom of the body of the fence and the natural grade.



3. Fence posts are permitted to extend a maximum of five (5) feet above the natural grade where four (4) foot fences are permitted, seven (7) feet above the natural grade where six (6) foot fences are permitted and eight (8) feet above the natural grade where seven (7) foot fences are permitted.
4. No fence, wall, hedge, shrubbery, sign, or other structure or planting shall be placed over three (3) feet in height within the clear vision triangle as defined in Section 5.7 Corner Clearance.
5. If the natural grade has been raised for landscape purposes, the creation of a berm, retaining wall, or other method for the primary purpose of increasing the elevation of the fence, the measurement will be taken from the natural grade prior to any modifications.
6. A fence may be located up to the lot line as long as the entire fence, including fence footings, is located on the fence owner's property. The "ugly side" or exposed framework of the fence must face the fence owner.
7. Fences and hedges shall not exceed the following height in the specified yard unless otherwise restricted:

District	Front Yard Height	All Other Required Yards
Agriculture (A)	7 ft	7 ft
Residential (R-1, R-2, R-3)	5 ft	7 ft
Commercial (C-1, C-2, C-3, R-C)	5 ft	7 ft
Manufactured Home Park (MHP)	5 ft	7 ft
Industrial (M-1, M-2)	10 ft	10 ft

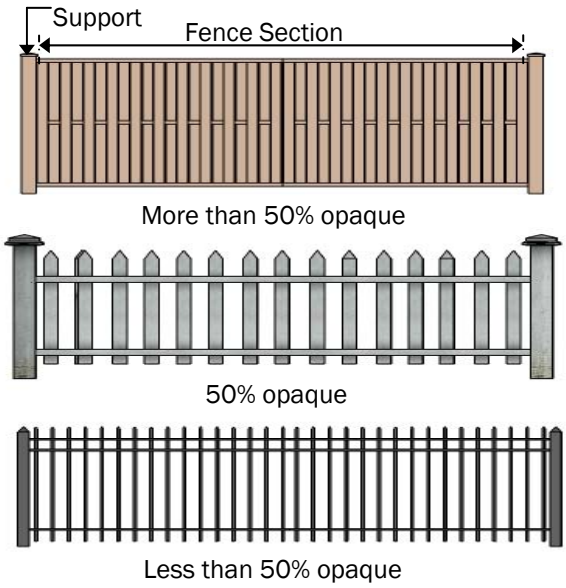
8. The following height and opacity requirements shall apply in the Lakeside (L) District.

   Front Yard Height – 4 feet

   Side Yard Height – 4 feet

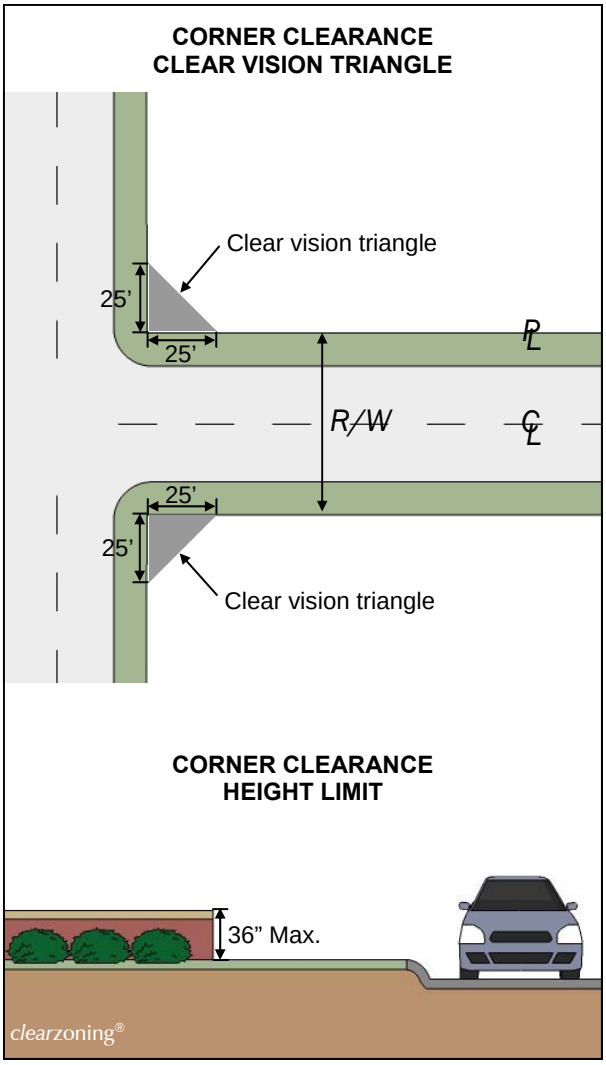
   Rear Yard Height – 6 feet

   For fences that are greater than four (4) feet in height in the rear yard in the "L" District, the overall opacity of the fence, calculated for each fence section, may not exceed 66%. The first four (4) feet of the fence height, or any portion thereof, may be a solid fence with 100% opacity as long as the remaining height of the fence achieves the opacity requirement of 66%. Opacity is defined as the degree of openness to which light or views are blocked measured perpendicular to the fence for each fence section between supports. Opacity is calculated by dividing the picket width by the combination of the picket width and the spacing between the pickets. Opacity is not a requirement in the front and side yards.



5.7 CORNER CLEARANCE (CLEAR VISION)

On property located at street and/or highway intersections in any district established by this Resolution, no fence, wall, hedge, shrubbery, sign, 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 clear vision triangular area formed by connecting with a straight line two (2) points located on the respective right-of-way, a distance of twenty-five (25) feet from their point of intersection.



5.8 SWIMMING POOLS

1. Swimming pools 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.
2. In the C-1, C-2 and R-C districts, commercial pools shall meet the setback requirements for an accessory building or structure.

5.9 STORAGE OF BOATS

Only boats and travel trailers, owned by the property owner, shall be stored on property in the A, R-1, R-2, and R-3 districts, provided that no use shall be made and no living quarters shall be maintained, or any business practiced in such a unit.

Article 6.0
Development Procedures

Article 6.0 Development Procedures

6.1 Zoning Certificate/Permit Approval
6.2 Conditional Zoning Certificate
6.3 Board of Zoning Appeals Review and Approval Procedures

6.1 ZONING CERTIFICATE/PERMIT APPROVAL

1. General Standards

   A. 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.

   B. 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.

   C. Uses Exempt From Zoning Certificates/ Permits. This zoning resolution is effective to the full extent allowed by law. Certain laws limit the effect of zoning resolutions. These laws are contained in Sections 519.21 and 519.211 of the Ohio Revised Code.

      However, these code sections have exceptions wherein zoning resolutions are effective. These exceptions are noted as Sections 519.21(B), 519.211(B) and 519.211(C) of the Ohio Revised Code. This zoning resolution is effective in all of the noted exceptions areas and they are incorporated herein by reference. Exceptions, authorized by future amendments to the sections by the Ohio legislature shall also be effective for purposes of this zoning resolution. In general, Sections 519.21 and 519.211 prohibit regulation of certain Agricultural uses, public utilities, railroads, liquor sales, oil and gas production, and telecommunication towers.

2. Conditions under which Certificates/Permits are Requied

   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 4 of this Resolution or any amendments thereto.

   H. Permanent, portable and identification signs as defined in Article 5.

3. Application and Issuance of Zoning Certificate/ Permit

   A. 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.

   B. 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.

   C. 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.

i. Each plan shall show:

a. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.

b. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.

c. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.

d. The location and size of the proposed structure and/or the proposed enlargement of the existing structure.

e. Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Resolution.

ii. Each plan shall bear statements declaring:

a. 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.

b. 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.

iii. 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.

iv. 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 attestment if all other requirements of the Resolution are met.

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

4. Period of Validity

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.

5. Fees

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

B. The Zoning Inspector shall forthwith deposit all fees with the Township Fiscal Officer who shall credit such fees to the credit of the Zoning Fund of the Township.

C. 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.

6.2 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 3 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.

1. 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 Board of Zoning Appeals has no obligation to approve a Conditional Use. This zoning resolution assumes that the uses listed as Conditional Uses are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the Township or the neighborhood in which it is proposed. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately addressed.

2. 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;

   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.

3. Approval, Expiration & Revocation.

   A. An approved conditional use will be for a period of one year provided substantial progress and completion is made, unless an extension has been granted by the Board. A maximum of two (2), six (6) months extensions are allowed if the scope of the approval has not changed and the proposed use and site plan still satisfy the decision standards.

   B. Failure to complete or make substantial progress on the approved use shall result in the expiration of its authorization and require a new application.

   C. Zoning permits shall not be issued unless the plans substantially conform to those approved by the Board of Zoning Appeals, including conditions.

   D. A Conditional Use permit shall be valid and run with the land, provided substantial progress and completion is made, only for the specific use and location approved and in accordance with any conditions approved.

   E. A Conditional Use Permit shall automatically expire if the Conditional Use ceases operation for more than one year.

   F. A Conditional Use Permit may be revoked by the Board of Zoning Appeals if the existing Conditional Use Permit fails to meet one of the following requirements:

      i. The conditions of approval are not met or maintained.

      ii. The continuance of the conditional use would pose a substantial risk to the public health, safety and welfare.

   Notification will be provided to all who are entitled to such notice.

4. Modifications to a Conditional Use. Modifications shall be classified as a minor or major modification based on the following:

   A. Minor Modification:

      i. Does not change the use or density to a more intense use or density than permitted by the approved plan; and

      ii. Does not change the location or amount of land designated for a specific land use; and

      iii. Are of a magnitude that will not substantially alter the appearance of the use from off of the site; and

      iv. Will not substantially or detrimentally affect the provision of public services to the site or general vicinity; and

      v. Will not substantially or detrimentally increase potential demand on public or private utilities; and

v. Will not substantially or detrimentally increase potential demand on public or private utilities; and

vi. Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties and neighborhood; and

vii. Are not contrary to and in no way diminish the intent of the originally approved permit.

B. Major Modification:

i. An increase in density or intensity; or

ii. Changes to the property or project boundaries; or

iii. Anything not classified as a minor modification above.

iv. A major modification requires an entirely new Conditional Use application (including the fee), according to the provisions of this section.

C. Review of Modifications. If an applicant proposes to modify an approved Conditional Use the applicant shall submit the proposed modifications to the Zoning Inspector, supplemented with a written statement describing the modifications. A Minor Modification may be reviewed administratively and approved by both the Zoning Inspector and Board of Zoning Appeals Chair. Administrative approvals shall be clearly documented and made part of the original Conditional Use permit on file and placed on the Board of Zoning Appeals agenda as an informational item. Any changes to a Conditional Use that are not approved by the Zoning Inspector or Board of Zoning Appeals shall constitute a violation of the Zoning Code.

6.3 BOARD OF ZONING APPEALS REVIEW AND APPROVAL PROCEDURES

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, contiguous to, and directly across the street 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.

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, contiguous to, and directly across the street from the property involved 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.

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 finalize the decision on all appeals, variances, conditional uses, or special exceptions at their next regularly scheduled monthly meeting. If such meeting has been

cancelled, then a special meeting shall be called for the purpose of approving meeting minutes and signing the Decision sheets.

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.

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.

4. 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.
5. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas as permitted by law.
6. No new application for a variance or Conditional Use that has once been denied in whole or in part by the BZA shall be submitted again to the BZA for a decision, unless new facts, material issues or substantial changes have been made in the proposal that formed the basis of the case.

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Article 7.0
Administration, Appeals and Enforcement

Article 7.0 Administration, Appeals and Enforcement

7.1 Duties of Zoning Inspector
7.2 Ordinance Interpretation
7.3 Violations
7.4 Penalties
7.5 Zoning Commission
7.6 Procedure for Change in Zoning Districts
7.7 Application Fees
7.8 Board of Zoning Appeals Organization and Procedures
7.9 Non-Conforming Uses

7.1 DUTIES OF ZONING INSPECTOR

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

7.2 ORDINANCE INTERPRETATION

1. 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.
2. 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 established herein based upon whether the lots are served by community water and/or community sewage treatment facilities.
3. 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.
4. 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.

7.3 VIOLATIONS

1. Any certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of 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 of 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.
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.

7.4 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 five hundred dollars ($500). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

7.5 ZONING COMMISSION

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.

2. Appointment. There is hereby established a Zoning Commission 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 terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. 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 Zoning Commission may receive such compensation as the Board of Trustees provides.

   The Board of Township Trustees may appoint two (2) alternate members to the Township Zoning Commission for terms as determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission according to procedures prescribed by resolution of the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

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

4. Quorum. A quorum shall consist of three (3) members of the Zoning Commission which shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval When a quorum is lacking, staff shall postpone or cancel items requiring a vote and may proceed with items presented for information only.

7.6 PROCEDURE FOR CHANGE IN ZONING DISTRICTS

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.

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.

3. Names and addresses 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, contiguous to, and directly across the street from 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.

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.

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.

6. Notice to property owners by Zoning Commission.

   A. 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.

   B. 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:

      i. The name of the zoning commission that will be conducting the public hearing.

      ii. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;

      iii. 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;

      iv. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;

      v. 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;

      vi. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;

      vii. Any other information requested by the zoning commission;

      viii. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

   C. 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:

      i. The name of the zoning commission that will be conducting the public hearing on the proposed amendment;

      ii. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

      iii. 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.

iv. The name of the person responsible for giving notice of the public hearing by publication;

v. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action; and

vi. Any other information requested by the zoning commission.

7. 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.

A proposed amendment may be approved if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

A. Text Amendments:

i. The proposed amendment will make the Resolution conform more closely with the Land Use Plan.

ii. The proposed amendment will improve the public health, safety, or general welfare of Danbury Township.

iii. The proposed amendment will clarify the intent of the Resolution.

iv. The proposed amendment will better implement the intent of the Resolution.

v. The proposed amendment will improve enforcement of the Resolution.

B. Map Amendments:

i. There is an error on the Official Zoning Map or in the delineations between districts thereon.

ii. The proposed amendment will make the map conform more closely with the Land Use Plan.

iii. There has been a substantial change in area conditions that necessitates the amendment.

iv. There is a legitimate need for additional land area in the zoning district that will be expanded.

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.

A. 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:

i. The name of the board that will be conducting the public hearing.

ii. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

iii. 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;

iv. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;

v. 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;

vi. 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

vii. Any other information requested by the board.

B. 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:

i. The name of the board that will be conducting the public hearing on the proposed amendment;

ii. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

iii. 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;

iv. The name of the person responsible for giving notice of the public hearing by publication; and

v. Any other information requested by the board.

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 majority vote of the Board.

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.

7.7 APPLICATION FEES

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.

7.8 BOARD OF ZONING APPEALS ORGANIZATION AND DUTIES

1. Organization and Procedures of the Board of Zoning Appeals

A. 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 terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. 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.

The Board of Township Trustees may appoint two (2) alternate members to the Township Board of Zoning Appeals for terms as determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals according to procedures prescribed by resolution of the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

B. 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.

C. Quorum. A quorum shall consist of three (3) members of the Board which shall be the minimum number permitted to conduct

business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, staff shall postpone or cancel items requiring a vote and may proceed with items presented for information only.

2. Powers and Duties. The Board of Zoning Appeals shall have the following powers and responsibilities:

   A. 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.

      i. 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.

      ii. 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.

      iii. 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.

   B. Special Exceptions. To hear and decide the following special exceptions:

      i. 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.

      ii. 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.

   C. Variances. The Board shall have the power to hear and decide such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest. 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.

      i. Area Variance. 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.

ii. Use Variance. 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.

D. Conditional Uses. The Board shall have the power to hear and decide Conditional Uses as outlined in Section 6.2 of this Resolution.

3. Burden of Proof. The applicant shall be required to present by preponderance of reliable, probative and substantial testimony and evidence that supports the applicants' request for a variance or Conditional Use Permit.

4. 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 is valid for a period of one (1) year, and upon the expiration of such period shall automatically be deemed revoked, unless a building permit for such erection or alterations is obtained and the work is started within such period, or, where no erection or alteration is necessary, the permitted use is established within such period, or an extension is requested in writing and granted by the Board.

The Board may attach conditions and require such guarantees or bonds as it may deem necessary to assure compliance with the objectives of this Resolution. Failure to comply

with the conditions of a decision shall be deemed a violation of this Zoning Resolution.

5. Procedures for approval for all Board of Zoning Appeals functions including Appeals, Variances, Special Exceptions and Conditional Use are outlined in Section 6.3.

7.9 NON-CONFORMING USES

1. 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.
2. 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.
   A. 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.
   B. After the effective date of this Resolution a nonconforming use which is discontinued for a period of two (2) years shall not again be used except in conformity with the regulations of the district in which it is located.
   C. 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 damaged 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.
   D. 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.
   E. 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.
   F. 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.
   G. An applicant for any development review procedure that deals with a non conforming use shall bear the burden of proof in demonstrating that the use was a legal nonconforming use on the effective date §1.5 of this Resolution.