

**STAFF REPORT**

OCRPC

Meeting Date: October 15, 2024

Zoning Commission

Meeting Date: November 6, 2024

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<b>Case #:</b>	ZC-2024-249	<b>Address:</b>	6114 E. Port Clinton Eastern
<b>Applicant:</b>	David & Edith Dlubak, Owners	<b>Acreage:</b>	19.25 ac. of 22.6ac.
<b>Request:</b>	<b>Request for a Map Amendment from “A” Agricultural to “R-C” Recreational Commercial</b> to rezone 19.25 ac. of a 22.6 ac. parcel located in Section 4, Lot 13, PIN# 0140400022988000.		

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**DESCRIPTION:**

The applicant came before the Township in August & September requesting to rezone the entire 22.6 ac property in case # ZC-2024-168. While the request was ultimately denied, during the Board of Trustees hearing discussions revolved around whether it was necessary to rezone the entire parcel. The applicant indicated that it did not, especially not the front of the property and agreed they would be open to refileing a modified request.

The applicant is now proposing to rezone 19.25 acres of their 22.6ac property from “A” Agricultural to “R-C” Recreational Commercial. The owners purchased the property in 2020. On the property is a single-family home and 3 barns. The owner in recent years has been digging out large ponds. In 2023, the property owner took out an agricultural exemption permit (#2023-290) for the establishment of viticulture and fruit trees which included approximately 80 fruit trees and 200 grapevines. During the hearings of the initial application request, the property owner expressed his desires to utilize the property as a private recreational entertainment retreat for business clients and their families. According to the applicant’s narrative, the rezoning is intended to provide year-round employment, diversify the uses of the parcel, and preserve/create farmland in the form of a vineyard. There is case law on agricultural exemptions regarding vineyards and wineries that the property owner likely can pursue even if this rezoning is not approved.

**SURROUNDING ZONING:**

North:	“A” Agricultural	Single-family homes & farmland
East:	“A” Agricultural	Single-family homes & farmland
SE:	“R-C” Recreational Commercial	Approx. 1,100’ is Behlke Storage Facility off Bayshore
South:	“A” Agricultural	Single-family homes & farmland
West:	“A” Agricultural & “R-2” Suburban Residential & “C-2” General Commercial	Single-family homes, horse farm & farmland Meadowlands Subdivision Approx. 1,025’ is “The Attic” Storage Facility

**LAND USE PLAN:**

The Danbury Township Land Use Plan was adopted in 2017. The Land Use Plan calls for a majority of the proposed rezoning area to be “Rural Development” with the front portion of the property designated for “Neighborhood 1; Low Density Residential”. The boundaries to these classifications should not be viewed as a hard line stopping or starting point, but more as a generality that can cross property lines or extend further than depicted if it makes good planning sense.

“Rural Development” are areas that are low density and in general typify a rural use such as agriculture or related industry and should be conserved or protected as much as possible. Uses include single-family homes, civic and neighborhood commercial.

“Neighborhood 1; Low Density Residential” consists of newer developments within the Township. Lot sizes are large, not as consistent and may contain irregular lots. No connectivity to other neighborhoods,

reliant on vehicular use and typically one way in and out. Uses include single-family and two-family dwellings.

Staff would encourage Commission Members to review the Land Use Plan, between pages 13 & 17 to have a better understanding of the existing conditions of the Township and also review the goals, objectives & strategies that begin on page 22.

**AGENCY REVIEWS:**

Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on September 30, 2024, and held a hearing on October 15, 2024. Attached is OCRPC's decision letter recommending **Denial**.

The Danbury Township Zoning Commission's Decision Criteria for considering this request includes:

**Section 7.7.3.E.ii Map Amendments**

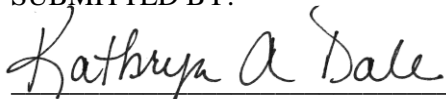
- i. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- ii. The proposed amendment will make the map conform more closely with the Land Use Plan.
- iii. There has been a substantial change in area conditions that necessitates the amendment.
- iv. There is a legitimate need for additional land area in the zoning district that will be expanded.

**STAFF RECOMMENDATION:**

None.

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SUBMITTED BY:



Kathryn A. Dale, AICP  
Danbury Township Zoning Inspector

*Date Prepared: October 16, 2024*



# OTTAWA REGIONAL PLANNING COMMISSION

COUNTY COURTHOUSE - ROOM 107 • 315 MADISON STREET • PORT CLINTON, OHIO 43452  
Phone (419) 734-6780 • Ottawa County Residents 1-800-788-8803  
mmessa@co.ottawa.oh.us

October 16, 2024

Susan Dress  
179 Elizabeth Drive  
Marblehead, Ohio 43440  
RE: Danbury Township Zoning Change

Dear Ms. Dress:

At the regular meeting of the Ottawa Regional Planning Commission held on October 15, 2024 a rezoning request that was initiated by David and Edith Dlubak to rezone a 19.25 acre portion of a 22.6 acre parcel from "A" Agricultural to "R-C" Recreational Commercial was reviewed. The Commission considered the following items in reaching its recommendation.

1. The applicant is requesting to rezone 19.25 acres of a 22.6 acre parcel.
2. The parcel is located in Lot 13 Section 4 of Danbury Township
3. The parcel address is 6114 E. Port Clinton Eastern Road.
4. The parcel currently consists of a single-family home and three barn structures.
5. The applicants have received and ag exemption for the establishment of viticulture with plans to plant grape vines and fruit trees.
6. The applicants proposed a rezoning of the entire 22.6 acre parcel in July and have now amended the proposal leave a portion of the lot nearest the road as Agricultural.
7. The adjoining parcels are as follows: the parcels to the north consist of farm ground and single-family homes and are zoned "A" agricultural

The parcels to the east consist of farm ground and single-family homes and are zoned "A" agricultural.

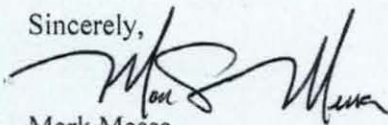
The parcels to the south consist of farm ground and single-family homes and are zoned "A" agricultural.

The parcels to the west are single family homes, a horse farm, farm land and Meadowlands Subdivision zoned "A" agricultural and "R-2" Suburban Residential.

8. The application indicates the applicants are intending to preserve farm ground and create year-round employment in the form of a vineyard. It is important to note that there are an abundance of case law indicating vineyards, wineries and the like are considered agritourism and thus agricultural in nature and exempt from local zoning regulations.
9. The current land use plan identifies the area as "Rural Development" and "Neighborhood 3, Low Density Residential". "Rural Development" typically consists of low density residential and rural uses such as agriculture and related uses and should be preserved as much as possible per the land use plan. "Neighborhood 3, Low Density Residential" consists of newer developments on large lots for single and two-family homes.

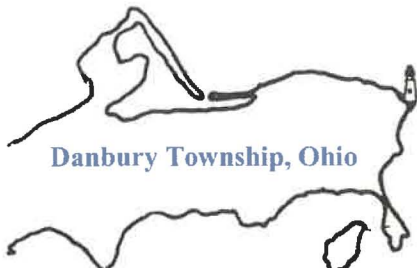
The Commission voted to recommend disapproval of the rezoning case based on the Danbury Township Land Use Plan. Should you have any questions, please feel free to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Messa', written over a horizontal line.

Mark Messa  
Director

Cc: Brinkley Paul  
Kathryn Dale  
Bryan Baugh  
David and Edith Dlubak  
file



Danbury Township, Ohio

5972 E. Port Clinton Rd.  
Marblehead, Ohio 43440  
☎: (419) 734-6120 F: (419) 734-3137  
🌐: [www.danburytownship.com](http://www.danburytownship.com)

## ZONING MAP AMENDMENT APPLICATION

Date Filed: 9/27/24 Application #: 2024-249

Action: \_\_\_\_\_

Resolution #: \_\_\_\_\_

1. **Property Location:** 6114 E. Port Clinton Eastern Road

Parcel ID# 0140400022988000 Zoning District : From: A To: R-C

Section 4 Lot 13 Block \_\_\_\_\_ Total Acreage 19.25ac of 22.6ac.

Existing Use SF home & barn Proposed Use \_\_\_\_\_

2. **Agent** Ross Korber Address 6114 E. Port Clinton Eastern Road

City Marblehead State Ohio Zip 43440 Phone (724) 882-8592

Email: ross@korberexcavation.com

3. **Owner** David & Edith Dlubak Address 11567 Co. Hwy. 110

City Upper Sandusky State Ohio Zip 43351 Phone (419) 835-0039

Email: ddlubak@dlubak.com

*Use an additional application if there is more than one owner making the request.*


4. **Legal Description:** *Attach Deed For Complete Legal Description*

13 4 NW Cor. SEE ATTACHED DEED

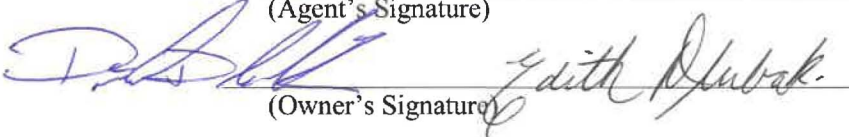
5. **Respond to the following questions on a separate sheet of paper:**
- A. What is the relationship of the proposed zone change to the Danbury Township Land Use Plan? Does it make the zoning map conform more closely with the Land Use Plan?
  - B. How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
  - C. How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
  - D. What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).


- E. Why is the current zoning classification of the property no longer appropriate?
- F. Is there an error on the Official Zoning Map or in the delineations between districts thereon?
- G. Has there been a substantial change in area conditions that necessitates the amendment?
- H. Is there a legitimate need for additional land area in the zoning district that will be expanded? Provide copies of any studies prepared that support this statement.

*An application is hereby made for a zoning map amendment (rezoning) to the Official Danbury Township Zoning Map . It is understood and agreed to by the applicant(s) and owner(s) that the subject property shall comply with the zoning district regulations of the Danbury Township Zoning Resolution, upon adoption for the district which is being applied for and the laws of the State of Ohio, and; furthermore hereby certify that the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct.*

  
 \_\_\_\_\_  
 (Agent's Signature)

\_\_\_\_\_  
 (Date)

  
 \_\_\_\_\_  
 (Owner's Signature)

  
 \_\_\_\_\_  
 (Date)

Filing Fee = \$200.00    Legal Ad Fee \$ \_\_\_\_\_    Postage Fee \$ \_\_\_\_\_    Total Fees Paid \$ \_\_\_\_\_    Cash/ Check # \_\_\_\_\_

Amount Invoiced \$ \_\_\_\_\_

List of neighboring property owners provided?    Yes    No    Map of proposed amendment included?    Yes    No

**PLEASE REFER TO THE ZONING COMMISSION SUBMISSION CALENDAR.**  
**INCOMPLETE OR LATE APPLICATIONS WILL NOT BE ACCEPTED.**

Do not write below this line

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**ZONING SUMMARY**

Map Amendment Application #: 24-249

Date application sent to OCRPC: 9/30/24    OCRPC Hearing Date: 10/15/24  
 (Ottawa County Regional Planning Commission)

OCPRC Recommendation: \_\_\_\_\_

ZC Hearing Date: 11/6/24    Notice Sent to Newspaper: 10/21/24    Published: 10/26/24  
 (Zoning Commission)

Notice Sent to Neighboring Property Owners: \_\_\_\_\_

ZC Action:            Approved            Denied            Approved w/ Conditions            Vote: \_\_\_\_\_

Trustee's Hearing Date: \_\_\_\_\_    Notice Sent to Newspaper: \_\_\_\_\_    Published: \_\_\_\_\_

Notice Sent to Neighboring Property Owners: \_\_\_\_\_

Trustee's Action:            Approved            Denied            Approved w/ Conditions            Vote: \_\_\_\_\_

Resolution #: \_\_\_\_\_            Effective Date: \_\_\_\_\_

**DAVID & EDITH DLUBAK**

11567 Co. Hwy. 110  
Upper Sandusky, Ohio 43351

**Letter of Agency**

September 30, 2024

Danbury Township  
Zoning Commission & Board of Trustees  
5972 E. Port Clinton Eastern Road  
Marblehead, Ohio 43440

To Whom It May Concern:

Please be advised that Ross Korber, Family Member to Dlubak's or their duly appointed representative, is hereby appointed as my representative, and may act and speak on our behalf for the Zoning Commission Hearing scheduled for November 6, 2024 and the subsequent Board of Trustees, in the matter related to ZC-2024- to request a Map Amendment from "A" Agricultural to "R-C" Recreational Commercial, for my property located at 6114 E. Port Clinton Eastern Road, PIN# 0140400022988000, Marblehead, Ohio 43452.

Sincerely,



David Dlubak,  
Owner

9-26-2024  
Date:




Edith Dlubak,  
Owner

9-26-2024.  
Date:

**NOTARY:**

Before me Notary Public in and for said County and State personally appeared the above-named David & Edith Dlubak, owner(s) of 6114 E. Port Clinton Eastern Road (PIN# 0140400022988000), Marblehead, Ohio 43440 who did acknowledged before me the foregoing instrument and signing of this Letter of Agency and that the execution was his free and voluntary act and deed. In testimony whereof I have hereunto set my hand and affixed my official seal at

118 S Sandusky St Wyandot, Ohio, this 26 day of September, 2024

  
Notary Public

My Commission Expires: 7-1-25



## Zoning Map Amendment Application

5)

A) The proposed rezoning of parcel 0140400022988000 is intended to provide year-round employment, diversify the uses of the parcel, and preserve/create farmland in the form of a vineyard.

The Land Use Plan 2017-2025 indicates the following priorities:

- L.U. 1.7: Support the preservation of farmland
- L.U. 3.4: Preservation of natural areas, wetlands, and farmland
- E.D. 1.1: Attract year-round businesses that can offer full-time jobs for labor-aged employees
- E.D. 1.3: Diversify employment sectors so as not to be dependent on just a few sector types
- E.D. 2.1: Understand the charging tourism attractions & economy & ensure zoning allows for new uses.

B) All proposed changes to the parcel are of sufficient distance from residential structures so as to minimize potential impact on the surrounding neighborhood and the intended, non-industrial usage is implicitly less intrusive than other potential uses.

C) N/A

D) N/A

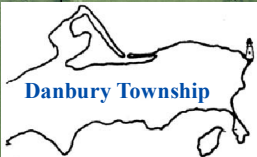
E) The proposed changes to the zoning are to accommodate a change in the usage of the parcel that are in accordance with the Danbury Township Land Use Plan 2017-2025 including the diversification of employment sectors and the full-time employment of employees in the community.

F) No

G) The growth of the area, in accordance with the plan outlined by Danbury Township, has necessitated an increase in the venues and services offered by this proposal.

H) It is the belief of the proposed that the changes outlined in this application are to the benefit of the area, in accordance with their vision statement, and to the benefit of the local labor and hospitality sectors. Including those cited earlier and contained herein.

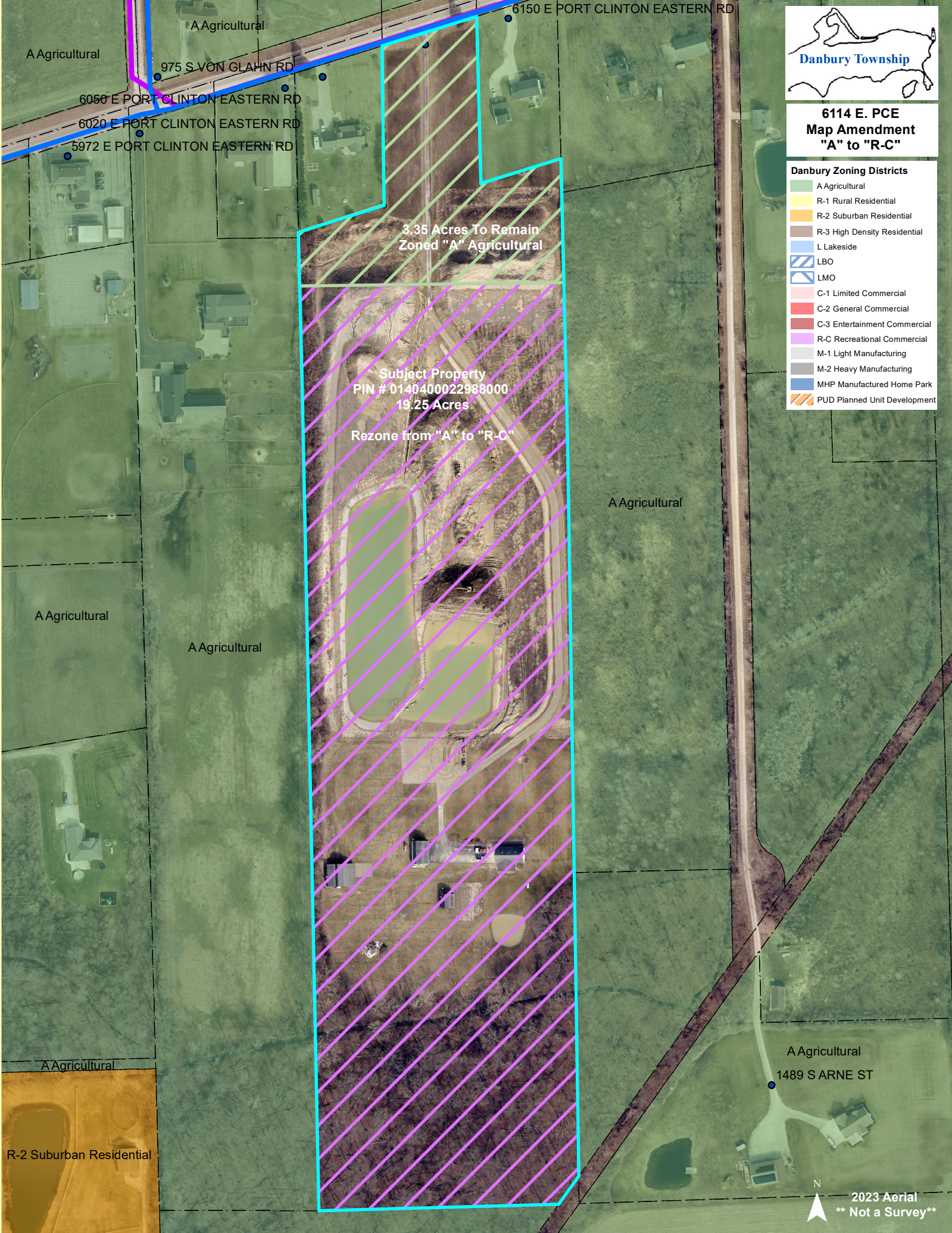




**6114 E. PCE  
Map Amendment  
"A" to "R-C"**

**Danbury Zoning Districts**

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



3.35 Acres To Remain Zoned "A" Agricultural

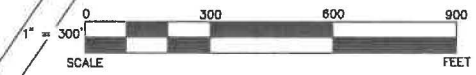
Subject Property  
PIN # 0140400022988000  
19.25 Acres

Rezone from "A" to "R-C"

A Agricultural  
1489 S ARNE ST



PORT CLINTON EASTERN ROAD  
(COUNTY HIGHWAY 5)(60' R/W)



LEGEND

SET	FOUND	DESCRIPTION
⊙	⊙	MONUMENT
⊕	⊕	RAILROAD SPIKE
⊖	⊖	P.K. NAIL
○	●	IRON PIPE
○	⦿	DRILL HOLE
○	⦿	5/8"Øx30" IRON ROD
	●	IRON ROD
	■	FENCE POST
	▲	STONE
	▣	MONUMENT BOX
	D	DEED
	P	PLAT
	M	MEASURED
	C	CALCULATED
	∅	OUTSIDE DIAMETER
	SR	SURVEY RECORD



REFERENCES

DEED VOLUMES AND PAGES AS SHOWN

THIS SURVEY DOES NOT INCLUDE A TITLE SEARCH. ALL EASEMENTS OR OTHER ENCUMBRANCES ON OR OVER THE LAND ARE NOT SHOWN ON THIS SURVEY. PLEASE FURNISH ALL INFORMATION IF THESE ARE REQUIRED ON THIS PLAT. ALL FOUND SURVEY MONUMENTS WERE AT GRADE OR PAVEMENT SURFACE AND IN GOOD CONDITION, UNLESS OTHERWISE NOTED.

I HEREBY DECLARE THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY DURING JUNE/JULY 2020 AS PER LEGAL DESCRIPTION FURNISHED TO ME. THIS SURVEY IS SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS, RESTRICTIONS, LEASES OF RECORD AND OF RECORDS IN RESPECTIVE UTILITY OFFICES. THE BEARINGS REFERRED TO HEREON ARE BASED ON THE OHIO NORTH STATE PLANE COORDINATE SYSTEM.



*James Dale Barnes* 7/7/2020

JAMES DALE BARNES, P.S. 8411

DATE

AARON & SHANNON  
WILLOUGHBY  
DR 1550, Pg 117

N72°22'19"E  
193.53'  
5/8"  
N01°12'04"W  
333.97'  
5/8"  
N01°12'04"W  
333.97'  
5/8"  
N72°22'19"E  
150.00'  
5/8"  
N72°22'19"E  
170.78'  
1/2"

MICHAEL & CHARLOTTE KALINSKI  
DV 420, Pg 780  
ROBERT E & NIKOLE M CULP  
DR 1506, Pg 602

CURTIS S & JOHANNA E KNOCH  
DR 1416, Pg 950

N01°12'04"W  
844.39'

PARCEL A  
22.6411 acres  
986,245.11 sq. ft.  
0.1333 acres in R/W  
5,806.50 sq. ft. in R/W

S01°12'04"E  
1000.18'

THE STANDARD SLAG COMPANY

ADAM C & AMY M STEINBRICK  
DV 394, Pg 799

JOHANNA WHISSEL & CURTIS S KNOCH  
DR 1240, Pg 49

1/2"  
S88°36'50"W  
455.93'  
1/2"  
S35°05'46"W  
63.20'

MICHAEL D COLE, TRUSTEE

BARNES SURVEYING  
10312 MASON ROAD, CASTALIA, OHIO 44824-9218  
OFFICE: (419) 684-7742 CELL: (419) 871-1780

SURVEY FOR: KEVIN BIRD

SITUATED IN LOT 13 OF SECTION 4 OF DANDURY TOWNSHIP,  
FAIRLANDS SURVEY, OTTAWA COUNTY, OHIO

Neighboring Property Owners Contact Information

Robert & Nicole Culp

6180 E. Port Clinton Eastern Rd.

Marblehead, OH 43440

Michael & Charlotte Kalinoski

6150 Port Clinton Eastern Rd.

Marblehead, OH 43440

Aaron & Shannon Willoughby

6080 Port Clinton Eastern Rd.

Marblehead, OH 43440

Adam C. & Amy Steinbrick

6020 Port Clinton Eastern Rd.

Marblehead, OH 43440

Steven D. & Linda Brooks

6141 Port Clinton Eastern Rd.

Marblehead, OH 43440

Curtis S. & Johanna E. Knoch

1489 Arne St.

Marblehead, OH 43440

Michael D. & Sharon K. Cole

6085 Bayshore Dr.

Marblehead, OH 43440

202000296960  
Filed for Record in  
OTTAWA COUNTY, OHIO  
VIRGINIA M PARK, RECORDER  
07-29-2020 At 03:03 PM.  
WRNTY DEED 42.00  
OR Book 1784 Page 609 - 611

This conveyance has been examined and the grantor complied with section 319-202 of the revised code.  
FEES \$ 1520.00  
EXEMPT \_\_\_\_\_  
Jennifer J. Widmer, County Auditor

*transfer 7/29/2020  
Dr. P. Proctor*

**WARRANTY DEED**

**KNOW ALL MEN BY THESE PRESENTS** that **KEVIN C. BIRD** and **COLLEEN A. BIRD**, husband and wife, for valuable consideration paid, grant with general warranty covenants, except as stated below, to **DAVID DLUBAK** and **EDITH DLUBAK**, whose tax mailing address is 11567 Highway 110, Upper Sandusky, Ohio 43351, the following real property:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

Tax Parcel ID: #014-04000-22988-000  
Property Address: 6114 Port Clinton Eastern Road,  
Marblehead, OH 43440

Prior instrument reference: Volume 863, Page 286  
Ottawa County, Ohio Official Records

Except: (a) restrictions, reservations, covenants, conditions, limitations of record and easements of record; (b) oil and gas leases of record; (c) zoning ordinances, if any; (d) legal highways; and (e) taxes and assessments, which are a lien, but not yet due and payable

EXECUTED on this 28<sup>th</sup> day of July, 2020.

Kevin C. Bird  
Kevin C. Bird  
Colleen A. Bird  
Colleen A. Bird

STATE OF OHIO,  
COUNTY OF OTTAWA, SS:

Before me, a Notary Public in and for said County and State, personally appeared the above named, Kevin C. Bird and Colleen A. Bird, husband and wife, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Port Clinton, Ohio, this 28<sup>th</sup> day of July, 2020.

Judy L. Twarek  
NOTARY PUBLIC

his instrument prepared by:  
Richard R. Gillum, Attorney at Law  
Port Clinton, Ohio 43452



JUDY L. TWAREK  
Notary Public - State of Ohio  
My Commission Expires  
February 24, 2021

HARTUNG TITLE ORDER # 5449157

## EXHIBIT A

Hartung Order # 54491JT

Situated in the Township of Danbury, County of Ottawa, and State of Ohio and known as being a parcel of land in Lot 13 Section 4, Firelands Survey, Danbury Township, Ottawa County, Ohio and being more particularly described as follows:

Commencing at a railroad spike marking the intersection of the West Line of said Lot 13 with the centerline of Port Clinton Eastern Road, CR#5; thence proceeding North  $73^{\circ} 34' 23''$  East in said road centerline a distance of 320.10 feet to a masonry nail and the point and place of beginning of the parcel herein described; Thence continuing North  $73^{\circ} 34' 23''$  East in said centerline a distance of 514.33 feet to a masonry nail; thence proceeding South  $0^{\circ} 00'$  West passing through an iron pin at 31.22 feet, a total distance of 2,230.45 feet to an iron pin on the northerly line of the Chemstone Railroad right-of-way; thence proceeding South  $36^{\circ} 17' 50''$  West in said right-of-way a distance of 63.20 feet to an iron pin; thence proceeding South  $89^{\circ} 48' 54''$  West a distance of 455.93 feet to an iron pin; thence proceeding North  $0^{\circ} 00'$  west, passing through an iron pin at 2,106.18 feet a total distance of 2,137.40 feet to the point and place of beginning. Said parcel containing 25.0000 acres of land but is subject to all legal highways and easements of record.

**LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCEL:**

Being part of Lot 13, Section 4 of the Firelands Survey, Danbury Township, Ottawa County, Ohio and being more particularly described as follows:

Commencing at the intersection of the westerly line of Lot 13 with the centerline of Port Clinton Eastern Road; thence North  $73^{\circ} 34' 23''$  east along said centerline of Port Clinton Road, a distance of 320.10 feet to a PK nail found said point being the principal place of beginning; thence North  $73^{\circ} 34' 23''$  east along said centerline of Port Clinton Eastern Road, a distance of 170.78 feet to a PK nail set; thence South  $0^{\circ} 00' 00''$  east a distance of 333.97 feet to an iron pin set; thence South  $73^{\circ} 34' 23''$  west a distance of 170.78 feet to a point passing through an iron pin set at 150.00 feet said point being on the westerly line of lands now or formerly owned by Joyce A. Huston (DV 376, page 308); thence North  $0^{\circ} 00' 00''$  west along said westerly line of Huston lands (DV 376, page 308); a distance of 333.97 feet to the principal place of beginning and containing 1.256 acres of land but subject to all easements, restrictions and highways of record.

**ALSO LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCEL:**

Being part of Lot 13, Section 4 of the Firelands Survey, Danbury Township, Ottawa County, Ohio and being more particularly described as follows: Commencing at the intersection of the Westerly line of Lot 13 with the centerline of Port Clinton Eastern Road; thence North  $73^{\circ} 34' 23''$  east along said centerline of Port Clinton Eastern Road, a distance of 684.43 feet to a PK nail set and point being the principal place of beginning; thence North  $73^{\circ} 34' 23''$  east along said centerline of Port Clinton Eastern Road, a distance of 150.00 feet to a PK nail found said point being at the northeasterly corner of lands now or formerly owned by Joyce A. Huston (DV 376, page 308); thence South  $0^{\circ} 00' 00''$  east along the easterly line of said Huston lands (DV 376, page 308) a distance of 333.97 feet to an iron pin set; thence south  $73^{\circ} 34' 23''$  west a distance of 150.00 feet to an iron pin set; thence North  $0^{\circ} 00' 00''$  west a distance of 333.97 feet to the principal place of beginning and containing 1.103 acres of land but subject to all easements, restrictions and highways of record.

**THE PREMISES BEING DESCRIBED HEREIN TO CONTAIN AFTER SAID EXCEPTIONS 22.6410 ACRES MORE OR LESS.**

END OF EXHIBIT A

## 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					§4.17
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				

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 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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	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					
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					§4.13
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				

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 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			§4.14
Recreation facility, indoor						P	P		P		P	P			
Recreational businesses						P	P		C		C				
Recreational camp							P* Not subject to §4.15				C				§4.15
Resorts							P* Not subject to §4.16				C				§4.16
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		§4.18
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	§4.19
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		§4.20

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	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		§4.21
Windmill, high impact												C	P		§4.22
Windmill, low impact	P	C						C	C			C	P		§4.23

**SECTION 3.5**

**DISTRICT REQUIREMENTS**

**\*\* REFER ALSO TO SECTION 5.1.7 REGARDING LOTS OF RECORD**

District	Minimum Lot Size	Min. Lot Width	Min. Lot Depth	Max. Lot Coverage	Setbacks **			Max. Bldg. Height	Min. Bldg. Width
					Front	Side	Rear		
A Agricultural	1 acre	150'	120'	30%	50'	20'	40'	35' (30' to eaves)	20'
R-1 Rural Residential	20,000s.f. (one family)	100'	120'	35%	40'	15'	35'	35' (30' to eaves)	20'
	25,000s.f. (two family)								
R-2 Suburban Residential	12,000s.f. (one family)	80' (one family)	120'	40%	35'	10'	35'	35' (30' to eaves)	20'
	16,000s.f. (two family)	100' (two family)							
R-3 High Density Residential	7,000s.f. (one family)	60' (one family)	120'	40%	25'	5' (one family)	25'	35' (30' to eaves)	20'
	8,400s.f. (two family)	70' (two family)				8' (two family)			
L Lakeside	Existing lots of record	Existing lots of record	Existing lots of record	55% up to 3,320s.f. lot	Inside the Gates			30' (25' to eaves)	20'
				45% over 3,320s.f. lot	0'	0'	0'		
LBO Lakeside Business Overlay	Existing lots of record	Existing lots of record	Existing lots of record	55%	Outside the Gates			45' 40' to eaves)	20'
					0'	3'	3'		
LMO Lakeside Municipal Overlay	Existing lots of record	Existing lots of record	Existing lots of record	75%	Adjoining Residential			70' for LM Bldgs. All else 45'	20'
					0'	3'	3'		
C-1 Limited Commercial	Not specified	Not specified	120' (for Residential)	60%	40'	10'	15'	35' (30' to eaves)	20' (for Residential)
					Adjoining Residential				
C-2 General Commercial	Not specified	Not specified	120' (for Residential)	60%	50'	10'	15'	35' (30' to eaves)	20' (for Residential)
					Adjoining Residential				
C-3 Entertainment Commercial	20,000s.f.	100'	100'	60%	70'	10'	25'	35' (30' to eaves)	Not specified
					Adjoining Residential				
R-C Recreational Commercial	Not specified	Not specified	120' (for Residential)	60%	40'	10'	25'	35' (30' to eaves)	20' (for Residential)
					Adjoining Residential				

District	Minimum Lot Size	Min. Lot Width	Min. Lot Depth	Max. Lot Coverage	Setbacks **			Max. Bldg. Height	Min. Bldg. Width
					Front	Side	Rear		
M-1 Light Industrial	1 acre	150'	120'	75%	75'	15'	25'	40'	Not specified
					Adjoining Residential				
						25'	40'		
M-2 Heavy Industrial	1 acre	150'	120'	75%	100'	20'	25'	40'	Not specified
					Adjoining Residential				
						40'	40'		
MHP	10 acres	200'		Not specified	Not specified	Not specified	Not specified	30'	Not specified