

STAFF REPORT

Board of Trustees

Meeting Date: November 13, 2024

5:30p.m.

Case #: ZC-2024-211
Applicant: Danbury Township
Request: **Request for Text Amendments** to add new Section 4.13 to include Use Standards for Hotel/Motels, specifically for conversion of residential structures in commercial zoning districts, modify Section 2.2 Hotel/ Motel definition, modify Section 3.4 Use Matrix to include reference to new 4.13 Use Standards for Hotels & Motels, and renumber Article 4 Section numbers and zoning resolution page numbers accordingly to accommodate new language.

DESCRIPTION:

In May 2024, residents attended a Board of Trustees meeting expressing concerns on a residential home in a subdivision that received a Change of Use Zoning Permit and Ottawa County Building Department Certificate of Occupancy for a transient hotel/motel and are now essentially renting the structure short-term. The neighbors were more upset about the garbage management from this particular property, but it brought to light other concerns.

One of the residents that came to the Board of Trustees wanted a registration and penalty system put into place for short-term rentals. After much discussion with staff, the Zoning Commission and Board of Trustees, it was decided that, that suggestion would not be the best route to take because it would likely give a false impression that short-term rentals of dwellings is allowed in the Township, which it is not.

Danbury Township does not typically allow residential dwellings to be rented for periods of less than 30 days, but in this particular case, as well as at least two other similar situations, the residential structure is located in the "R-C" Recreational Commercial zoning district, where hotel/motels are a permitted use, and there were 6 sleeping rooms available in the structure. As such, the property met the definition of a hotel/motel and was issued the "Change of Use" Certificate. The neighborhoods in which these structures are located do not have active HOA's or more restrictive requirements. In 2021, the Township rezoned over 700 residential properties and took them out of a commercial zoning district for this very reason. However, some neighborhoods were not included in that rezoning for various reasons.

Admittedly, one of the properties that has been converted from a residence to a commercial use was not able to receive an official hotel/motel license to operate from the State of Ohio Fire Marshal's office because an occupant would have had to walk thru room #5 to get into the 6th sleeping room. The State Fire Marshal who inspected the property explained that they could not issue the license unless that was corrected and each room could be independently accessed, but they wouldn't consider the conversion as "illegal" since it met the Township & County requirements.

Ultimately, it was decided that the best direction to take to address some of the concerns raised would be to 'beef' up the hotel/motel requirements. The most substantial modification from the proposed language would make it a requirement, in a conversion situation, to be able to obtain a hotel/motel license 1st from the State of Ohio before releasing a zoning permit. Verification would also be required that such conversion would comply with water & sewer capacity so as not to overtax the system and to ensure it is functioning properly. This helps eliminate any conflicts in language or interpretation and puts all agencies having jurisdiction over such use on the same page.

Careful consideration was given to not treat a residential conversion any differently from a traditional hotel/motel or to end up putting more restrictive requirements on existing hotels/motels. The use is still a permitted use. The language proposed clarifies parking requirements for recreational trailered units if those types of units are going to be allowed to be brought to a premises. The language would also require hotels/motels to have commercial trash accounts. This is in part because fish offal is typically abused and improperly disposed of with residential containers, causing a nuisance to residential neighbors. Many of the trash providers set limitations for fish disposal, as well as other large items, in their contracts for commercial accounts and can discontinue services if repeatedly violated.

Legal counsel for the Township has reviewed the proposed amendments and has signed-off on the proposed language.

AGENCY REVIEWS:

Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on August 28, 2024, and held a hearing on September 17, 2024. Attached is OCRPC’s decision letter recommending **Approval as Presented**. The Danbury Township Zoning Commission held a public hearing October 2, 2024 and recommended 5-0 **Approval as Presented** to the Board of Trustees citing that decision standards “b” and “c” were satisfied.

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

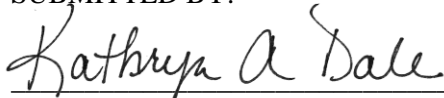
7.7.3E.i. Text Amendments:

- a. The proposed amendment will make the Resolution conform more closely with the Land Use Plan.
- b. The proposed amendment will improve the public health, safety, or general welfare of Danbury Township.
- c. The proposed amendment will clarify the intent of the Resolution.
- d. The proposed amendment will better implement the intent of the Resolution.
- e. The proposed amendment will improve enforcement of the Resolution.

STAFF RECOMMENDATION:

None.

SUBMITTED BY:



Kathryn A. Dale, AICP
Danbury Township Zoning Inspector

Date Prepared: October 9, 2024



OTTAWA REGIONAL PLANNING COMMISSION

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September 18, 2024

Susan Dress
179 Elizabeth Drive
Marblehead, Ohio 43440

RE: Danbury Township Text Amendments

Dear Ms. Dress:

At the regular meeting of the Ottawa Regional Planning Commission held on September 17, 2024 text amendments that were initiated by the Danbury Township Zoning Commission were heard. The Commission considered the following items in reaching its recommendation.

The text amendments propose to add language to create standards for Hotel/Motels including:

- a. Adding a new section 4.13 to include use standards for Hotel/Motels
- b. Modifying the Hotel/Motel definition and use matrix.
- c. New regulations that will require any dwelling attempting to change use to a Hotel/motel to be approved and receive their license from the State prior to issuing zoning permit.
- d. Added additional regulations for garbage pickup and utilities to ensure all local agency's are aware of the change of use.
- e. Revise parking regulations for hotel/motel to accommodate larger vehicles such as trailers as well as ensuring sufficient parking for additional vehicles.

After considering the above listed items, the Commission voted to recommend approval of the text amendments. Should you have any questions, please feel free to contact my office.

Sincerely,

Mark Messa
Director

Cc: Brinkley Paul
Kathryn Dale
Bryan Baugh
file

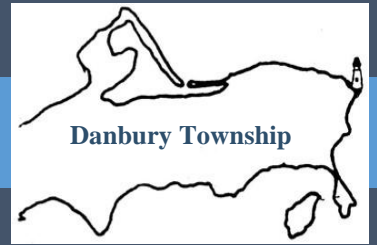


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Hotel/Motel

Any structure with more than five (5) sleeping rooms, that are each approved through a valid certificate of occupancy issued by the building code official having jurisdiction and the state fire marshal, which is specifically constructed, kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty (30) days or less and licensed through the State of Ohio Department of Commerce as a hotel or motel. ~~“Hotel/Motel” does not include one and two family dwelling units, multi-family dwelling units, condominiums, or other similar places of permanent personal residence, bed & breakfasts, lodging houses, resorts, or recreational camps.~~ A hotel/motel that is owned, or to be owned in a condominium form of ownership must meet all requirements for a condominium development in [Article 4](#) of the zoning resolution.

Indoor Theater

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

Industrial Park

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

Industrial Unit or Dwelling

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

Institution

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

Kennel

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

Laboratory

A building or part thereof which are facilities for scientific or medical research, investigation, testing or experimentation, but not facilities for the manufacturing or sale of products.

Landing Strip

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

Limited Home-Based Business

A Limited Home-Based Business is the more intensive form of a home occupation where the property owner works from the home, as a secondary use in connection with that dwelling, but where there may be clientele that visit the home. Examples include, but are not limited to, a piano or dance instructor, a teacher/tutor, a CPA, an architect, seamstress, notary public, or cake decorator.

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.

SECTION 3.4 USE MATRIX

Below is a table that summarizes the Permitted and Conditional uses for each zoning district. Uses below are generalized. Consult [Section 2.2 Definitions](#).

1. Permitted Uses:

A “P” in a cell indicates that a use is allowed by-right in the respective zoning district and can be approved administratively provided all other applicable regulations of this resolution are met.

2. Conditional Uses:

A “C” in a cell indicates that the use may be permitted if approved through the Conditional Use Review before the Board of Zoning Appeals as outlined in [Section 7.11](#). Conditional Uses may be subject to use-specific standards outlined in [Article 4](#).

3. Permitted with Conditions:

A “P & C” in a cell indicates that the use may be allowed by-right and approved administratively provided the use-specific standards are met listed in [Article 4](#). These may be more restrictive requirements than the underlying District Requirements.

4. Prohibited Uses:

A blank and/or shaded cell indicates that the use is prohibited in the respective zoning district.

5. Unlisted Uses:

If an application is submitted for a use that the Zoning Inspector determines is not defined or established in the Use Matrix below, the applicant may choose to take one of the following actions:

- The applicant may Appeal the determination of the zoning inspector to the Board of Zoning Appeals as stipulated in [Section 7.9.2.A](#).
- The applicant may file an application to the Board of Zoning Appeals to request a Use Variance in accordance with [Section 7.9.2.C.ii](#).
- The applicant may initiate a Text Amendment pursuant to [Section 7.7](#).
- The applicant may present their case to the Board of Trustees to request that the Township initiate a text amendment to address the proposed use and applicable standards.

P = Permitted Use
C = Conditional Use
P & C = Permitted w/
Conditions (See Art. 4)

	A	R-1	R-2	R-3	L	LBO	LMO	C-1	C-2	C-3	R-C	M-1	M-2	MHP	Add'l Regs
Accessory buildings and uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§5.2
Adult oriented sexual business										C					§4.18
Agriculture	P	P	P	P				P	P	P	P	P	P		
Airports	C							C	C			C	C		§4.1
Automobile parts manufacturing and assembly													P		
Automotive repair									P			P	P		
Automotive Salvage or Wrecking													P		§4738
Automotive service stations								P	P		P	P	P		
Automotive, manufactured home, recreational vehicle, and farm implement sales and service									P			P	P		
Banks & Financial Institutions								P	P		P				

P = Permitted Use
 C = Conditional Use
 P & C = Permitted w/
 Conditions (See Art. 4)

	A	R-1	R-2	R-3	L	LBO	LMO	C-1	C-2	C-3	R-C	M-1	M-2	MHP	Add'l Regs
Banquet Hall							P		P		P				
Bar, saloon, tavern/night club								P	P		P				
Beaches, commercial swimming pools							P	P	P		P				
Bed and breakfast	C	C	C	C	C	C					C				§4.2
Brewery												P	P		
Building material storage yards, sales												P	P		
Cement or cinder block mfg.													P		
Cemeteries	P	P	P	P	P		P	P	P	P	P	P	P		
Churches or other places of worship	P	P	P	P	P	P	P	P	P		P				
Child day-care centers	C	C	C	C				P	P		P&C				§4.3
Clubs	C								C		C				§4.4
Cluster housing communities			C	C											§4.5
Commercial Amusement Enterprises											C				§4.6
Commercial shipping and docking facilities												P	P		
Composting facility	P												P		
Continuing Care Retirement communities, nursing homes			C	C				C	C						§4.8
Contractors establishments including construction firms												P	P		
Distillery												P	P		
Distribution or Logistic Center												P	P		
Drive-in restaurants									P						
Drive-in theaters									C	P					§4.9
Entertainment facility						P	P								
Fishing, private or commercial and related business									P		P				
Flea markets							P	C	C		C				§4.10
Funeral Home									P		P				
General businesses									P						
Golf courses	C										P				§4.4
Golf driving range and miniature golf						P			P		P				
Government buildings	P	P	P	P	P			P	P		P				
Grocery Stores						P			P		P				
Historic sites	P	P	P	P	P	P	P	P	P		P				
Home Occupations	P	P	P	P				P	P		P				§4.11

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 C = Conditional Use
 P & C = Permitted w/
 Conditions (See Art. 4)

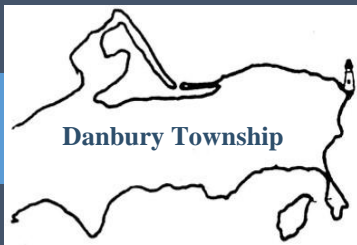
	A	R-1	R-2	R-3	L	LBO	LMO	C-1	C-2	C-3	R-C	M-1	M-2	MHP	Add'l Regs	
Hospitals								C	C							§4.12
Hotel, motel						P	P		P		P					§4.13
Indoor theaters						P			P	P						
Industrial establishments manufacturing or assembling: small metal products, clothing, drugs and medicines, electrical equipment, glass products, furniture and wood products, the assembly of finished equipment												P	P			
Industrial parks												P				
Kennels, Veterinary Clinic, Animal Hospital	C								C							
Laboratory (Research & Development)									P		P	P	P			
Landing strip	C							C	C			C	C			
Limited home-based business	C	C	C	C				C	C		C					§4.11
Manufactured home park															P	
Manufactured homes	P	P	P	P				P	P		P					§4.14
Marinas, boat launching, docking facilities											P					
Medical marijuana, cultivation, processing and dispensaries																
Micro Brewery								P	P		P					
Micro Distillery								P	P		P					
Mini-warehousing									P			P	P			
Multi-family including condominiums			C	C				P*	C	C		C				§4.7
Neighborhood business						P	P	P			P					
Nurseries or greenhouses	P											P	P			
One-family dwellings	P	P	P	P	P	P	P	P	P		P					
Parking area, lot					P	P	P									
Personal services						P	P	P	P		P					
Printing shops/publishing									P			P				

P = Permitted Use
 C = Conditional Use
 P & C = Permitted w/
 Conditions (See Art. 4)

	A	R-1	R-2	R-3	L	LBO	LMO	C-1	C-2	C-3	R-C	M-1	M-2	MHP	Add'l Regs
Professional activities including doctors, dentist, attorney, etc.						P		P	P		P				
Propane storage facility												P			
Public community facilities	P	P	P	P	P			P	P		P				
Public parks and playgrounds	P	P	P	P	P	P	P	P	P		P				
Quarrying													P		
Recreation facility, outdoor						P* Not subject to §4.14	P* Not subject to §4.14		C		C	P			§4.15
Recreation facility, indoor						P	P		P		P	P			
Recreational businesses						P	P		C		C				
Recreational camp							P* Not subject to §4.15				C				§4.16
Resorts							P* Not subject to §4.16				C				§4.17
Restaurant						P	P	P	P		P				
Riding stable	P										P				
Roadside stands for the sale of agriculture and related products	P							P	P		P				
Rock crushers													P		
Schools, public and private	P	P	P	P	P	P	P	P	P		P				
Solar Farm or Field	C								C			C	C		§4.19
Storage areas on property being used for boat sales and service									P		P	P	P		
Storage areas, which includes buildings just for storage or in relation to repair, and services									P		P	P	P		
Telecommunication Towers	C	C	C	C										C	§4.20
Temporary building/structure/use	P & C	P & C	P & C	P & C	P & C	P&C	P&C	P & C	P & C		P&C	P&C	P&C		§4.21

P = Permitted Use
 C = Conditional Use
 P & C = Permitted w/
 Conditions (See Art. 4)

	A	R-1	R-2	R-3	L	LBO	LMO	C-1	C-2	C-3	R-C	M-1	M-2	MHP	Add'l Regs
Two-family dwellings		C	P	P	C	C	P	C	C		P				§4.7
Wholesale business and warehousing activities									P			P	P		
Wind Farm, Small	C												C		§4.22
Windmill, high impact												C	P		§4.23
Windmill, low impact	P	C						C	C			C	P		§4.24



Article 4: Use Standards

ARTICLE 4: USE STANDARDS

- 4.1 Airports/Helipad/ Landing Strips
- 4.2 Bed and Breakfast Inn
- 4.3 Child Day Care Center
- 4.4 Clubs, Private and Public, Golf and Country Clubs, and Lodges
Operated by Educational, Social or Fraternal Organizations
- 4.5 Cluster Housing Community
- 4.6 Commercial Amusement Enterprises
- 4.7 Condominium/Multi-Family Housing Development
- 4.8 Continuing Care Retirement Community
- 4.9 Drive-in Theaters
- 4.10 Flea Markets
- 4.11 Home Occupations & Limited Home-Based Business
- 4.12 Hospitals
- 4.13 **Hotel/Motel**
- 4.14 Manufactured Homes
- 4.15 Outdoor Recreational Facilities
- 4.16 Recreational Camp
- 4.17 Resort
- 4.18 Sexually Oriented Adult Business
- 4.19 Solar Farm or Field
- 4.20 Telecommunication Towers
- 4.21 Temporary Structures
- 4.22 Wind Farm, Small
- 4.23 Windmill, Low Impact
- 4.24 Windmill, High Impact

- E. Operations that involve the use of controlled substances.
- F. Any operation that is specifically listed as a Conditional Use of this zoning resolution.

SECTION 4.12 HOSPITALS

The following requirements shall be met:

1. **Size:** Minimum of 5 acres.
2. **Setbacks:** There shall be a required front yard setback of 70' feet, a required side yard setback of 45' feet, and a required rear yard setback of 50' feet.
3. **Development:**
 - A. A site plan shall be submitted showing the location of all buildings, drives, parking, fencing, accessory buildings, helipad, landscaping, infrastructure, grading and signage. Building elevations shall also be included for every structure along with indication of materials to be used.
 - i. Height exceptions may be reviewed by the Board of Zoning Appeals in accordance with [Section 7.9](#), but under no circumstance shall the principal hospital structure exceed 50' in height.
 - ii. A helipad may be located on grade at ground level, or on the roof top of said hospital structure, but shall not be located where parking or traffic patterns would be disrupted.
 - B. Exterior Lighting. All outdoor lights shall be shielded to direct light and glare only onto the structures and drives. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property and shall be a maximum height of 24' feet.
 - C. Refuse Collection. The refuse collection areas provided for the collection of trash, garbage and other refuse shall be enclosed on three sides by a solid wall or fence and shall be located on the side or rear of the development site.
4. **Parking/Traffic Plan:**
 - A. Said plan shall delineate the parking requirements for each use on the property, as outlined in [Article 5](#) of the zoning resolution, and their respective locations.
 - B. All parking spaces, including access lanes shall be setback 25' from any property line.
 - C. Access lanes and driveways on the site shall be adequate and suitable to accommodate the anticipated traffic within and through the development including access by emergency and fire vehicles. The design, location and surface of the parking area and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce traffic congestion and promote pedestrian and vehicular safety.

SECTION 4.13 HOTEL/MOTEL

The following regulations shall apply to all hotel/motel uses:

1. The parcel in which the Hotel/Motel use will be operated from shall contain more than five (5) sleeping rooms in each structure located on the parcel.
2. No detached accessory structure (i.e. shed, garage, pole barn) may be used for sleeping rooms unless proper permits are received to convert such structure into an inhabitable, commercial space, contains more than five (5) sleeping rooms and is included on the hotel or motel license as an approved sleeping location.
3. The on-site parking requirements of Section 5.10 Parking & Off-Street Loading Requirements of the zoning resolution shall be met.
 - A. For trucks, boats, and trailers, if allowed on the lot, special parking arrangements on-site shall be made to accommodate such vehicles and trailers and shall be provided in addition to the basic parking arrangements outlined in Section 5.10.
 - a. Parking space for vehicles with trailers shall be a minimum size of 10' x 40'.
 - B. All parking for such use shall be appropriately marked with signage, wheel stops and/or stripped, identifying the designated parking area for the hotel/motel.
 - C. No vehicles or trailers shall be stored on a dead-end street or obstruct passage along a street.

4. Landscaping shall be installed in accordance with Section 5.8 Landscaping & Buffering Requirement prior to the opening of the hotel or motel.
5. All signage shall be in accordance with Article 6 Signs.
6. **Trash containers and dumpsters:**
 - A. Trash containers or dumpsters shall be provided in the side or rear yard and screened in accordance with Section 5.8 of the zoning resolution.
 - B. Weekly scheduled pick-up service shall be provided and as a commercial account with their provider.
 - C. All hotel/motels shall follow their solid waste service providers policies and procedures on what materials may be placed in the container or dumpster.
 - D. Occupants are encouraged to utilize Mazurik Landing self-cleaning facility or any fish cleaning business with proper offal disposal services.
7. One and two-family dwelling units, multi-family dwelling units, condominiums, or other similar places of permanent, personal residences that are located in the “C-2” General Commercial or “R-C” Recreational Commercial zoning districts and are eligible to apply for a “Change of Use” Certificate to a Hotel/Motel classification shall meet all of the following requirements before a “Change of Use” Certificate is issued by the Zoning Inspector:
 - A. Each sleeping room which is specifically constructed, kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty (30) days or less shall be approved through a valid certificate of occupancy issued by the Ottawa County Building Code Official having jurisdiction, and licensed through the State of Ohio Department of Commerce State Fire Marshals office, as a hotel or motel.
 - i. If a hotel or motel license cannot be obtained from the State of Ohio Department of Commerce State Fire Marshals office, then a zoning permit shall not be issued.
 - B. A verification letter from the Ottawa County Sanitary Engineer’s office or Ottawa County Health District shall be submitted with a “Change of Use” application certifying that the public water, public sewer, or septic system is properly functioning and capable of handling this “Change of Use” on the property.
 - C. All requirements listed herein of Section 4.13.

SECTION 4.14 MANUFACTURED HOMES

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

1. The axles and wheels must be removed, and the tongue removed or covered with a material similar to the exterior siding of the home.
2. The exterior siding of the unit and any attachments thereto must be residential in appearance, consist of materials customarily used on conventional dwellings constructed on site, and extend to the top of the foundation.
3. The home must be placed on a permanent foundation consisting of a footer or series of piers to the frost line and structurally designed and approved by the County's Building Department. The design of the foundation must qualify it for real property taxation.
4. The roof must consist of shingles or other materials customarily used for conventional dwellings constructed on site.
5. The minimum building width for a manufactured home shall be twenty (20) feet for a minimum depth of twenty (20) feet; and
6. The replacement of a manufactured home previously located on a lot shall be required to comply with all of the above conditions.

SECTION 4.15 **OUTDOOR RECREATIONAL FACILITIES**

The following requirements shall be met:

1. **Size:** Minimum of 2 acres on a non-residentially platted, subdivision lot.
2. **Setbacks:** Shall be the same as underlying zoning district setback requirements, including all ancillary structures or uses, with the exception of a side or rear-yard abutting a residentially zoned property, which shall then be required to be setback 45' feet.
3. **Parking/Traffic Plan:**
 - A. The applicant shall submit a parking and traffic circulation plan.
 - B. Said plan shall delineate the parking requirements for each use on the property, as outlined in [Article 5, Section 5.10](#) of the zoning resolution, and their respective locations.
 - C. All parking spaces, including access lanes shall be setback 20' from any property line.
 - D. Access lanes and driveways on the site shall be adequate and suitable to accommodate the anticipated traffic within and through the development including access by emergency and fire vehicles. The design, location and surface of the parking area and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce traffic congestion and promote pedestrian and vehicular safety.
4. **Development:**
 - A. Such Outdoor Recreational Facility establishment may be seasonal but shall not be a temporary establishment or operate primarily from a temporary building or structure, including ancillary uses.
 - B. No outdoor lighting shall be permitted other than basic security lighting.
 - C. The BZA may require portions of the site with high activity areas to be screened by a fence having a maximum height of 7 feet or dense landscaping.
 - D. Speaker systems, music, or any other discernable sounds coming from the site may be subject to the Township Noise Resolution.
 - E. Building elevations shall also be included on the plan along with indication of materials to be used.
5. **Trash Receptacles:** An area shall be set aside for the purpose of trash and garbage receptacles. Such receptacle area shall be properly screened and maintained.
6. **Buffering:** A landscape and buffering plan shall also be incorporated as part of the site plan or submitted as a separate sheet and reflect landscaping within all required lot setbacks.

SECTION 4.16 **RECREATIONAL CAMP**

1. An application for a conditional use must be filed with the Board of Zoning Appeals including the plans for the proposed camp and a fee as established by the Board of Township Trustees.
2. **Camp Requirements:** All camps shall meet the following requirements:
 - A. **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 required front yard of 70 feet; minimum required side yards of 45 feet each side; minimum required rear yard of 60 feet. If either side yard abuts a public or private right-of-way, the minimum required yard shall be 55 feet. The first 20 feet of each required yard setback shall be composed of a green planting strip (buffer zone).
 - 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.

3. **Site Requirements:** Individual sites within the camp shall meet the following requirements:
 - A. **Site Area:** Minimum of 1,200 square feet per site.
 - B. **Site Width:** Minimum of 30 feet and should front on road.
 - C. **Site Setbacks.** Minimum of 8 feet on all boundaries for all trailers, tents, etc.
 - D. **Corner Markers:** All 4 corners of each site shall be appropriately marked as approved by the Board of Zoning Appeals.
4. **Camp Utilities and Services** Such improvements shall be provided as required by the Ohio Administrative Code [3701-25](#) and [3701-26](#).
5. **Supplementary Regulations:** Accessory Buildings and Uses. Such uses which are appropriate to the operation of a camp may be permitted within the conditional use procedure of review by the Board of Zoning Appeals.

SECTION 4.17 RESORT

The following requirements shall be met:

1. **Setbacks:** There shall be a required front yard setback of fifty-five (55) feet, a required side yard of forty-five (45) feet, and a required rear yard setback of fifty-five (55) feet. The setback area to be totally open except for plantings and trees.
2. **Parking:** Each unit used for lodging purposes shall be provided with two (2) parking spaces. Other uses shall meet the requirements of [Article 5, Section 5.10](#).
3. **Density:** The maximum number of cabins, cottages, recreational vehicles, and the like per acre for the resort shall not exceed five (5).
4. **Open Space:** Twenty-five (25%) percent of the gross land area involved in the resort shall be set aside as open space. Yards, submerged land, and streets shall not be included.
5. **Minimum Acreage:** A minimum of 5 acres shall be included in each resort.
6. **Development:** The resort may be developed using a variety of housing types intended for transients. Maximum building height shall be thirty-five (35) feet and each cottage/cabin must contain 600 square feet of ground floor area for the first floor.
7. **Building Separation:** Buildings designed for living purposes shall be separated from each other by a minimum distance of twenty (20) feet. This measurement shall be from the nearest point of one building to the nearest point of the adjacent building.

SECTION 4.18 CONDITIONS FOR OPERATION OF A SEXUALLY ORIENTED ADULT BUSINESS

1. This requirement establishes reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the Township. This requirement has neither the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this requirement to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors or exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this requirement to condone or legitimize the distribution of obscene materials.
2. Such uses shall be permitted subject to the following conditions:
 - A. The applicant shall file in writing a report containing the following information:
 - i. The address where the sexually oriented business is operated or is to be operated.
 - ii. The status of the applicant as an individual, partnership, or limited partnership, domestic or foreign corporation, or other entity; The full name, residence address, date of birth, and social security number of the applicant or the person applying on behalf of a partnership, corporation, or other entity.

- a. If the applicant is a partnership or limited partnership, the name of the partnership the status of the partnership as a general or limited partnership; The state or other jurisdiction under which it is organized; The address of its principal office in Ohio; Its federal identification number; The name and address, date of birth, and social security number of each partner; and the status of each partner as a general or limited partner.
- b. If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth, and social security number of each stockholder holding more than two percent of the applicant's stock.
- c. If any shareholder is a corporation or a general or limited partnership, the same information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership.
- iii. The application must contain the address where the sexually oriented business is to be located and shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- iv. Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the Township, shall be grounds for revocation or non-renewal of a permit.
- v. Any other information determined by the Board to be necessary.
3. A decision of whether or not to issue a permit or license shall be made within twenty-one (21) days after receipt of all the information required under the paragraphs.
4. A permit or license issued under this section to a sexually oriented business shall expire one year after the date of issuance. An application for a renewal permit shall be filed not later than forty-five (45) days of the expiration of the permit. An application for renewal shall be acted upon within twenty-one (21) days of receipt of the application. The information contained with the initial application for a permit and supplementary information required by Section 2.A.iv. above shall be used to determine whether or not to renew a permit. Each permit for a sexually oriented business shall contain the name of the applicant, the address of the sexually oriented business and the expiration date of the permit.
5. In addition, such uses shall be permitted subject to the following conditions:
 - A. Sexually oriented business uses shall be located at least five hundred (500) feet from any church, child day care center, library, public park, public or private school, social service facility, neighborhood center, or amusement arcade.
 - B. Sexually oriented business uses shall be located at least 500' feet from any boundary of any residential district in an abutting local unit of government.
 - C. Sexually oriented business uses shall be located at least 1,500' feet from any other adult entertainment uses.
 - D. Adult entertainment uses shall be located at least 200' feet from a bar, tavern, or other business serving or selling liquor, beer, wine, or other alcoholic beverages.

SECTION 4.19 SOLAR FARM OR FIELD

The following conditions shall be met for a solar farm:

1. **Setbacks:** All structures affiliated with the operation, including the solar panels shall meet or exceed the underlying zoning district setback requirements.
2. **Minimum Acreage:** The minimum lot area shall be 5 acres.
3. **Height:** The maximum height of all structures affiliated with the operation, including the solar panels shall not exceed the height requirement of what is permitted in the underlying zoning district.
4. **Landscaping & Buffering:** All requirements of [Section 5.8](#) of the Danbury Township Zoning Resolution shall be met.
5. **Other:**
 - A. An appropriate security fence (height and material to be established through the site plan permit process) shall be placed around the perimeter of the solar farm.
 - B. Appropriate warning signage (height, area, and material to be established through the site plan permit process) shall be placed at the entrance and perimeter of the solar farm project.
6. **Noise:** No operating solar power plant shall produce noise that exceeds any of the following limitations:
 - A. Fifty dBA, as measured at the property line of any neighboring residentially zoned lot
 - B. Sixty dBA, as measured at the property lines of the project boundary.
7. **Decommissioning & Reclamation:** Any solar farm which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation within 150 days after the date of discontinued operations. The owner or operator shall notify the Danbury Township Zoning Inspector by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - A. Physical removal of all ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - B. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - C. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Township may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
 - D. Absent a notice of a proposed date of decommissioning, the solar farm shall be considered abandoned when it fails to operate for two years without the extension approval of the Board of Zoning Appeals and [ORC 505.86](#) regarding the removal of buildings or structures will be pursued.

SECTION 4.20 TELECOMMUNICATION TOWERS

This section is intended to exercise, to the fullest extent permitted by law, the power of the Board of Trustees of Danbury Township to regulate telecommunications towers and related facilities, and accordingly, this section shall also govern the removal of buildings or structures that are used in the provision of such service. Except in accordance with Ohio Revised Code [Section 519.211](#), hereby incorporated by reference, no person shall locate, erect, construct, reconstruct, change, alter, or enlarge any telecommunications tower in any area zoned for residential use. Any conditional use permit issued under this section shall be revocable and may be revoked after notice and hearing of any continuing condition of the certificate has been violated and is not remedied within 30 days of written notice from the Board of Zoning Appeals.

1. **Notification Requirements:** Any person who plans to construct a telecommunications tower in a residential zoning district shall provide both of the following by certified mail:
 - A. Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
 - i. The person's intent to construct the tower;
 - ii. A description of the property sufficient to identify the proposed location; and

iii. The property owner has a maximum of 15 days after the date of the mailing to give written notice to the Board of Township Trustees requesting that the Board of Zoning Appeals review the telecommunications tower pursuant to the authority granted by [Sections 519.02 to 519.25](#) of the Ohio Revised Code as they apply to the proposed location of the tower. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.

- B. Any person who plans to construct a telecommunications tower within one hundred feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence, stating information specified in Section (A) above. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice.
- C. Written notice to the Board of Township Trustees of the information specified in Section (A) above. The notice to the Board also shall include verification that the person has complied with the notification requirements of this Section.

2. Responses to Notification:

- A. If the Board of Township Trustees receives notice from a property owner in response to Section (1) within the time specified in that division or if a Board member makes an objection to the proposed location of the telecommunications tower within 15 days after the date of mailing of the notice sent under Section (1), the Board shall request that the Township Fiscal Officer send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in accordance with Ohio Revised Code. The notice shall be sent no later than 5 days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a Board member makes an objection. Upon the date of mailing of the notice to the person, [Sections 519.02 to 519.25](#) of the Revised Code shall apply to the tower.
- B. If the Board of Township Trustees receives no notice under Section (1) within the time prescribed by that division or no Board member has an objection as provided under Section (1) within the time prescribed by that division, the tower shall be permitted as-of-right pursuant to the applicable sections of this Resolution.

3. Procedures when Objections are Filed:

The Board of Zoning Appeals shall review the application for a telecommunications tower as a conditional use where such review is requested by a notified property owner or the Board of Township Trustees pursuant to [Sections 7.9, 7.10 and 7.11](#) of the Danbury Township Zoning Resolution. The application shall include the following:

- A. A map showing the location of all of the applicant's and other providers' existing telecommunications towers and antennas within the Township and contiguous political subdivisions or within a 3-mile radius, whichever is greater;
- B. A map showing the location(s) of the applicant's planned future telecommunications towers (not including the one being applied for) in the Township and contiguous political subdivisions;
- C. For each location shown on the maps, there shall be listed and shown:
 - i. The type and size of telecommunications tower;
 - ii. The type of equipment currently located on each existing tower or proposed on each tower;
 - iii. This shall include who the equipment owners are and proof on whether or not any are certifiably exempted in accordance with [ORC 519.211](#).
 - iv. The space available on the telecommunications tower for additional equipment;
 - v. The ground network, if any, served by the telecommunications tower;
 - vi. A site plan showing the parcel on which any existing telecommunications tower is located.
- D. A site plan for the facility being applied for shall also be submitted containing:
 - i. The location, type and size of existing and/or proposed tower(s), antenna and equipment, including buildings and structures located at the site.
 - ii. The location of access easements, drives, circulation and parking areas.

- iii. Detailed drawings of the screening plan and related design standard.
 - iv. Setbacks from property lines and dwellings within 600 feet of the proposed tower;
 - v. Legal description of the lot on which the tower is to be sited;
 - vi. Any illumination required by the FAA or FCC; and
 - vii. Any other information necessary to assess compliance with this section.
- E. A written certification from a State Certified, Professional Engineer stipulating:
- i. That the tower's design is structurally sound and in compliance with all codes;
 - ii. That the equipment on the tower and at the site complies with all current FCC regulations;
 - iii. That the tower will accommodate co-location of additional antennas for future use, with a statement as to the number of antennas capable of being accommodated or an explanation as to why the tower will not be constructed to accommodate co-location; and
 - iv. Height and fall zone drawing.
4. **General Requirements for all Telecommunication Facilities:**
- A. Only one (1) tower is allowed on a parcel of land. Applications to place multiple towers upon a single parcel shall require credible evidence that collocation is not practical.
 - B. Pole, tower and/or structure placement shall be established on a lot meeting the minimum square footage requirements of the applicable zoning district and shall maintain a minimum setback of 100 feet from every lot line.
 - C. Towers shall not be located within 500 feet of any residence other than the residence on the parcel on which the tower is to be located.
 - D. No fall zone for a tower shall encroach into a public or private road right-of-way.
 - E. Telecommunication facilities shall be designed so as to also accommodate public telecommunication needs. Appropriate shared parking and access must be provided for co-located facilities on one tower.
 - F. Maintenance:
 - i. Towers and related structures must be maintained in good working order.
 - ii. The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain or be illuminated by artificial lights, beacons or strobes, unless otherwise required by the FAA, FCC, ODOT or their respective successors.
 - iii. All surfaces shall be maintained in good condition, absent of flaking or peeling paint and rust.
 - G. No commercial or non-commercial advertising is permitted anywhere on the telecommunication facility.
 - H. The owner/operator (or its successors) shall, within 30 days of ceasing operation at the site of a telecommunication tower, give written notice of such ceasing of operation to the Zoning Department. Facilities shall be removed from the site within 12 months of ceasing operations. After the facilities are removed, the site shall be restored to its original or an improved condition. Resale or renting of facilities is permissible only to other similar communications systems subject to obtaining a Zoning Certificate from the Zoning Department.
 - I. Notification of any transfer of ownership, resale, or renting of the telecommunication facility shall be provided to the Zoning Department. Such notification shall include who the most current company, person, address, phone numbers and any other pertinent contact information.
5. **Design Standards Telecommunication Facilities:**
- A. Facilities shall be effectively screened on each side which adjoins a premises in any residence district. Screening shall consist of:
 - i. A solid masonry wall or solid fence, not less than 4 feet or more than 7 feet in height;
 - ii. A tight screen or hardy evergreen shrubbery; or
 - iii. Natural or existing screening not less than 4 feet in height.
 - iv. Screening walls and fences shall be located not less than 30 feet from each lot line. The space between any screening device and adjacent lot lines shall be buffered by the use of landscape plant materials including grass, hardy shrubs, evergreen or ground cover.
 - v. The use of razor or barbed wire shall be prohibited.

- vi. All screening devices and landscape materials shall be maintained in good condition.
- B. An identification signage not to exceed 4 square feet in size that shall provide the name, address, and telephone number of the entity to contact in event of emergency.
- C. Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.

6. Decision Standards:

The Board of Zoning Appeals may approve a telecommunications tower as a Conditional Use if the Board finds that the applicant has satisfied all of the following standards:

- A. The application shall comply with the general standards for a Conditional Use as established in [Section 7.11](#) of the Danbury Township Zoning Resolution;
- B. The applicant or tower provider shall demonstrate that the proposed tower location in a residential area is essential to service the applicant's service area and that there are no alternative sites in commercial, industrial, or agricultural areas.
- C. If another tower or tall structure is technically suitable, the applicant must show that a reasonable request to co-locate was made and that such request was rejected. "Tall structures" shall include smoke stacks, water towers, electric transmission towers, existing antenna support structures or other telecommunications towers, utility buildings and structures over 48 feet in height.
- D. The applicant shall provide written documentation that they have obtained approval from all governing agencies charged with the responsibility of maintaining air safety, including but not limited to the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), the Ohio Department of Transportation (ODOT), or their respective successors.
- E. The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. All buildings and structures shall be architecturally compatible with the architecture of the adjacent buildings and structures.

7. Expert Review:

If, in the opinion of the Board of Zoning Appeals and/or the Zoning Inspector, expert review of technical data submitted by an applicant for a telecommunications tower in an area zoned for residential use is needed for purposes of evaluation, the applicant shall reimburse Danbury Township for the actual cost of such review. One or more experts may be selected by the Zoning Inspector for such review. Such experts may include, but are not limited to, engineering services and legal services.

SECTION 4.21 TEMPORARY STRUCTURES

This section provides standards for the establishment of certain temporary uses and structures of limited duration, provided that such uses, and structures do not negatively affect adjacent properties, and provided that such uses, or events are discontinued upon the expiration of a set time period.

- 1. A Zoning Certificate shall be required for all temporary buildings, structures or uses. The temporary building, structure or use shall be reviewed in accordance with this section and all other applicable sections of this Resolution.
- 2. Failure to obtain a zoning permit or complying with the standards contained herein shall be a considered a violation of this resolution.
- 3. No required off-street parking space(s) shall be occupied by the temporary use.
- 4. Any temporary use, structure, building, tent, or equipment must include a placard which is clearly visible, and which includes the container identification number (where applicable), the business that owns and is responsible for the unit and a phone number of such business.
- 5. **Prohibited Temporary Uses:**
 - A. Mobile Vendors and Food Carts, including, but not limited to, temporary or seasonal vendors, such as, book sales/purchases, mattress sales, jewelry sales, art sales, craft, rug, flowers, drink, or food sales.

- i. Mobile Vendors and Food Carts shall only be permitted in conjunction with a special event or festival as outlined in [Section 6.D](#) herein, or flea market event, located on the same property as the event and on the same dates as the event.

6. Permitted Temporary Uses:

A. Contractor Offices and Equipment:

- i. A mobile home unit, or trailer unit similar to, shall be limited to one (1) in a residential district and two (2) in a non-residential district and only be used for a field office. No such use shall contain any sleeping or cooking accommodations.
- ii. Any trailer, shed or staging yard shall meet the accessory building setbacks of the district in which it is located.
- iii. All such uses shall be located on the same site or in the same development as the related construction.
- iv. Such uses shall be limited to a period not to exceed the duration of the active construction phase of such project or within 30 days following a certificate of occupancy.
- v. Such uses shall also be removed from the site if construction is abandoned or halted for six or more consecutive months.
- vi. A maximum of an eight (8') foot high temporary fence is permitted around the boundaries of the construction site or staging yard.
- vii. No on-site sanitary facility (portable toilet) shall be located within:
 - a. Twenty-five (25) feet of any abutting residential structure, and
 - b. Ten (10) feet of any property line or right-of-way line, and
 - c. Shall be located in the side or rear yard to the maximum extent possible.

B. Model Units with or without Real Estate Offices:

- i. Model units including real estate offices are permitted as an accessory use to a new development.
- ii. No unit shall be used to house or sleep inhabitants until the unit is sold to the permanent residents.
- iii. Such use shall be limited to a period of the active selling or leasing of units or space in such development and to the activities related to the development in which such office is located.
- iv. No such office shall be used as the general office or headquarters of any firm.
- v. Such uses shall require the issuance of Zoning Certificate specifying such use as an approved model unit or temporary real estate office.
- vi. Any such unit shall conform to all requirements for residential Development Standards for the district in which it is located.
- vii. Infrastructure improvements to the lot for which a permit is being requested must be completed to the Engineering Division(s) satisfaction for utilities and road access.

C. Temporary Shelter:

- i. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted.
- ii. Such temporary housing shall only be approved as part of the permit application for reconstruction and shown on a site plan.
- iii. Required water and sanitary facilities must be provided.
- iv. Maximum length of permit shall be six months, but the zoning office may extend the permit for a period not to exceed 60 days, in the event of circumstances beyond the control of the owner have occurred as a result of the reconstruction. Application for extension shall be made at least 15 days prior to the expiration of the original permit.
- v. The mobile home shall be removed from the property thirty (30) days following the issuance of any occupancy permit for the new or rehabilitated residence even if the temporary use permit is still valid.

D. Special Events and Festivals:

- i. Temporary special events such as festivals, circuses, concerts, and similar uses are permitted only when sponsored by a not-for-profit religious, philanthropic, or civic group or organization.
- ii. Such event shall be valid for no more than 10 consecutive days.
 - a. Seasonal fundraising events such as but not limited to Christmas tree sales may be permitted for up to 45 days, including the set-up and removal.
 - b. Such seasonal event shall also be subject to “Temporary Outdoor Sales and Displays” requirements in [Section 6.F below, with the exception of “i & iii”](#).
- iii. All temporary stands, tents, rides or other portable uses or equipment shall not be located within;
 - a. Twenty-five (25) feet of any property line.
 - b. Two-hundred and fifty (250) feet of any residential structure.
- iv. Set-up for such special event shall not start more than 72 hours prior to the event and shall be completely removed within 48 hours after the event.
 - a. Upon completion of the event, the site shall be cleaned of trash and debris, all evidence of the temporary stands, tents, rides or other portable uses or equipment removed.
- v. The person responsible for the operation of any such event shall provide the Zoning Inspector and Danbury Police Department in advance of the event date(s), the contact information for the primary person in charge and whom will be on-site the day(s) of the event.
- vi. Requests for any other special arrangements (i.e., road closures, police assistance or emergency personnel) must be made with the applicable departments at least 2 weeks in advance of the event. Such requests may be denied by the department head of that department.
- vii. A site plan shall be submitted showing the location of all temporary stands, tents, rides, other portable uses and equipment and the parking arrangements.
 - a. Ample space shall be provided to allow fire and police emergency access throughout the special event; however, general vehicular access should be limited.
- viii. Outdoor weddings, graduations and similar private, residence events are exempt from this standard, but organizers of such events are encouraged to notify the Zoning Inspector or Danbury Police Department to determine if special accommodations should be made to address traffic and circulation.
- ix. All events, including private events, are subject to the noise resolution of the Township.
- x. All events, including private events, utilizing tents, rides or in need of temporary electric connections must also contact the Ottawa County Building Department.

E. Temporary Portable Storage Containers:

- i. Containers designed for the temporary storage of property that can be moved by truck or trailer (including intermodal storage units).
 - a. Only one portable storage unit shall be permitted on a residential lot at any one time.
 - b. The size of a portable storage unit shall not exceed 1,024 cubic feet, measured by the exterior length, width, and height multiplied together.
 - c. Such unit shall be located in the side or rear yard to the maximum extent possible or located on a driveway or other hard surfaced area.
 - d. A portable storage unit shall be permitted on a lot when necessary to facilitate clean up and/or restoration activities resulting from a fire or natural disaster to a building or structure for a period not to exceed the duration listed under [Section 6.C. “Temporary Shelter”](#);
 - e. A portable storage unit shall be permitted when the occupant of the property is relocating for a period not to exceed 30 consecutive days.
 - f. A portable storage unit shall be permitted on any non-residential lot for a period not to exceed 30 consecutive days, up to two times per calendar year.
 - g. Storage of hazardous materials as defined under applicable state, local and federal laws and regulations are prohibited.

- h. No part or former part of a semi-trailer mobile home unit, or trailer unit similar to, or recreational vehicle shall be utilized as a portable storage unit.
- ii. Containers or drop boxes designed for the temporary storage of donations or charity drives, items to be serviced (i.e., dry cleaning) or for recycling.
 - a. Only one unit shall be permitted on a non-residential lot, in a Commercial or Industrial zoning district, at any one time.
 - b. The size of a portable storage unit shall not exceed 300 cubic feet, measured by the exterior length, width, and height multiplied together.
 - c. Such unit shall be located in the side or rear yard to the maximum extent possible or located on a hard surfaced area.
 - d. Such unit shall not be located in any required setback, parking and circulation area, right-of-way, or required landscape or buffer area.
 - e. The property owner of the property where the unit is located shall be responsible for ensuring that no items are left lying on the ground outside of such unit and keeping it orderly and maintained.
 - f. No part or former part of a semi-trailer mobile home unit, or trailer unit similar to, or recreational vehicle shall be utilized as a portable storage unit.
 - g. Storage of hazardous materials as defined under applicable state, local and federal laws and regulations are prohibited.

F. Temporary outdoor sales and displays:

- i. Temporary outdoor sales and display areas are prohibited on vacant lots.
- ii. Only those goods and materials associated with the commercial use existing on-site may be sold and displayed.
- iii. Temporary outdoor sales and display areas shall only be permitted in a Commercial zoning district.
- iv. Merchandise is prohibited from being sold directly out of a semi-trailer, box truck, moving van or other vehicle.
- v. Temporary outdoor sales and display areas shall not be located in any required setback, fire lane, parking spaces, driveways, circulation areas, right-of-way, or required landscape or buffer area.
- vi. Adequate passage for pedestrians and the handicapped shall be provided.
- vii. The total display area shall not be greater than 40% of the principal building floor area.
- viii. A site plan illustrating the location, size, and other pertinent information related to the outdoor sales or display, or storage shall be submitted.
- ix. There shall be no bulk materials permitted except in packaged form.
- x. Materials shall not be stacked in piles or stacks in excess of ten (10') feet in height.
- xi. The site is to remain free of litter and debris and shall be restored to its original condition upon expiration of the permit.
- xii. A temporary tent utilized for such sales and display shall not exceed six hundred (600 sq.ft.) square feet and the Ottawa County Building Department shall be contacted to determine if permits are required by that agency. Said use of a tent this size shall only be permitted once per year and for no more than 14 days.
- xiii. Temporary outdoor sales and display events utilizing a tent over one hundred (100sq.ft.) square feet may only do so for a 14-day period, two (2) times in one calendar year.

SECTION 4.22 WIND FARM, SMALL

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

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

SECTION 4.23 WINDMILL, LOW IMPACT

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

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

SECTION 4.24 WINDMILL, HIGH IMPACT

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

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

