

ZONING RESOLUTION

DANBURY TOWNSHIP

OTTAWA COUNTY, OHIO

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ASSISTED BY:

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

ZONING RESOLUTION

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OTTAWA COUNTY, OHIO

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## ARTICLE 1

### TITLES, AUTHORIZATION, PURPOSE, AND INTERPRETATION

#### 100 LONG TITLE

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

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

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

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

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

#### 101 SHORT TITLE

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

#### 102 AUTHORIZATION

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

#### 103 GENERAL PURPOSES

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

104 EFFECTIVE DATE

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

105 INTERPRETATION AND APPLICATION

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

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

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

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

106 VALIDITY AND SEPARABILITY

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

## ARTICLE 2

### GENERAL REGULATIONS

#### 200 GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS

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

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

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

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

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

200.6 No parcel of land 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 parcels of land held under single ownership shall be considered to be one parcel for the purposes of these regulations unless said parcels are part of a recorded subdivision.

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

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

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

## 201 ZONING MAP

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

201.2 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 adjacent Districts which extend onto submerged lands shall be separated by extension of their above-water common boundary line.



## ARTICLE 3

### DEFINITIONS

#### 300 DEFINITIONS

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

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

1. Accessory Use or Building: A use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building. Any structure designed or intended to be used for permanent or temporary residential use or for transporting materials on the highway shall not be used as an accessory building.
2. Agriculture: The use of land for farming, dairying, pasturage, apiculture, horticulture, viticulture, animal and poultry husbandry and the necessary accessory uses and buildings including packing, treating, and storing of produce.
3. 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, hangars, and other necessary buildings and open spaces.
4. Alley: A public or private thoroughfare designed to provide access to the rear or side of property or lots.
5. Alteration, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
6. Apartment House: Same as "Dwelling, Multifamily".
7. Auto Service Station: Any premises used for supplying gasoline and oil, at retail direct to the customer, including minor accessories and services for motor vehicles.
8. Automotive Repair: The repair, rebuilding, or reconditioning of motor vehicles or parts thereof including collision service, painting, and steam cleaning of vehicles.
9. Automotive, Manufactured Home, Travel Trailer, and Farm Implement Sales and Service: The sale or rental of new and used motor vehicles, manufactured homes, travel trailers, or farm implements, including repair work of such vehicles.
10. Automotive Wrecking: Same as "Junkyard".

11. Basement: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.
12. Billboard: Any sign used as an outdoor display for the purpose of anything known, the location of such display being removed from the point of sale.
13. Building: Any structure designed or intended for the support, enclosure, shelter, or portection of persons, animals, chattels, or property.
14. Building, Community: A building for social, educational, and recreational activities of a community provided such use is not operated for commercial gain.
15. Building Height: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface if a flat roof, to the deck-line of a mansard roof, and the mean height level between eaves and ridges for a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.
16. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.
- 16a. 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.
17. Business: The purchase, sale, or exchange of goods, or services and the maintenance or operation of offices and recreational and amusement enterprises.
18. Business, General: Commercial uses which generally require locations on or near major thoroughfares and which tend, in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the community.
19. Business, Neighborhood: Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectional influences.
20. Business, Recreational: Commercial establishments which generally cater to the tourist population of the township normally on a seasonal basis.
- 20a. Cabins, Cottages: Detached buildings used seasonally for recreation purposes and not designed for year round occupancy.
21. Camp: An area of land located, established, and maintained for occupancy by three (3) or more travel trailers, campers, motor homes, tents, or other similar recreational vehicles which are regularly accommodated with or without charge. Such camp shall include any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.
22. Clinic: Same as "Nursing Home".
23. Commercial: Same as "Business".

53. 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, and includes garbage dumps and sanitary landfills. (See Addendum A.)
54. Kennel: Any lot or premises on which (4) four or more domesticated animals, more than 4 months of age are housed, groomed, bred, boarded, trained, bought, or sold for commercial gain.
55. Kindergarten: Same as "Nursery School".
56. Landing Strip: Any runway and necessary taxiway areas for the use of no more than (2) two aircraft that are privately owned and used exclusive of the landing of crop dusting and similar function aircraft on fields being serviced.
57. 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.
58. 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 of 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;
  - d. 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.
59. Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
60. Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yard" in this section.
61. 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.
62. Lot Measurements: A lot shall be measured as follows:
1. Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
  2. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.
63. 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.

64. 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 or more streets;
- b. Interior Lot: a lot with only one frontage on a street; and
- c. Through (Double-frontage) Lot: a lot other than a corner lot with frontage on more than one street.

65. 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.

66. 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.

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

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

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

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

70. 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. 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.

71. Manufactured Home Subdivision: See 69 above.

72. 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.

73. 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.

74. 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.

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

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

77. 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.

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

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

80. 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.

81. 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.

82. 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. Boat and Boat Trailers: Includes boats, floats, rafts, and the normal equipment to transport the same on the highway.

83. 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, rooms, mobile units, and the like.

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

85. 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.

86. Setback Line: A line established on a lot, measured from the edge of the road right-of-way, at a specified distance from and parallel to a lot line to restrict the encroachment of buildings on the lot line.

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

88. 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.

89. 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".

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

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

92. Townhouse: Same as Dwelling, Multi-Family.

93. Trailer Camp: Same as Camps.

94. 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.

95. 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.

96. 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.

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

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

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

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

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

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

## ARTICLE 4

### ESTABLISHMENT AND PURPOSE OF DISTRICTS

#### 400 ESTABLISHMENT OF DISTRICTS

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

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

#### 401 PURPOSE OF DISTRICTS

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

##### Agricultural District ("A")

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

##### Rural Residential District ("R-1")

It is the purpose of this district to accommodate low density single and two family residential uses in areas not served by both municipal water and community sanitary sewer treatment facilities, and where underground water supply or soil conditions will not safely permit more dense residential uses.

##### Suburban Residential District ("R-2")

The purpose of the suburban residential district is to accommodate medium density single and two family residential uses in areas served either by a public water supply or a community sanitary sewage treatment facility, or both.

##### High Density Residential District ("R-3")

The purpose of this district is to accommodate high density single, two, and multi-family residential uses along with private seasonal dwellings in areas served by approved water and sewage facilities.



#### Lakeside District ("L")

The creation of the Lakeside District recognizes the unique situation within the Association grounds and is designed to accommodate the mixed residential and commercial uses therein regulated by specific restrictions adopted by the Lakeside Association.

#### Limited Commercial District ("C-1")

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

#### General Commercial District ("C-2")

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

#### Recreational Commercial District ("R-C")

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

#### Light Manufacturing District ("M-1")

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

#### Heavy Manufacturing District ("M-2")

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

#### Manufactured Home Park District ("MHP")

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

#### Planned Unit Development District ("PUD")

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

## ARTICLE 5

### PERMITTED AND CONDITIONAL USES

#### 500 AGRICULTURAL DISTRICT ("A")

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

- a. agriculture
- b. one-family dwelling
- c. roadside stands for the sale of agriculture and related products provided some of the products are raised by the owner or person farming the property on which the stand is located.
- d. churches or other places of worship
- e. schools, public or private
- f. public, non-commercial parks, playgrounds
- g. government buildings and uses
- h. riding stables
- i. golf courses except a miniature course or driving range
- j. gas/oil wells but not within 100 feet of any existing structure
- k. nurseries, greenhouses
- l. accessory buildings and uses

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

- a. airport
- b. cemetery
- c. hospital, nursing home
- d. kennels, veterinary clinic, animal hospital
- e. public garage
- f. automobile service station
- g. radio and TV towers, station
- h. privately operated community building or activities
- i. Mini-warehousing
- j. home occupations
- k. flea markets
- l. storage areas
- m. clubs, public and private
- n. landing strip
- o. nursery schools and day care centers
- p. automobile repair

#### 501 RURAL RESIDENTIAL DISTRICT ("R-1")

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

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

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

- a. two-family dwellings
- b. cemetery
- c. hospital, nursing home
- d. nursery schools and day-care centers
- e. home occupation

502 SUBURBAN RESIDENTIAL DISTRICT ("R-2")

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

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

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

- a. two-family dwellings
- b. cemetery
- c. hospital, nursing home
- d. nursery schools and day-care centers
- e. home occupations

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

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

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

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

- a. multi-family dwellings
- b. cemetery
- c. hospital, nursing home
- d. condominium developments
- e. nursery schools and day-care centers
- f. home occupation

504 LAKESIDE ASSOCIATION DISTRICT ("L")

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

- a. one-family dwellings
- b. accessory buildings and uses
- c. other uses not in conflict with legally adopted restrictions and amendments thereto of the Lakeside Association

505 LIMITED COMMERCIAL DISTRICT ("C-1")

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

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

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

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

506 GENERAL COMMERCIAL DISTRICT ("C-2")

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

- a. agriculture
- b. one-family dwelling
- c. roadside stands for the sale of agriculture and related products provided some of the products are raised by the owner or person farming the property on which the stand is located

- d. churches or other places of worship
  - e. schools including nursery schools and day-care centers
  - f. public, non-commercial, parks and playgrounds
  - g. government buildings and uses
  - h. retail stores and businesses
  - i. offices, business and professional, banks
  - j. restaurants including drive-ins
  - k. indoor theatres
  - l. auto service stations
  - m. auto, trailer, farm implement sales and services
  - n. mini-warehousing
  - o. hotel, motel
  - p. wholesale business where no processing, fabrication, or assembly takes place
  - q. printing shops - publishing
  - r. accessory buildings and uses
- 

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

- a. two and multi-family dwellings
- b. kennels, veterinary clinic, animal hospital
- c. hospital, nursing home
- d. home occupations
- e. flea markets
- f. automotive repair
- g. taverns and nightclubs
- h. lodges and fraternal organizations
- i. drive-in theatres
- j. other general business activities

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

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

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

- q. recreational businesses
- r. accessory buildings and uses

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

- a. flea markets
- b. trailer camp, camping
- c. two and multi-family dwellings
- d. home occupations
- e. resort - as regulated in Article 808.
- f. clubs - public and private
- g. commercial amusement enterprises which provide short-term entertainment such as arcades, game rooms, and the like

508 LIGHT MANUFACTURING DISTRICT ("M-1")

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

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

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

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

509 HEAVY MANUFACTURING DISTRICT ("M-2")

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

- a. agriculture
- b. auto service stations
- c. building material storage yards, sales
- d. printing shops, publishing
- e. kennels, animal hospitals
- f. bottling works
- g. contractor establishments including construction firms

- h. mini-warehousing
- i. automotive repair
- j. industrial establishments manufacturing or assembling the following: small metal products; clothing; drugs and medicines; electrical equipment; glass products; furniture and wood products; and the assembly of finished equipment
- k. research laboratories
- l. wholesaling and warehousing activities
- m. cement or cinder block manufacturing
- n. iron, steel, brass, copper foundaries
- o. metal stamping
- p. automobile parts manufacturing and assembly
- q. quarrying
- r. rock crushers
- s. commercial shipping and docking facilities
- t. other heavy manufacturing enterprises
- u. accessory buildings and uses

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

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

#### 510 MANUFACTURED HOME PARK DISTRICT ("MHP")

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

- a. Manufactured Home Park

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

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

- g. No commercial sales of any type shall be permitted to occur within the park.
- h. All other requirements of the Ohio Public Health Council through the Ohio Administrative Code shall be met.
- i. The plans shall be submitted to the Zoning Inspector for his review and approval. Any plans not meeting all of these requirements will be disapproved. Incomplete plans will not be accepted or reviewed. The zoning inspector will have thirty (30) days in which to review the plans and either authorize or deny the zoning permit. An appeal of the zoning inspector's decision must be made to the Board of Zoning Appeals within fifteen (15) days.
- j. A single identification sign not exceeding sixteen (16) square feet in area identifying the name and/or address of the park shall be permitted. Said sign must be set back a minimum of ten (10) feet from the edge of the road right-of-way.



## 511 "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

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

511.01 Establishment of a Planned Unit Development District may occur by application in accordance with the provisions of Article .11 and in accordance with the requirements established herein within Article 5.

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

~~511.03 The following rules of application shall apply:~~

1. Identification of Uses: Listed uses are to be defined by their customary names and identification, except where they are specifically defined or limited within this Resolution.
2. Permitted Uses: Only uses designated as a permitted use shall be allowed as a matter of right in a Planned Unit Development and any use not so designated shall be prohibited except when in character with the proposed development and then said use may be approved as a part of the development plan.
3. Procedures: The procedures and conditions set forth for the determination of the Planned Unit Development District and development therein, shall be followed except that a written statement by the applicant shall clearly show that such procedures or conditions do not apply in the specific case. Such statement shall accompany the application and is subject to approval by the Board of Trustees.
4. Development Standards: The development standards set forth shall be the minimums allowed for development in a Planned Unit Development District.

### 511.04 Purpose

1. General: The Planned Unit Development District is provided as an option to the requirements of the standard residential district. It is intended to promote imaginative, well-designed developments which preserve open space, respect the physical qualities and limitations of the land, and provide improved living environments. Opportunities to reduce development costs also may be realized within the District.
2. Benefits of the Planned Unit Development District: To achieve these goals, the District provides the potential for public zoning approval of the following:
  - a. Flexibility in required yard areas immediately adjacent to structures.
  - b. Flexibility in structural types.
  - c. Flexibility in minimum lot frontage requirements.
  - d. Privately maintained streets, open space, and other amenities or improvements.
  - e. Consideration of other unique design features.

3. Responsibilities of the Applicant: In order to be eligible for consideration under the provisions of the Planned 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 Development District. The applicant retains the option to seek zoning map amendment subject to all requirements of the applicable standard District in which he is located.

#### 511.05 Permitted Uses

1. Land and buildings in the Planned Development District shall be limited to one or more of the following uses:
  - a. Detached single family residences.
  - b. Zero lot line, attached twin single, townhouse, or other innovative form of residential development, provided all density criteria and applicable requirements are met.
  - c. Home occupations as described in Section 4.
  - d. Public or private schools offering general educational courses and having no rooms used for housing or sleeping of students.
  - e. Parks, playgrounds, and playfields open to the public without fee.
  - f. Public or private golf courses or other similar outdoor recreational facilities and normal accessory buildings and uses, provided all uses and functional characteristics are specifically included in the approved development plan.
  - g. Churches or other places of worship.
  - h. Other residentially-oriented uses, which in the opinion of the Township Zoning Commission and Township Trustees, meet the purpose and intent of the Planned Development District and are adequately designed, located or otherwise provided for by the development plan and other required documents.
  - i. Accessory buildings and uses in association with a permitted residential use.

#### 511.06 Tract and Density Criteria

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

#### 511.07 Procedure

1. Sketch Plan: In exchange for flexibility, the Planned Development District requires that the applicant provide some details which are traditionally found in the subdivision stage of development approval. It is therefore suggested that the applicant informally discuss his plans with the County Engineer, County Board of Health, and County Planning Commission prior to submitting a formal application. This sketch plan phase is mandatory if public streets are proposed.

2. Development Plan Submission: Seven (7) copies of a development plan, signed by a registered engineer, surveyor, or architect, shall be submitted with the application to amend the Zoning District Map. Such development plan shall conform to the following:
  - a. The plan include topographical contours at one (1) foot or two (2) foot intervals, soils information for the site, information on any natural area such as wooded areas, flood-plains, and engineering plans for water, sewer, and stormwater systems.
  - b. The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area, and the total number of dwelling units proposed in the overall plan.
  - c. The proposed size, location, and use on nonresidential portions of the tract, including usable open areas, parks, playgrounds, school sites, and other areas and spaces with the suggested ownership of such areas and spaces.
  - d. Architectural design concepts to be utilized, landscaping plans, street views of typical improvements, and other information relating to the architectural and landscape themes.
  - e. The proposed traffic circulation patterns, including public and private streets, parking areas, walks, accessways, including their relationship to topography, existing streets, or other evidence of reasonableness.
  - f. The proposed schedule of site development, construction of structures, and associated facilities including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, and easements.
  - g. The relationship of the proposed development to existing and future land use in the surrounding area, the street system, the community facilities, services, and other public improvements.
  - h. Evidence that the applicant has sufficient control over the land to effectuate the proposed development plan. Evidence of control includes property rights and the engineering feasibility data which will be required.
  - i. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.
  - j. Other information, as may be required by the township zoning commission or trustees, in order to determine compliance with this Resolution.
3. Basis of Approval: The basis for approval of the Planned Unit Development District application shall be as follows:
  - a. That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of the Resolution.
  - b. That the proposed development is in conformity with a comprehensive plan or portion thereof as it may apply.
  - c. That the proposed development advances the general welfare of the township and the immediate vicinity.
  - d. That the benefits, improved arrangement, and the design of the

proposed development justify the deviation from standard residential development requirements included in this Resolution.

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

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

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

#### 511.08 Development Standards

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

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

4. Parking: Off-street parking shall be provided in accordance with Section 7 of this Resolution for all uses proposed within the development plan. Group garages or parking lots may be utilized within two hundred (200) feet of the dwellings served.

# ARTICLE 6

## MINIMUM DIMENSIONAL REQUIREMENTS

### 600 DIMENSIONAL REQUIREMENTS FOR DWELLINGS

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

DISTRICT	MINIMUM LOT AREA (sq. ft.)	MINIMUM LOT WIDTH (feet)	MINIMUM FRONT YARD (feet)	MINIMUM SIDE YARD (ft. ea. side)	MINIMUM REAR YARD (feet)	MAXIMUM BLDG. HGT. (feet)	MINIMUM BLDG. WIDTH (feet)
"A"	1 Acre	150'	50'	20'	40'	35'	20'
"R-1"	(One Family Dwelling) 20,000	100'	40'	15'	35'	35'	20'
	(Two Family Dwelling - Conditional Use) 25,000	100'	40'	15'	35'	35'	20'
"R-2"	(One Family Dwelling) 12,000	80'	35'	10'	35'	35'	20'
	(Two Family Dwelling - Conditional Use) 16,000	100'	35'	10'	35'	35'	20'
"R-3"	(One Family Dwelling) 7,200	60'	25'	5'	25'	35'	20'
	(Two Family Dwelling) 8,400	70'	25'	8'	25'	35'	20'
	(Multi Family Dwelling - Conditional Use) Dimensions to be decided by Board of Zoning Appeals upon submission of detailed plans by the developer. For Condominiums, (See Section 808)						
"L"	(One Family Dwelling) *	*	5'	3'	3'	35'	
	(Two & Multi Family Dwelling) Approval to be determined by Lakeside Association Inc.						
"C-1"	(All Dwelling Types) Same as "R-3" District						
"C-2"	(All Dwelling Types) Same as "R-3" District						
"R-C"	(All Dwelling Types) Same as "R-3" District						
"M-1"	See Other Requirements in Article 6.						
"2"	See Other Requirements in Article 6.						

"MHP" See Requirements of Article 510.

"PUD" See Requirements of Article 511.

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

# 601 MINIMUM LOT AREA FOR NON-RESIDENTIAL USES

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

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

## 602 MINIMUM LOT DEPTH FOR DWELLINGS

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

## 603 MAXIMUM LOT COVERAGE

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

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

\* Subject to approval of Lakeside Association Inc.

## 604 MINIMUM DIMENSIONS FOR NON-RESIDENTIAL USES

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

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

\* Only required when adjacent to residential use or district.

#### 605 SPECIFIED SETBACKS

605.1 In addition to the setbacks required in this Article, the following uses shall require the respective setbacks as shown below. Omission indicates that the normal district setback applies.

<u>USE</u>	<u>FRONT YARD</u>	<u>SIDE YARD (each)</u>	<u>REAR YARD</u>
Travel Trailer Park/Camp	50'	25'	40'
Drive-In Theatre	100'	40'	40'
Riding Stable	100'	50'	60'
Petroleum, Gas, Chemical			
Mgf. and/or Storage	200'	200'	200'
Mineral Extraction	150'	100'	100'
Parking Lot/Area for Commercial & Manufacturing Uses	15'	15'	15'

605.2 Setbacks for buildings with the following uses shall have minimum setbacks on interior roads as follows:

<u>USE</u>	<u>FRONT SETBACK</u>
Industrial Park	50'
Outdoor Commercial Recreation	20'

#### 606 FLOOR AREA REQUIREMENTS FOR DWELLINGS

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

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



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

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

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

BZA<sup>1</sup> Board of Zoning Appeals, within conditional use procedure, shall establish the standards.

#### 607 PLACEMENT OF DWELLING ON LOT

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

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

## ARTICLE 7

### PARKING AND LOADING REQUIREMENTS

#### 700 AUTOMOBILE PARKING REQUIREMENTS

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

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

#### 700.2 Rules:

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

#### 701 OFF-STREET TRUCK LOADING BERTHS

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

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

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

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

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

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

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

#### 701.3 Rules:

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

### 702 IMPROVEMENTS TO PARKING AND LOADING AREAS

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

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

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

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

- No commercial enterprise of any kind shall be established on the area;
- No fee shall be charged for parking thereon;
- No signs of any kind shall be erected, except those necessary for the orderly parking thereon.

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

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

## ARTICLE 8

### SUPPLEMENTAL REGULATIONS

#### 800 ACCESSORY BUILDINGS AND USES

800.1 All accessory buildings shall be subject to the following regulations:

- a. They shall be located in the rear yard except for garages which may be located in the rear or side yard.
- b. Such buildings not exceeding 20 feet in height may occupy not to exceed 30 percent of the required rear yard, but no accessory building shall be closer than 60 feet to the front line, closer than 5 feet to the main building, nor closer than 5 feet to any lot line.
- c. For lots using the waters of Lake Erie or Sandusky Bay as their front yard, docks, decks and the necessary appurtenances thereto may be located in the front yard as accessory uses.

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

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

#### 801 YARD REQUIREMENTS

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

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

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

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

#### 802.1 General Regulations

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

#### 802.2 Signs Permitted in Any District

- a. For one-family dwellings, one name plate not exceeding one and one-half square feet in area indicating the name and/or address of the occupant.
- b. For multi-family dwellings, one sign not exceeding 12 square feet in area indicating the name and address of the building and the name of the management thereof.
- c. For churches, one bulletin board not exceeding 48 square feet in area including the supporting structure.
- d. One sign not exceeding 12 square feet pertaining to the sale or rent of the property on which the sign is located.

- e. For home occupations, one sign not exceeding 9 square feet in area indicating the name and the home occupation of the occupant.
- f. Signs established by, or by order of, any government agency.
- g. For required parking areas, signs identifying such areas shall be permitted not to exceed 9 square feet.
- h. Temporary signs erected to promote a specific event (garage sale, yard sale, real estate sale, etc.) or election may be permitted unless otherwise prohibited and shall be removed within fourteen days after the event or election is completed.

### 802.3 Height

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

### 802.4 Setback

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

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

### 802.5 Measurement of Sign Area

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

### 802.6 Signs in Agricultural District

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

- a. Outdoor advertising (billboards) not to exceed 72 square feet in area;
- b. Directory signs indicating services, commodities, or facilities available within a distance of 5 miles not to exceed 32 square feet
- c. Those signs indicated in Section 802.2 of this Resolution.

### 802.7 Signs in "R" or "L" Districts

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

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

#### 802.8 Signs in Commercial Districts

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

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

<u>District</u>	<u>No. of Signs</u>	<u>Net Sign Area (ea.)</u>
"C-1"	2	32 sq. ft.
"C-2"	3	40 sq. ft.
"R-C"	3	32 sq. ft.

- d. ~~Directory signs indicating services, commodities, or facilities available within a distance of five miles not exceed 32 square feet.~~

#### 802.9 Signs in Manufacturing Districts

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

- a. Those signs as indicated in Section 802.2 of this Resolution;
- b. Each use shall be permitted identification signs on the lot not to exceed two (2) such signs with a net area of 72 square feet each.
- c. Directory signs indicating services, commodities, or facilities available within a distance of five miles not to exceed 32 square feet.

### 803 FENCES AND HEDGES

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

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

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

### 804 STORAGE OF BOATS AND TRAILERS

804.1 Boats and travel trailers shall be stored in the rear or side yard where possible of any "A" or "R" District, provided that no use shall be made and no living quarters shall be maintained, or any business practiced is such a unit. In cases of hardship, boats and travel trailers may be



parked in the front yard from October 1st to June 1st of the following year.

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

## 805 MANUFACTURED HOMES

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

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

## 806 CAMPS

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

### 806.02 Camp Requirements:

All camps shall meet the following requirements:

- a. Camp Size - Minimum of 10 acres.
- b. Width and Depth - Minimum width of 200 feet; ratio of width to depth shall not exceed one to five (1:5).
- c. Yard - Minimum front yard of 70 feet; minimum side yards of 45 feet each side; minimum rear yard of 60 feet. If either side yard abuts a public or private right-of-way, the minimum yard shall be 55 feet. The first 20 feet of each yard setback shall be composed of a green planting strip (buffer zone).
- d. Access - Shall be provided into the camp with a minimum right-of-way of 50 feet. Marginal access roads may be required if deemed necessary by the Board of Zoning Appeals.
- e. Streets - Shall have a minimum right-of-way of 20 feet; all streets shall be all-weather roads. Streets may be placed within the yard setback but not within the buffer zone.
- f. Recreation and Open Space - 25 percent of the gross camp area shall be reserved for such uses excluding yards, camp sites, buffer zones, submerged lands, and streets.

### 806.3 Camp Site Requirements:

Individual camp sites within camps shall meet the following requirements:

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

### 806.4 Camp Utilities and Services:

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

### 806.5 Supplementary Regulations:

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

## 807 CONDOMINIUM DEVELOPMENT

807.1 An application for a conditional use must be filed with the Board of Zoning Appeals including plans of the proposed condominium development and a fee as established by the Board of Township Trustees. The requirements of Section 1203.3 of this Resolution shall be met.

### 807.2 Condominium Development Requirements

All condominium developments shall meet the following requirements:

- a. Condominium Development Lot Area: Minimum area of not less than 1 acre per condominium development/condominium declaration is required. The minimum lot area per dwelling shall be twenty thousand (20,000) square feet for the first unit and six thousand (6,000) square feet for each additional unit for each condominium 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 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 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 condominium unit is complied with.
- d. Yard - There shall be a front yard of not less than thirty-five (35) feet, except as provided in Article 8, Section 801. There shall be a side yard of not less than ten (10) feet. There shall be a rear yard of not less than twenty-five (25) feet.
- e. Building Separation: Buildings designed for living purposes shall be separated from each other by a minimum distance of twenty (20) feet. This measurement shall be from the nearest point of one building to the nearest point of the adjacent building.

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

One Story - 750 square feet.

Two Stories - 550 square feet per floor.

One and One-Half Stories - 720 square feet on the first floor.

Multiple Level - 950 square feet living area above grade.

- g. Building Height - The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves. The maximum pitch from the thirty (30) foot point to the peak shall not exceed an 8:12 pitch.
- h. Open Space - A minimum of ten (10) percent of all land included in the condominium declaration 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 7 shall be met.
- j. Trash Receptacles - An area of land shall be set aside for the purpose of trash and garbage receptacles. Such receptacle area shall be properly screened and maintained.
- k. Alternate Vehicle Storage - An area or building shall be set aside for the storage of bicycles, mopeds, snowmobiles, and other alternate vehicles excluding boats. If located outside a building, such area shall be properly screened and maintained.

## 808 RESORT

808.1 The following requirements shall be met:

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

## ARTICLE 9

### BOARD OF ZONING APPEALS AND CONDITIONAL ZONING CERTIFICATES

#### 900 ORGANIZATION AND PROCEDURES OF THE BOARD OF ZONING APPEALS

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

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

#### 901 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS

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

- 901.1 Appeals: To hear and decide appeals where it is alleged there has been an error in any interpretation, order, requirement, decision, or determination by the zoning inspector in the enforcement and administration of the Resolution.
- a. An appeal to the Board may be taken by any person aggrieved or by an officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.
  - b. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.
  - c. The Board may, in conformity with the provisions of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.

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

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

901.3 Variances: 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. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this Resolution. On appeal where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of the Zoning Resolution only if all of the following findings are made:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of the Zoning Resolution in the neighborhood or district in which the property is located.
- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning resolution and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- c. That such unnecessary hardship has not been created by the applicant.
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

901.4 Conditional Zoning Certificate: The Board of Zoning Appeals shall have the duty to hear and decide applications for conditional zoning certificates where they are permitted in Article 5 of this resolution. It is recognized that an increasing number of new kinds of uses are appearing daily and that experience with some of the more conventional uses call for a more flexible procedure so that these uses might be accommodated in the Township. Due to the peculiar nature of some uses, it is felt that each use should be given more detailed consideration as it relates to location, design, size, method or operation, traffic movements, concentration of population, and the kinds of public facilities and services it requires.

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

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

- a. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan (whether present or future);
- b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
- c. Will not be hazardous or disturbing to existing or future neighboring uses;
- d. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
- e. Will be served adequately by essential public facilities 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.

901.5 Additional Uses: If, by some oversight on the part of the Zoning Commission who drafted this resolution, a specific use is proposed that has not been provided for as either permitted or conditionally permitted in any zoning district, then it shall be the responsibility of the Board to determine in which district(s) said specific use shall be permitted or conditionally permitted. In making their determination, the Board shall consider the nature of the proposed use and shall only assign this use to a district(s) where uses of a similar nature are provided for. In addition, the Board may require such additional conditions and safeguards as it feels are necessary to uphold the intent of this Resolution.

## 902 PROCEDURES

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

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

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

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

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

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

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

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

A decision of the Board shall not become final until the expiration of five (5) days from the date of such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

The Board may reverse or affirm wholly or partly, or may modify the order, re-

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

#### 903 MINUTES AND RECORDS

903.1 The Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Trustees and shall be a public record.

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ARTICLE 10  
NONCONFORMING USES

1000 PURPOSE

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

1001 NONCONFORMING USES

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

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

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

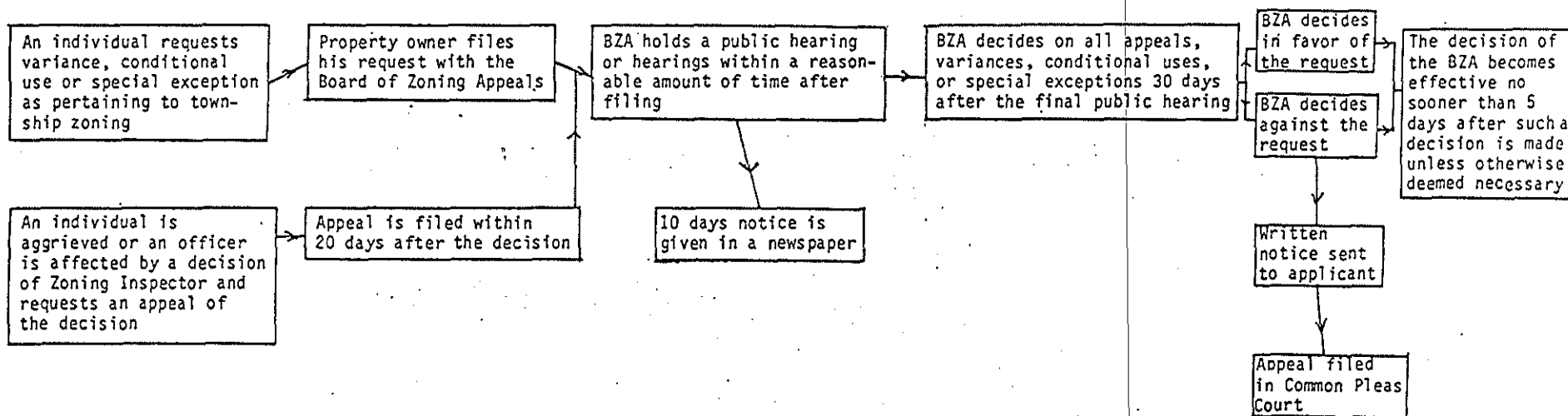
1001.4 A nonconforming use which has been damaged by fire, explosion, act of God, or the public enemy to the extent of 75 per cent or more of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damage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

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

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

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

FLOW CHART FOR BOARD OF ZONING APPEALS



## ARTICLE 11

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

#### 1100 GENERAL

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

#### 1101 PROCEDURE FOR CHANGE IN ZONING DISTRICTS

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

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

1101.2 Applications for any 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 of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission shall be accompanied by its motion pertaining to such proposed amendment.

1101.3 Names and address of adjacent property owners: Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the property the zoning classification of which is proposed to be changed. The names and addresses of said owners shall be obtained from the County Auditor's current tax list or the County Treasurer's mailing list. Failure to submit a complete listing of property owners may result in revocation of the zoning change.

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

1101.5 Public hearing by Zoning Commission: Before submitting its recommendation on a proposed amendment to the Board of Trustees, the Commission shall hold a public hearing thereon, notice of which shall be given by publication in a newspaper of general circulation in the Township at least fifteen (15) days before the date of hearing. The notice shall state the place or places and times at which the proposed amendment to the Resolution including the text and maps, may be examined.

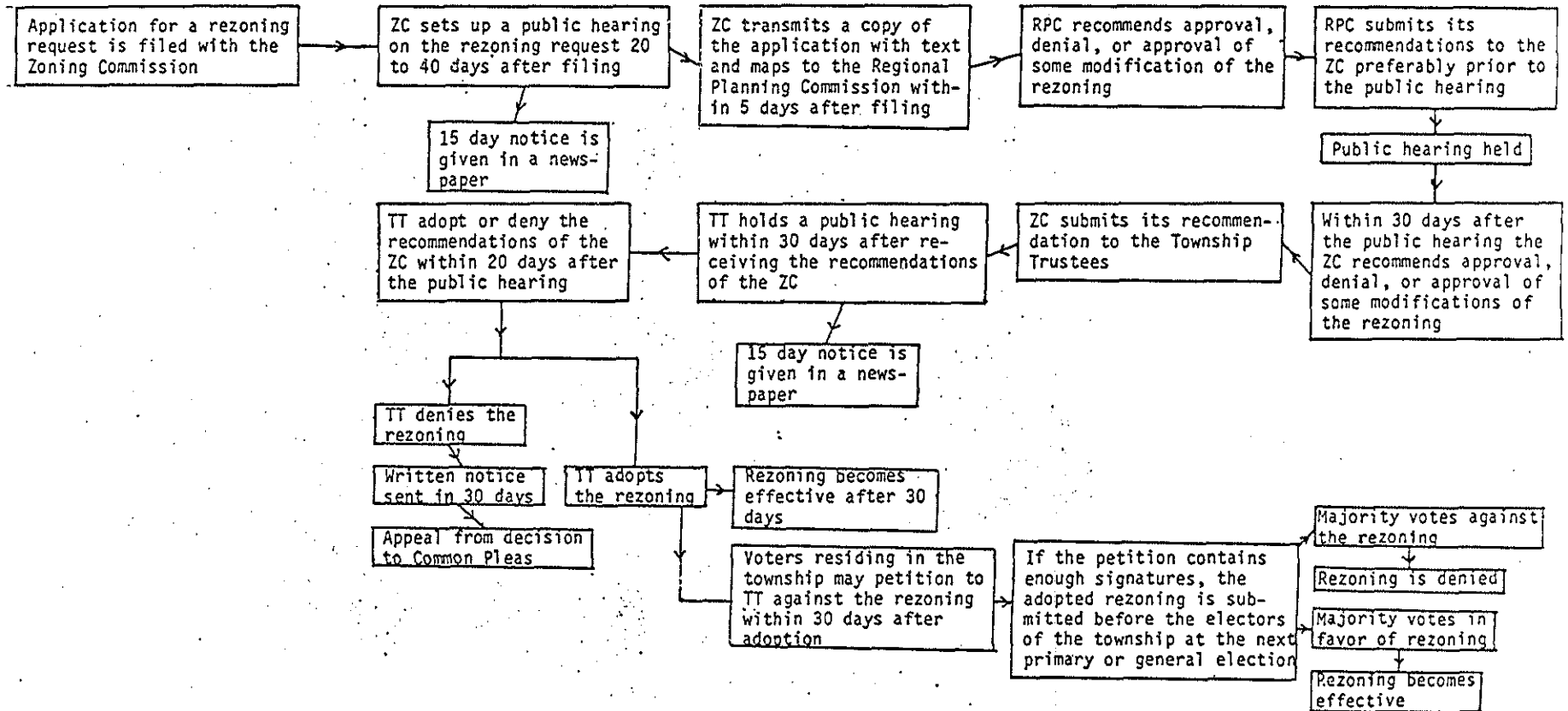
1101.6 Notice to property owners by Zoning Commission: If the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within two hundred (200) feet of the property proposed to be re-zoned or re-districted. The failure to notify, as provided in this section, shall not invalidate any recommendations adopted hereunder; it being the intention of this section to provide, so far as may be possible, due notice to persons substantially interested in the proposed change that an application is pending before the Commission, proposing to make a change in the Zoning District Map or the regulations set forth in this Resolution.

1101.7 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.

1101.8 Public hearing by Board of Township Trustees: Within thirty (30) days after receiving from the Commission the certification of said recommendations on the proposed amendment, and before adoption of such amendment, the Board of Trustees shall hold a public hearing thereon, at least fifteen (15) 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.

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

# FLOW CHART FOR REZONING REQUEST



1101.10 Such amendment or supplement adopted by the Board shall become effective in 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 per cent 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.

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## 1102 APPLICATION FEES

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

## ARTICLE 12 - ENFORCEMENT

### 1200 ZONING INSPECTOR

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

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

### 1201 ZONING CERTIFICATES/PERMITS

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

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

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

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

Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

Such sections do not confer any power on any township zoning commission, board of township trustees, or board of township zoning appeals to prohibit the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants.

## 1202 CONDITIONS UNDER WHICH CERTIFICATES/PERMITS ARE REQUIRED

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

- a. Construction or enlargement of a building, including accessory buildings.
- b. Change in use of an existing building or accessory building to a use of a different classification.
- c. Occupancy and/or use of land.
- d. Change in the use of land to a use of a different classification.
- e. Any change from one 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 of any amendments thereto.
- g. Marinas and/or marina expansion as defined in Article 3 of this resolution.
- h. Permanent, portable and identification signs as defined in Article 802.

## 1203 APPLICATION AND ISSUANCE OF ZONING CERTIFICATE/PERMIT

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

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

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

a. Each plan shall show:

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



b. Each plan shall bear statements declaring:

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

- c. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
- d. Each property owner or authorized agent may be required to attest to the correctness of the statements and data furnished with the application. The certificate/permit will be issued based on the attestation if all other requirements of the Resolution are met.
- e. A file of such applications and plans shall be kept in the office of the Zoning Inspector.

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

#### 1204 FEE FOR ZONING CERTIFICATES/PERMITS

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

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

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

#### 1205 VIOLATIONS AND PENALTIES

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

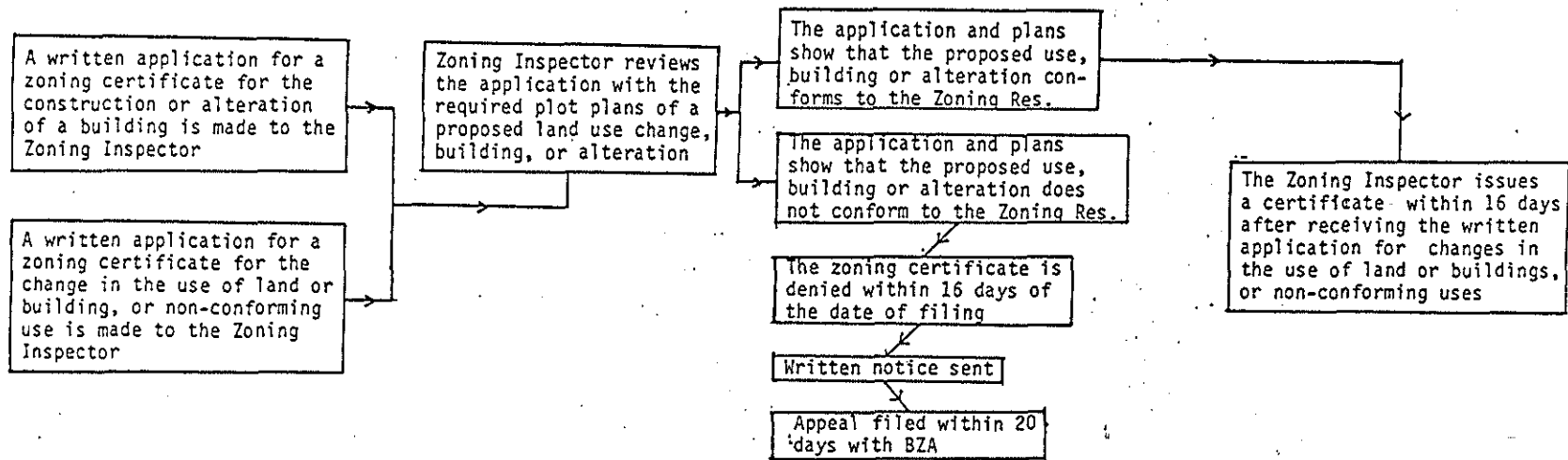
#### 1206 VIOLATIONS - REMEDIES

1206.1 Any certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township

Trustees, 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.

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

# FLOW CHART FOR ZONING CERTIFICATE



ADDENDUM A

STATE LAW REQUIREMENTS FOR JUNK YARD

4737.07 License issued by county auditor or municipal executive officer; fence or plantings required.

No person shall operate and maintain a junk yard outside of a municipality, except in zoned or unzoned industrial areas adjacent to the interstate or primary systems, without first obtaining a license to do so from the county auditor of the county in which such junk yard is located or in which such junk yard is to be established. A person who was operating or maintaining a junk yard prior to January 1, 1964 is entitled to be issued a license or renewal thereof upon payment of the fee provided for in this section. Any person operating or maintaining a junk yard within one thousand feet of the nearest edge of the right of way of a state or county road or within three hundred feet of the nearest edge of the right of way of a township road, prior to January 1, 1964, shall within one year thereafter erect the required fence or make suitable plantings if such junk yard is not obscured by natural objects or a fence. If, after January 1, 1964, a junk yard is established within one thousand feet of the nearest edge of the right of way of a state or county highway or within three hundred feet of the nearest edge of the right of way of a township road, it shall be so located that the view thereof from such road is obscured by natural objects or a fence. If the yard is so obscured, the person operating or maintaining it, shall be issued a license.

If it is not practical or economically feasible by reason or topography, as determined by the sheriff or, if the sheriff so designates, a policeman or constable of the township where the junk yard is located, to obscure the view of a junk yard established on or before January 1, 1970, from any state or county highway or township road which is not part of the interstate or primary system, the sheriff or township policeman or constable shall require suitable plantings, or a practical and appropriate barrier not less than six feet nor more than ten feet in height, to partially obscure the view of such junk yard from such state or county highway or township road.

No person shall operate and maintain a junk yard adjacent to the interstate or primary systems within a municipality, except in zoned or unzoned industrial areas without first obtaining a license to do so from the chief executive officer of the municipality in which such junk yard is located or in which such junk yard is to be established. Any person operating or maintaining a junk yard within one thousand feet of the nearest edge of the right of way of an interstate or primary highway within a municipality, except in a zoned or unzoned industrial area, prior to November 18, 1969, shall within one year thereafter erect the required fence or make suitable plantings if such junk yard is not screened by natural objects or a fence. This exception does not prohibit the regulations or prohibition of junk yards in zoned or unzoned industrial areas by municipal corporations. If a junk yard is established after November 18, 1969, within one thousand feet of the nearest edge of the right of way of an interstate or primary highway, it shall be so located that the view thereof from such highway is obscured by natural objects or a fence. If the yard is so obscured, the person operating or maintaining it shall be issued a license under this section. Nothing contained in this section shall be construed to relieve any person of his duty to comply with the provisions of ordinances enacted by municipal corporations regulating or prohibiting junk yards, including requirements to obtain a license under municipal ordinances. The requirement to obtain a license from the municipality under this section shall be

in addition to regulations imposed and licenses required under municipal ordinances. No license shall be issued unless such junk yard accords with the provisions of this section.

The fee for a license issued under this section is twenty-five dollars, except that the fee for municipal licenses issued under this section shall be reduced by the amount paid by the licensee for any similar licenses issued pursuant to ordinances of such municipality. All licenses issued under this section shall expire on the first day of January following the date of issue. A license may be renewed from year to year upon paying the chief executive officer of the municipality or the auditor of the county in which the junk yard is located the sum of ten dollars for each such renewal.

All fees paid under this section shall be for the use of the county or municipality which issues the license or renewal thereof.

Any license or renewal thereof issued under this section may be revoked by the chief executive officer of the municipality or the county auditor of the county in which the licensee's junk yard is located, after reasonable notice and opportunity to be heard, for any violation of sections 4737.01 to 4737.12 of the Revised Code, by the licensee or by any of this officers, agents, or employees. Whenever a license has been revoked under this section, the chief executive officer of the municipality or the county auditor shall not issue another license to such licensee, to the husband or wife of such licensee, or to any partnership or corporation of which he is an officer or member, until such licensee complies with sections 4737.05 to 4737.12 of the Revised Code.