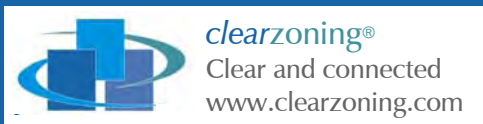




# Danbury Township Zoning Resolution

Adopted September 23, 2009



Includes 4-28-2010 Amendments

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# Table of Contents

Table of Contents with Sections	ii
How to Use this Resolution	iv
Article 1.0 Purpose and Introduction	1-1
Article 2.0 Definitions	2-1
Article 3.0 Zoning Districts	3-1
Article 4.0 Use Standards	4-1
Article 5.0 Site Standards	5-1
Article 6.0 Development Procedures	6-1
Article 7.0 Administration, Appeals and Enforcement	7-1



# Table of Contents with Sections

<b>How to Use this Resolution</b>	<b>iv</b>
1. Content Organization and Page Layout	iv
2. Symbols and User Notes	v
3. Reading the Resolution	vi
4. Use Matrix	vii
5. District Summary Table	x
6. Zoning Map	xi
 <b>Article 1.0 Purpose and Introduction</b>	 <b>1-1</b>
Sec. 1.1 Long Title	1-3
Sec. 1.2 Short Title	1-3
Sec. 1.3 Authorization	1-3
Sec. 1.4 General Purposes	1-3
Sec. 1.5 Effective Date	1-3
Sec. 1.5 Validity and Severability	1-3
 <b>Article 2.0 Definitions</b>	 <b>2-1</b>
Sec. 2.1 Construction of Language	2-3
Sec. 2.2 Definitions	2-3
 <b>Article 3.0 Zoning Districts</b>	 <b>3-1</b>
Sec. 3.1 Districts Established	3-3
Sec. 3.2 Boundaries	3-30
Sec. 3.3 Floor Area Requirements for Residential Dwellings	3-30
Sec. 3.4 Lot Area, Lot Width and Building Setbacks for Dwellings in the C-1, C-2 and R-C Commercial Districts	3-30
Sec. 3.5 General Regulations Applicable to All Districts	3-30
 <b>Article 4.0 Use Standards</b>	 <b>4-1</b>
Sec. 4.1 Manufactured Homes	4-3
Sec. 4.2 Recreational Camp	4-3
Sec. 4.3 Condominium/Multi-Family Housing Development	4-3
Sec. 4.4 Resort	4-4
Sec. 4.5 Bed and Breakfast	4-5
Sec. 4.6 Continuing Care Retirement Community	4-5
Sec. 4.7 Cluster Housing Community	4-6
Sec. 4.8 Clubs, Private and Public Golf and Country Clubs, and Lodges Operated by Educational, Social or Fraternal Organizations	4-8



# Table of Contents with Sections

Sec. 4.9	Conditions for the Operation of a Sexually Oriented Adult Business _____	4-8
Sec. 4.10	Windmill, Low Impact _____	4-10
Sec. 4.11	Windmill, High Impact _____	4-10
Sec. 4.12	Wind Farm, Small _____	4-10
<b>Article 5.0</b>	<b>Site Standards _____</b>	<b>5-1</b>
Sec. 5.1	Accessory Buildings _____	5-3
Sec. 5.2	Automobile Parking Requirements _____	5-4
Sec. 5.3	Off-Street Loading _____	5-5
Sec. 5.4	Front Yard Requirements _____	5-6
Sec. 5.5	Signs _____	5-6
Sec. 5.6	Fences and Hedges _____	5-8
Sec. 5.7	Corner Clearance _____	5-9
Sec. 5.8	Swimming Pools _____	5-9
Sec. 5.9	Storage of Boats _____	5-9
<b>Article 6.0</b>	<b>Development Procedures _____</b>	<b>6-1</b>
Sec. 6.1	Zoning Certificate/Permit Approval _____	6-3
Sec. 6.2	Conditional Zoning Certificate _____	6-4
Sec. 6.3	Board of Zoning Appeals Review and Approval Procedures _____	6-5
<b>Article 7.0</b>	<b>Administration, Appeals and Enforcement _____</b>	<b>7-1</b>
Sec. 7.1	Duties of Zoning Inspector _____	7-3
Sec. 7.2	Ordinance Interpretation _____	7-3
Sec. 7.3	Violations _____	7-3
Sec. 7.4	Penalties _____	7-3
Sec. 7.5	Zoning Commission _____	7-3
Sec. 7.6	Procedure for Change in Zoning Districts _____	7-4
Sec. 7.7	Application Fees _____	7-7
Sec. 7.8	Board of Zoning Appeals Organization and Duties _____	7-7
Sec. 7.9	Non-conforming Uses _____	7-9













# How to Use This Resolution

## 2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Unified Development Code:

-  indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 2, Definitions, for a list of all defined terms.)
-  indicates there is a graphic that illustrates the standard or requirement.
- § Indicates a section
-  identifies a property line.
-  identifies the right-of-way centerline.
-  *R/W* identifies the right-of-way.
-  identifies a **User Note** that provides helpful information for all users.
-  identifies a **Digital User Note** that provides helpful information for users with a digital version of the Unified Development Code.



# How to Use This Resolution

## 3. READING THE RESOLUTION

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

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

For more rules, see [Section 2.1 Construction of Language](#).



### Digital User Note:

#### What is a link?

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

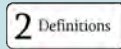
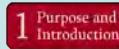


If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

#### What information is linked?

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

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



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



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



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

[How do I calculate height?](#)

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



R-2 Suburban Residential  
R-3 High Density Residential  
L Lakeside  
C-1 Limited Commercial  
C-2 General Commercial

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





# How to Use This Resolution

## 4. USE MATRIX

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

P = Permitted Use

C = Conditional Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

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

Continued on next page



# How to Use This Resolution

## 4. USE MATRIX (Continued)

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

P = Permitted Use

C = Conditional Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	A	R-1	R-2	R-3	L	C-1	C-2	C-3	R-C	M-1	M-2	MHP
Golf courses	C								P			
Golf driving range and miniature golf									P			
Government buildings						P	P					
Grocery stores									P			
Historic sites	P	P	P	P					P			
Hobby bicycle, sign painting, plumbing, etc (designed to serve the day to day needs of the public)						P						
Home occupations	C	C	C	C		C	C		C			
Hospitals, nursing homes						C	C					
Hotel, motel							P		P			
Indoor theaters							P	P				
Industrial establishments manufacturing or assembling: small metal products, clothing, drugs and medicines, electrical equipment, glass products, furniture and wood products, the assembly of finished equipment										P	P	
Industrial parks										C		
Kennels, Veterinary Clinic, Animal Hospital	C						C					
Landing strip	C											
Manufactured home park												P
Manufactured homes	P	P	P	P		P	P		P			
Marinas, boat launching, docking facilities									P			
Mini-warehousing							P					
Multi-family including condominiums			C	C		C	C		C			
Neighborhood business of local nature for the retail sale of food products within a building						P						
Nurseries or greenhouses	P											
Nursery schools and child day-care centers						P	P					
One-family dwellings	P	P	P	P	P	P	P		P			
Personal services						P						
Printing shops - publishing							P					

Continued on next page



# How to Use This Resolution

## 4. USE MATRIX (Continued)

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

P = Permitted Use

C = Conditional Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	A	R-1	R-2	R-3	L	C-1	C-2	C-3	R-C	M-1	M-2	MHP
Professional activities including doctors, dentist, attorney, etc.						P	P					
Propane storage facility										P		
Public community facilities									P			
Public parks and playgrounds	P	P	P	P		P	P		P			
Quarrying											P	
Recreational businesses									P			
Recreational vehicle park									C			
Resorts									C			
Restaurant						C	P		P			
Riding stable	P								P			
Roadside stands for the sale of agriculture and related products	P					P	P		P			
Rock crushers											P	
Schools, public and private		P	P	P		P	P					
Storage areas on property being used for boat sales and service and provided storage and maintenance is kept in an orderly fashion							P					
Storage areas, repair, and services provided maintenance is kept in an orderly fashion									P			
Temporary building/structure/use		C	C	C					C			
Two-family dwellings		C	C	P		C	C		C			
Wholesale business and warehousing activities										P	P	
Wholesale business where no processing, fabrication, or assembly takes place							P					
Wind Farm, Small	C										C	
Windmill, high impact										C	P	
Windmill, low impact	P	C				C	C					



# How to Use This Resolution

## 5. DISTRICT SUMMARY TABLE

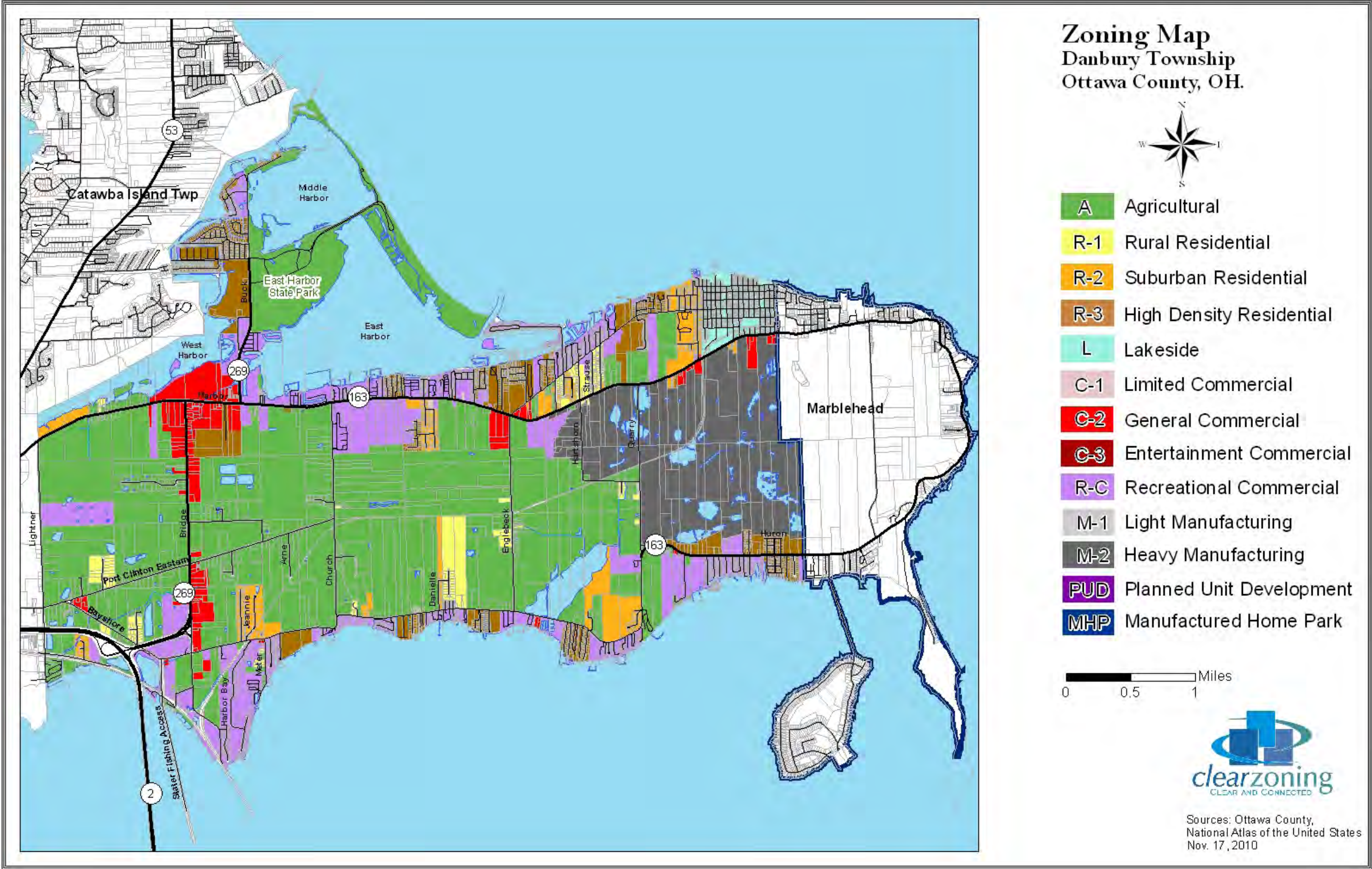
Below is a quick reference table that summarizes district regulations. Consult [Article 3](#) Zoning Districts for additional requirements and exceptions to the information below.

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



# How to Use This Ordinance

6. ZONING MAP



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# *Article 1.0*

## *Purpose and Introduction*

Article 1.0	Purpose and Introduction
1.1	Long Title
1.2	Short Title
1.3	Authorization
1.4	General Purposes
1.5	Effective Date
1.6	Validity and Severability





# 1.0 Purpose and Introduction

## 1.1 LONG TITLE

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

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

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

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

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

## 1.2 SHORT TITLE

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

## 1.3 AUTHORIZATION

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

## 1.4 GENERAL PURPOSES

For the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate but economical provisions of public improvements; the Board of Trustees of this Township finds it necessary and advisable to regulate the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins, trailer coaches and the uses of land for trade, industry, residence, recreation or other purposes, and for such purposes have

divided the unincorporated area of the township into districts or zones as shown on the official zoning map of Danbury Township, Ottawa County, Ohio.

## 1.5 EFFECTIVE DATE

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

## 1.6 VALIDITY AND SEVERABILITY

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



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# *Article 2.0*

## *Definitions*

## Article 2.0 Definitions

### 2.1 Construction of Language

### 2.2 Definitions

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



# 2.0 Definitions

## 2.1 CONSTRUCTION OF LANGUAGE

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

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

## 2.2 DEFINITIONS

1. **Accessory Use or Building.** A use or building on the same lot with, and subordinate to, the principal use or building. Any structure designed or intended to be used for permanent or temporary residential use or for transporting materials on the highway shall not be used as an accessory building. An accessory use or building shall include, but not be limited to, fences, sheds, garages, parking areas, decks, pools, signs, docks, and billboards.
2. **Adult Arcade.** Any place to which the public is permitted and or/charged an admittance fee wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of nudity or sexual or genital areas.
3. **Adult Bookstore.** Any establishment which utilizes ten (10) percent or more of its retail selling area for the purpose of retail sale or rental or for the purpose of display by coin-operated or slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, books, magazines, periodicals, films, tapes, and cassettes which are distinguished by their emphasis on adult

materials or characterized by the depicting or describing of nudity or genital areas.

4. **Adult Cabaret.** A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties.
5. **Adult Health Club.** Any establishment that provides equipment and facilities for exercising and improving physical fitness where employees and/or patrons appear in a state of nudity.
6. **Adult Material.** Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure image, description, motion picture film phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
7. **Adult Motion Picture Theater.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified anatomical areas or specified sexual activities, nudity, or sexual or genital areas.
8. **Adult Oriented Sexual Business.** Any business or establishment which provides goods or services meeting the definition of adult material.
9. **Agriculture.** The use of land for farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to, the care and raising of livestock, equine, and fur bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

1  
Purpose and  
Introduction

2  
Definitions

3  
Zoning  
Districts

4  
Use  
Standards

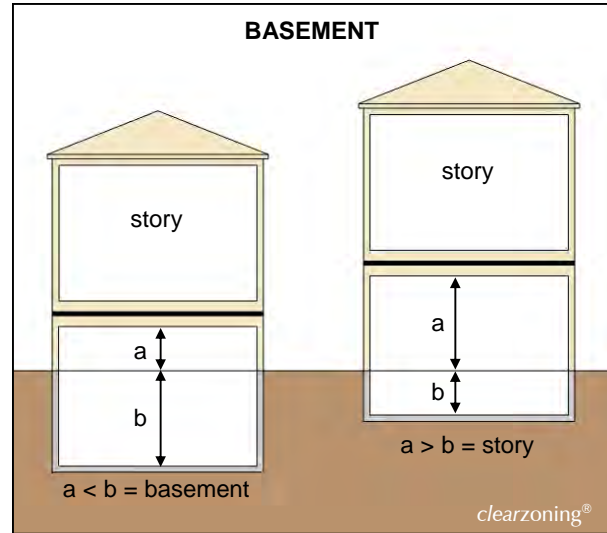
5  
Site  
Standards

6  
Development  
Procedures

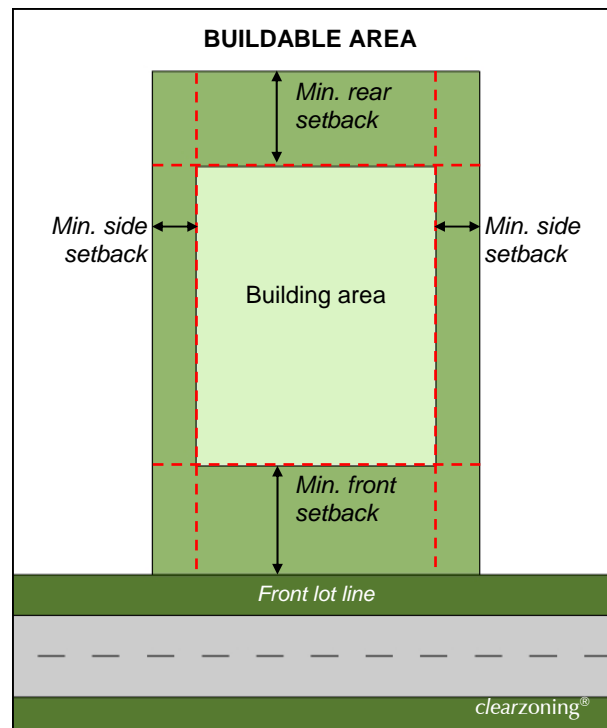
7  
Admin and  
Enforcement




10. **Airport.** Any runway, land area, or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage, and tie-down areas, hangers, and other necessary buildings and open spaces.
11. **Alley.** A public or private thoroughfare designed to provide access to the rear or side of property or lots.
12. **Alteration, Structural.** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
13. **Automotive Repair.** The repair, rebuilding, or reconditioning of motor vehicles or parts thereof including collision service, painting, and steam cleaning of vehicles.
14. **Automotive Service Station.** Any premises used for supplying gasoline and oil, at retail direct to the customer, including minor accessories and services for motor vehicles.
15. **Automotive, Manufactured Home, Recreational Vehicle, and Farm Implement Sales and Service.** The sale or rental of new and used motor vehicles, manufactured homes, recreational vehicles, or farm implements, including repair work of such vehicles.
16. **Automotive Wrecking.** Same as "Junkyard".
17. **Bar, Saloon, Tavern/Night Club.** An establishment used primarily for the serving of liquor, including beer and wine, by the drink to the general public and where food may be served or sold only as necessary or secondary to the primary use. All activities and music shall be within a fully enclosed building.
18. **Basement.** A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.
19. **Beach.** A nearly level stretch of pebbles and/or sand beside a body of water that may be artificially created or created by the action of water.
20. **Bed and Breakfast Inn.** An owner-occupied, single-family residential dwelling in which rooms are rented to paying guests on an overnight basis and one (1) meal only is provided; the entire service to be included in one (1) stated price.

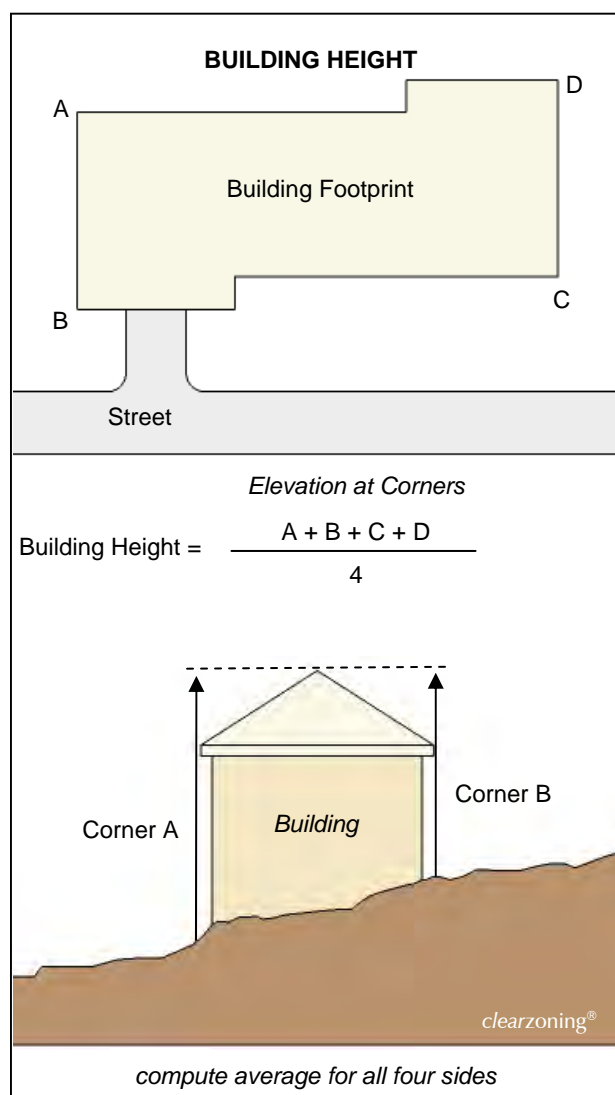


21. **Billboard.** Any sign used as an outdoor display for the purpose of anything known, the location of such display being removed from the point of sale.
22. **Bottling Works.** A manufacturing or processing facility where materials are placed within a container and sealed for purposes of sale or distribution.
23. **Buildable Area.** The area of a lot remaining after the minimum required yards and open space requirements of the zoning resolution have been met.





24. **Building.** Any structure consisting of foundations, walls, columns, girders, beams, floors, and roofs, or any combination thereof, designed for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.
25. **Building, Community.** A building for social, educational, and recreational activities of a neighborhood or community provided such building is not operated for commercial gain. Designation as a community building shall not permit any use, structure, or activity not otherwise permitted in the District.
26. **Building Height.** The vertical distance measured from the finished grade around the building to the highest point of the roof. The building height will be measured by averaging the height measured at the four corners of the house. 



27. **Building Material Sales/Storage Yard.** A building or open area of land where pre-manufactured or processed materials used in the construction of agricultural, residential, commercial, or industrial buildings or structures are offered for sale.
28. **Building, Principal.** A building in which is conducted the main or principal use of the lot on which said building is situated.
29. **Building Width.** The shorter or shortest dimension of a dwelling unit including enclosed living spaces, enclosed porches and breezeways, permanent expandable living quarters, attached garages, and the like. The width must continue a minimum of twenty (20) feet in depth.
30. **Business.** The purchase, sale, or exchange of goods, or services and the maintenance or operation of offices and recreational and amusement enterprises.
31. **Business, General.** Commercial uses which generally require locations on or near major thoroughfares and which tend, in addition to serving day to day needs of the community, to supply the more durable and permanent needs of the community.
32. **Business, Neighborhood.** Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. Neighborhood businesses include only those activities which employ a total of less than eight (8) persons and occupy a total floor area of less than four thousand (4,000) square feet.
33. **Business, Recreational.** Commercial establishments which generally cater to the tourist population of the township, normally on a seasonal basis, and not operated as a year-round use.
34. **Cabins, Cottages.** Detached buildings used for recreation purposes and not designed for year round occupancy.
35. **Cemetery.** Property used for the interring or burying of the dead.
36. **Child Day Care Center.** Any commercial building, residential building, or other building or place administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption, for any part of the twenty-four hour



day in a building, place, or residence other than the child's own home.

37. **Church.** A building or group of buildings that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
38. **Club.** The place where members of a local chapter of an association or a fraternal, cultural, or religious organization hold their meetings and activities.
39. **Cluster Housing Community.** A parcel of land developed with one and two-family dwellings located on separate building lots where flexible spacing of lots and buildings are permitted in order to encourage:
  - A. The creation of functional and interesting residential areas.
  - B. The provision of readily accessible recreation areas and open space.
  - C. The conservation of the natural amenities of the landscape.
40. **Commercial.** Same as "Business".
41. **Commercial Amusement Enterprise.** An establishment engaged in providing short-term amusement/arcade activities for a fee including arcades, game rooms, and the like.
42. **Community Sanitary Sewage Treatment System.** A system including pipelines or conduits, pumping stations, force mains, treatment plants, lagoons and all other constructions, devices, appurtenances and facilities used for the collection, treatment and disposal of water-borne sewage as regulated by Chapter 6111 of the Ohio Revised Code.
43. **Community Water Supply.** A system, including the collection, treatment, storage, and distribution facilities, for the provision of piped water for human consumption. Such system shall have at least fifteen service connections or regularly service at least twenty-five individuals. The system shall comply with all of the requirements of Chapter 6109 of the Ohio Revised Code.
44. **Composting Facility.** A facility for the controlled process of degrading organic matter by microorganisms. The facility must meet the guidelines of and be registered or licensed by the Ohio EPA.
45. **Conditional Uses.** A use which is subject to conditional approval by the Board of Zoning Appeals. A conditional use may be granted by the Board of Zoning Appeals only where there is a specific provision for such conditional use

made in the Resolution. A conditional use is not considered to be a non-conforming use.

46. **Condominium.** A dwelling unit which is part of the condominium property consisting of one (1) or more rooms on one (1) or more floors of a building and designated as a dwelling unit in the condominium declaration and delineated on the drawings provided in Section 5311.07 of the Ohio Revised Code.
  47. **Condominium Development.** A condominium property in which two (2) or more individual dwelling units, together with undivided interests in the common areas and facilities of the property are offered for sale.
  48. **Condominium Property.** All lands, buildings, improvements, and structures; all easements, rights, and appurtenances belonging to the land; and all articles of personal property submitted as required by Section 5311 of the Ohio Revised Code.
  49. **Condominium Unit.** A part of the condominium property consisting of one (1) or more rooms on one (1) or more floors of a building and designated on the required drawings.
  50. **Condominium, Water Slip Unit.** A part of the condominium property consisting of the land under a portion of the water in a water slip or the land under a portion of a water slip and under a portion of the piers and wharves that form a water slip, which portion of water or portion of water, piers, and wharves is used for the mooring of watercraft, and designated as a unit in the declaration and delineated on the drawings provided for in Section 5311.07, Ohio Revised Code.
  51. **Continuing Care Retirement Community.** Any age-restricted development, with a minimum of twelve dwelling units, which may be in any housing form, including detached and attached dwelling units, apartments, continuing care/ congregate care facilities, assisted living facilities, nursing homes, rest homes and service support areas required for the development such as recreation, health, dining, housekeeping, social and transportation facilities.
- Age-restricted development shall mean a development restricting residential use to persons sixty-two years of age or older or families where one spouse is sixty two years of age or older, or any person under sixty-two years of age who is handicapped such that his/ her physical impairment is of a long term





duration and impedes his/her ability to live independently.

52. **Contractor's Establishment.** A facility operated by an individual, group of individuals, or companies that furnish materials or perform services at a specified site and limited to building construction activities only.
53. **Converse Condominium Development.** A condominium development that was originally created as a rental property occupied by tenants prior to the time that the condominium property is submitted to the provisions of Section 5311 of the Ohio Revised Code and the units are offered for sale.
54. **Conversion.** The changing of the original purpose of a building to a different use.
55. **Crematory.** A building or structure housing a furnace used for reducing a dead body to ashes by the action of fire.
56. **Cul-de-sac.** A street of short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
57. **Curb Grade.** The elevation of the established curb in front of a building measured at the center of such front. Where no curb grade has been established, the County Engineer may establish such grade for the purpose of this Resolution.
58. **Density.** The number of trailer lots, manufactured homes and/or dwellings units that can be developed on a given area of land. Submerged land under 574 feet above sea level shall be included in complying with the density requirements of the Resolution only for so much of the submerged land over which the development or project is actually constructed.
59. **Drive-In-Theater.** An open lot devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.
60. **Dwelling/Dwelling Unit.** A building, or portion thereof, designed, used, and intended to be used exclusively for permanent residential occupancy and excluding units designed for transients, recreational vehicles, and vehicles or residences designed to be moved. A manufactured home shall be considered a dwelling as specified in Article 4 of this Resolution. Overnight rental and occupancy of dwelling units shall be prohibited.
61. **Dwelling/Multi-Family.** A building, or portion thereof, designed, used, and intended to be used for permanent occupancy by three (3) or

more families living independently of each other, only and always used by the same occupants, for a continual period of not less than thirty (30) days. Condominiums shall be considered multi-family dwellings.

62. **Dwelling/One-Family.** A detached building designed for occupancy by one (1) family, only and always used by the same occupants, for a continual period of not less than thirty (30) days.
63. **Dwelling/One-Family Temporary Use.** A detached building designed for occupancy by one (1) family only and used by the same occupants, who are not the owners, for periods of not less than three (3) consecutive days and not more than thirty (30) consecutive days.
64. **Dwelling/Two-Family.** A building designed for occupancy by two (2) families, living independently of each other, only and always used by the same occupants, for a continual period of not less than thirty (30) days.
65. **Easement.** Authorization by a property owner for the use by another party, and for a specific purpose, of any designated part of his property.
66. **Family.** Up to five (5) persons above the age of eighteen (18) and up to six (6) persons below the age of eighteen (18) who are related by blood, adoption, marriage, or guardianship to any of the first five above eighteen (18) years of age.
67. **Fence.** A barrier intended to prevent intrusion or escape, or to mark a boundary; constructed of posts and wires, boards, metal, and/or plastic or similar durable material. Decorative structures not designed as barriers shall be excluded.
68. **Fishing Business.** An establishment primarily engaged in providing opportunity for fishing including the sale of related products.
69. **Flea Market.** An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.
70. **Floor Area.** The sum of the gross horizontal area of all floors, excluding basement areas and other areas not used for permanent occupancy or use. Calculation of floor area shall include only those areas used for living purposes; garages, carports, patios and other such areas should be excluded from said calculation.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



71. **Food Processing.** The preparation, storage, or processing of food products including bakeries, dairies, canneries, or other similar businesses.
72. **Foundry.** An establishment employing the art, process or act of casting materials.
73. **Game Room/Arcade.** A room in which three (3) or more percentage games, such as pin ball, pool, video, computer and similar devices played on any mechanical or electronic device are located for use by the general public.
74. **Garage, Private.** An accessory building or a portion of a principal building used for the parking or storage of vehicles.
75. **Garage, Public.** A principal or accessory building other than a private garage used for the parking or storage of vehicles.
76. **Garage, Service.** Buildings and premises where motor vehicle accessories may be supplied and dispensed including motor vehicle repair, but excluding automotive wrecking.
77. **Golf Course.** A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.
78. **Golf Driving Range.** A tract of land used for the practice hitting of golf balls.
79. **Government Building.** A building or structure, owned and/or operated, by a political subdivision.
80. **Grocery Store.** A retail store selling meat, fruit, vegetables, breads, dairy products, minor household supplies, beverages including beer and wine, and other foods, all for use or consumption off the premises.
81. **Historic Site.** A structure or place of outstanding historical and cultural significance and designated as such by the county, state, or federal government.
82. **Home Occupation.** An occupation conducted in a dwelling unit as a secondary use in connection with which there is no person employed other than members of the family residing on the premises, provided:
- Such occupation is conducted wholly within the dwelling;
  - Floor area devoted to such use does not exceed twenty-five (25%) percent of the total ground area occupied by all buildings on the lot;
  - Such use is not objectionable due to noise, hours of operation, traffic generated, or hazardous, or noxious process;
  - Adequate provision for parking is assured; and
  - Signs be provided as indicated in Article 5 of this Resolution.
83. **Hospital.** A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis and including ancillary services for outpatient and emergency treatment, training, research, administration, and services to patients, employees, and visitors.
84. **Hotel/Motel.** Any structure consisting of one or more buildings, with more than five (5) sleeping rooms 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.
85. **Indoor Theater.** A building, or portion thereof, devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.
86. **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.
87. **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.
88. **Institution.** A building occupied by a non-profit corporation or a non-profit organization.
89. **Junk Yard.** An establishment or place of business, which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard.
90. **Kenel.** 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.



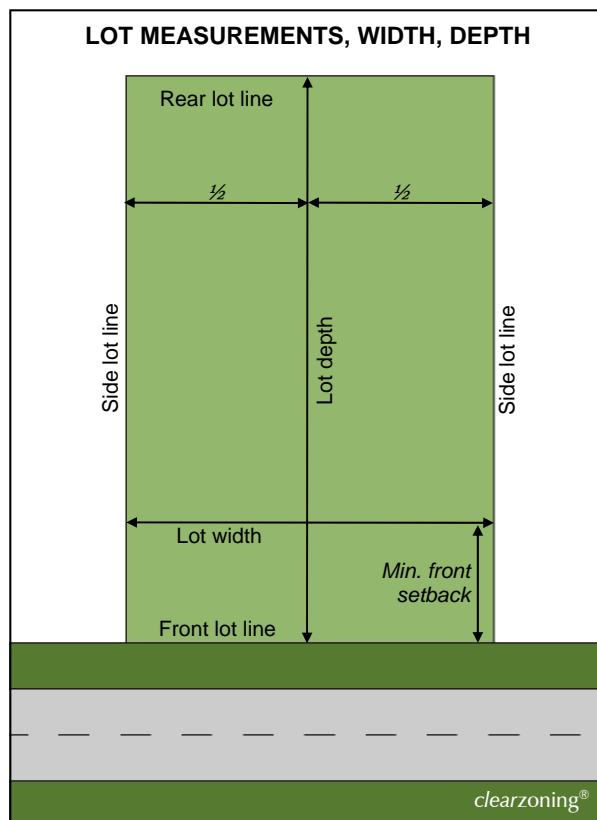
91. **Landing Strip.** Any runway and necessary taxiway areas for the use of no more than two (2) aircraft that are privately owned and used exclusively for the landing of crop dusting and similar function aircraft.
92. **Loading Berth or Space.** An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
93. **Lot.** A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:
- A single lot of record;
  - A portion of a lot of record;
  - A combination of complete lots of record, of complete lots of record or portions of lots of records, or of portions of lots of record.

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

94. **Lot Coverage.** The ratio of enclosed ground floor area of all buildings, principal and accessory, on a lot to the horizontally projected area of the lot, expressed as a percentage.
95. **Lot Frontage.** The width of the lot at the street right-of-way. In cases where lots front on Lake Erie, its harbors, or the Sandusky Bay, the front yard may be regarded as that portion of the lot oriented towards the water and is then measured at the water's edge. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to the street or the waters of Lake Erie, where appropriate, shall be considered frontage, and yards shall be provided as indicated under "Yard" in this section and Article 5.
96. **Lot, Minimum Area of.** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street or easement of record required for public water, sanitary sewer, or storm sewer.

97. **Lot Measurements.** A lot shall be measured as follows:

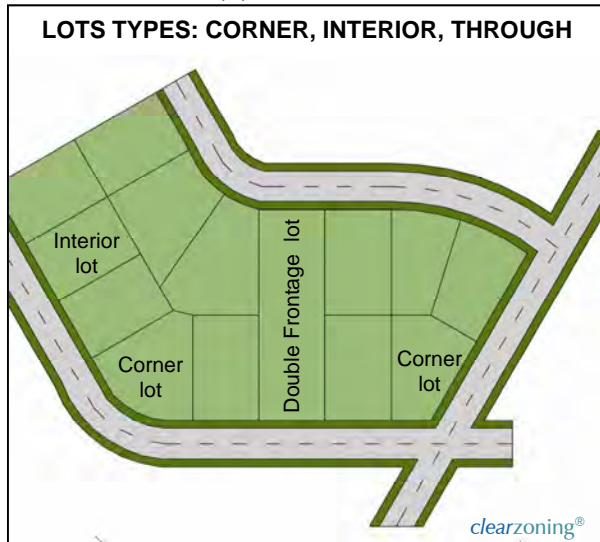
- Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. ↗
- Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured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



98. **Lot of Record.** A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
99. **Lot Types.** Terminology used in this Resolution with reference to corner lots, interior lots, and through lots, (double-frontage lots) is as follows:
- Corner Lot:** a lot located at the intersection of two (2) or more streets ↗;
  - Interior Lot:** a lot with only one (1) frontage on a street ↗; and



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



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

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

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

**103.Manufacturing, Heavy.** Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready

access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, air pollution, and water pollution, but not beyond the district boundary.

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

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

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

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

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

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

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

**110.Mini-Warehouse.** A structure containing separate storage spaces usually containing about thirty (30) to four hundred (400) square feet each with direct access to paved driveways, leased, rented, or sold on an individual basis for the storage of non-hazardous personal goods, and not exceeding twenty (20) feet in height.

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

**112.Motel/Hotel.** Any structure consisting of one or more buildings, with more than five (5) sleeping



rooms 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.

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

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

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

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

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

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

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

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

**121.Personal Services.** Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch

repair, barber shops, beauty parlors, and similar activities.

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

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

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

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

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

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

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

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



130.**Recreational Vehicle.** Defined as and including the following:

- A. **Travel Trailer** (including 5th wheels): A vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation, and vacation use and not exceeding thirty-five (35) feet in length.
- B. **Truck Camper:** A structure designed primarily to be mounted on a truck and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation uses.
- C. **Motor Home:** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle which is more than seven (7) feet high and/or more than sixteen (16) feet long.
- D. **Folding Tent Trailer:** A canvas folding structure mounted on wheels and designated for travel and vacation use.
- E. **Boats and Boat Trailers:** Includes boats, floats, rafts, personal watercraft, and the normal equipment required to transport the same on the highway.

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

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

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

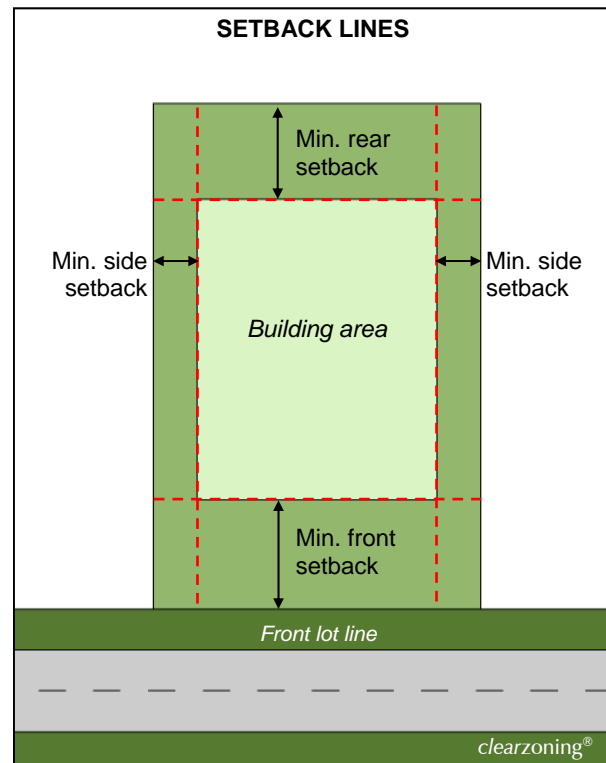
134.**Riding Stable.** Any land or structure used for the care and grooming of horses or ponies for which consideration is offered or received.

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

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

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

138.**Setback Line.** A line established on a lot, at a specified distance from and parallel to a side or rear lot line, or in the case of the front yard, parallel to the road right-of-way or the waters edge, to restrict the encroachment of buildings on the line, except as otherwise provided herein.



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

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

141.**Sign.** Any device designed to inform or attract the attention of persons.

- A. **Permanent Sign-** Any free-standing, non-movable sign not affixed to a building or structure.
- B. **Temporary Sign** - Any sign or advertising display designed or intended to be displayed for a short period of time for a specific event or election.
- C. **Portable Sign** - Any sign or advertising display designed to be moved and requiring little or no permanent affixation to a building, structure, or the ground.
- D. **Identification Sign** - Any sign giving the nature, logo, trademark or other identification symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where the building, business, development, or establishment is located.
- E. **Directory Sign** - Any sign which directs attention to a business, commodity, service, or entertainment conducted at a location other than the premises on which the sign is located, but within five (5) miles of the sign's location.
- F. **Wall Sign:** A sign painted on the surface of an outside wall of a building or attached parallel and close to such surface and not extending beyond it.

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

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

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

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

- A. The fondling or other erotic touching of human genital, pubic region, buttock, anus, or female breasts;
- B. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
- C. Masturbation, actual or simulated, or
- D. Excretory functions as part of or in connection with any of the activities A-C above.

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

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

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

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

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

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

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

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

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

155.**Trailer Camp.** Same as Recreational Camp

156.**Unnecessary Hardship.** When the zoning regulation, when viewing the property in the setting of its environment, is so unreasonable as to constitute an arbitrary and capricious interference with the basic right of private property.

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

158.**Variance.** A modification of the strict terms of the relevant regulations where such



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

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

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

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

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

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

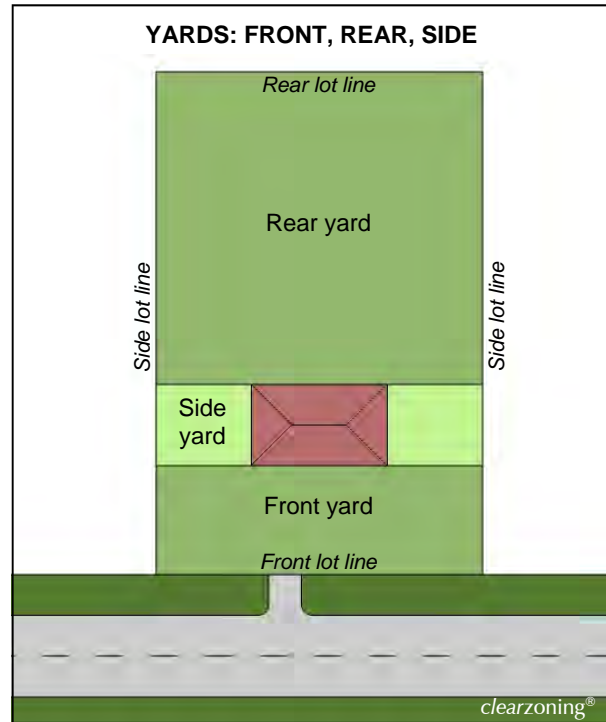
**164. Windmill, Low Impact.** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

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

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

and the setback shall be measured from the water's edge instead of the right-of-way line. ✍

**167. Yard, Rear.** A yard extending across the full width of the lot between the nearest rear main



building and the rear lot line. The depth of the rear yard shall be measured horizontally from the nearest point of the rear lot line, or to the center of an alley if one is present. For those lots fronting on water and considering their rear yard as adjacent to the street right-of-way, the rear lot line shall be considered as the street right-of-way in those cases. ✍

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

**169. Yard, Required Rear.** The open space between the rear lot line and the beginning of the building area, established by the setback dimensions of each district. Such required rear yard is unoccupied and unobstructed from the ground upward, except for accessory buildings



and/or structures, which may be located in this area if they comply with the regulations established in this resolution for such accessory buildings and/or structures.

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

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

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

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# *Article 3.0*

## *Zoning Districts*

## Article 3.0 Zoning Districts

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

# 3.0 Zoning Districts

## 3.1 DISTRICTS ESTABLISHED

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

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



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

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



## 3.1.1

## A Agricultural

## A. INTENT

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



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

## B. PERMITTED USES

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

## C. CONDITIONAL USES

- i. Airport<sup>ⓘ</sup>
- ii. Cemetery<sup>ⓘ</sup>
- iii. Kennels<sup>ⓘ</sup>
- iv. Veterinary clinic, animal hospital<sup>ⓘ</sup>
- v. Home occupation<sup>ⓘ</sup>
- vi. Landing strip<sup>ⓘ</sup>
- vii. **Bed and breakfast inn** <sup>ⓘ</sup> §4.5
- viii. **Golf courses** <sup>ⓘ</sup> §4.8(excluding driving ranges and miniature golf courses)
- ix. **Clubs** <sup>ⓘ</sup> §4.8
- x. **Wind Farm, Small** <sup>ⓘ</sup> §4.12



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☞</sup> :	1.0 acre
Minimum lot width <sup>☞</sup> :	150 ft
Minimum lot depth <sup>☞</sup> :	120 ft (for residential)

### Lot Coverage<sup>☞</sup>

Maximum lot coverage:	30%
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### Setbacks<sup>☞</sup>

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

### Building Height<sup>☞</sup>

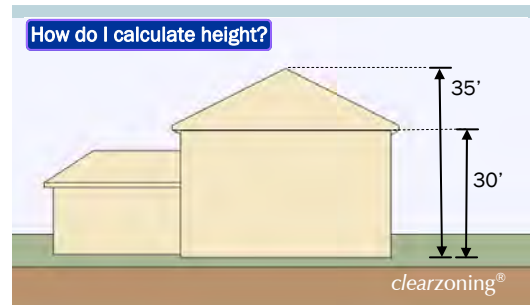
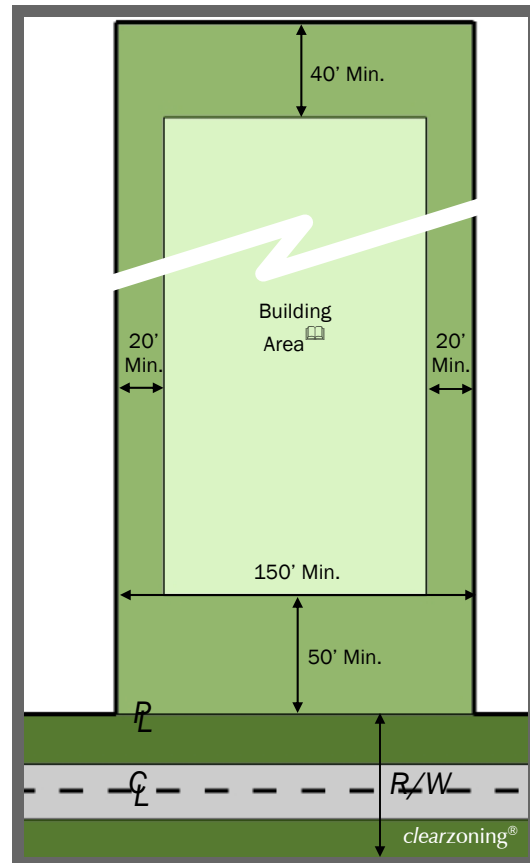
Maximum building height:	35 ft and 30 ft to the eaves
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### Building Width<sup>☞</sup>

Minimum building width:	20 ft
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### NOTES

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



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Floor Area Requirements for Residential Dwellings
- Planned Unit Development<sup>☞</sup>
- General Regulations Applicable to All Districts

### 5. Site Standards

- Accessory Buildings and Uses<sup>☞</sup>
- Automobile Parking Requirements
- Front Yard<sup>☞</sup> Requirements
- Signs<sup>☞</sup>
- Fences<sup>☞</sup> and Hedges
- Corner Clearance
- Swimming Pools<sup>☞</sup>

- Storage of Boats and Trailers

### 6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate



## 3.1.2

## R-1 Rural Residential

## A. INTENT

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



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

## B. PERMITTED USES

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

## C. CONDITIONAL USES

- i. Two-family dwelling<sup>☞</sup>
- ii. Home occupation<sup>☞</sup>
- iii. **Bed and breakfast inn<sup>☞</sup> §4.5**
- iv. Temporary building/structure/use<sup>☞</sup>
- v. **Windmill, low impact<sup>☞</sup> §4.10**






### 3.1.2

#### D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area : 20,000 sq ft—one family  
25,000 sq ft—two family

Minimum lot width<sup>1</sup>: 100 ft

Minimum lot depth  : 120 ft (for residential)

## Lot Coverage

Maximum lot coverage: 35%

## Setbacks

Minimum front yard setback: 40 ft

Minimum rear yard setback: 35 ft

Minimum side yard setback: 15 ft

## Building Height

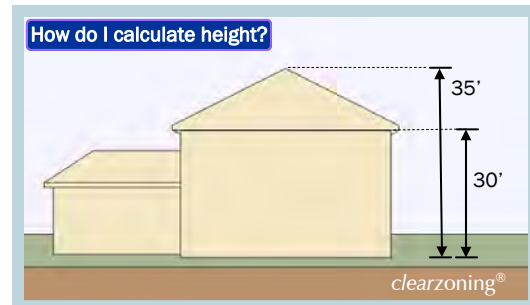
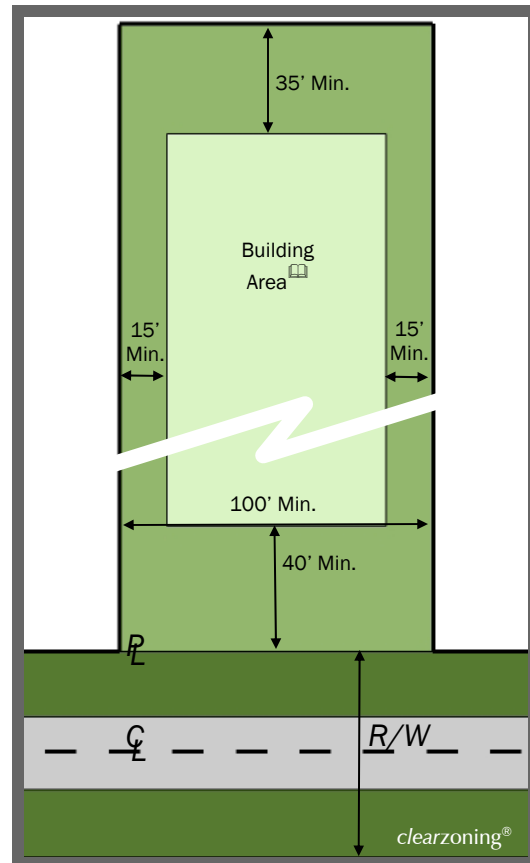
Maximum building height: 35 ft and  
30 ft to the eaves

Building Width 

Minimum building width: 20 ft

## NOTES


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








The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

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

## **5. Site Standards**

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

- **Storage of Boats and Trailers**

## 6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate

### 3.1.3

## R-2 Suburban Residential

#### A. INTENT

The purpose of the Suburban Residential district is to accommodate medium density single and two family residential uses in areas served either by a community water supply<sup>☞</sup> or a community sanitary sewage treatment system<sup>☞</sup> or both.

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

#### B. PERMITTED USES

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

#### C. CONDITIONAL USES

- i. Two-family<sup>☞</sup> and **multi-family dwellings**<sup>☞</sup> including **condominiums**<sup>☞</sup> §4.3
- ii. Home occupation<sup>☞</sup>
- iii. **Bed and breakfast inn**<sup>☞</sup> §4.5
- iv. Temporary building/structure/use<sup>☞</sup>
- v. **Continuing care retirement community**<sup>☞</sup> §4.6
- vi. **Cluster housing community**<sup>☞</sup> §4.7

## D. DEVELOPMENT STANDARDS

### Lot Size

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

### Lot Coverage<sup>☞</sup>

Maximum lot coverage:	40%
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### Setbacks<sup>☞</sup>

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

### Building Height<sup>☞</sup>

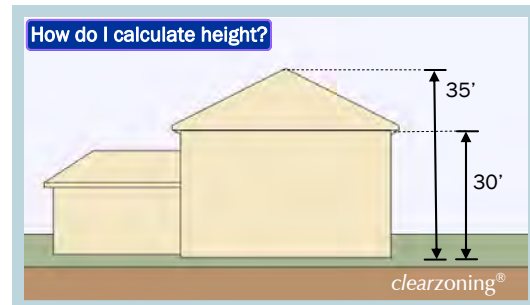
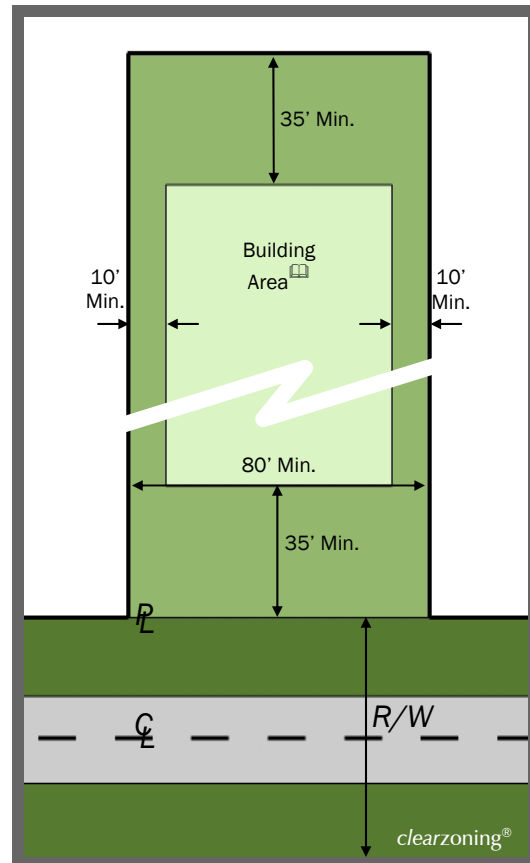
Maximum building height:	35 ft and 30 ft to the eaves
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### Building Width<sup>☞</sup>

Minimum building width:	20 ft
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### NOTES

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



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Floor Area Requirements for Residential Dwellings](#)
- [Planned Unit Development](#)<sup>☞</sup>
- [General Regulations Applicable to All Districts](#)

### 5. Site Standards

- [Accessory Buildings and Uses](#)<sup>☞</sup>
- [Automobile Parking Requirements](#)
- [Front Yard](#)<sup>☞</sup> Requirements
- [Signs](#)<sup>☞</sup>
- [Fences](#)<sup>☞</sup> and Hedges
- [Corner Clearance](#)
- [Swimming Pools](#)<sup>☞</sup>

- [Storage of Boats and Trailers](#)

### 6. Development Procedures

- [Zoning Certificate/Permit Approval](#)
- [Conditional Zoning Certificate](#)

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



## 3.1.4

# R-3 High Density Residential

### A. INTENT

The purpose of the High Density Residential district is to accommodate high density single, two, and multi-family residential uses in areas served by a community water supply<sup>☐</sup> and a community sanitary sewage treatment system<sup>☐</sup>.

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

### B. PERMITTED USES

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

### C. CONDITIONAL USES

- i. **Multi-family dwellings**<sup>☐</sup> including **condominiums**<sup>☐</sup> §4.3
- ii. Home occupation<sup>☐</sup>
- iii. **Bed and breakfast inn**<sup>☐</sup> §4.5
- iv. Temporary building/structure/use<sup>☐</sup>
- v. **Continuing care retirement community**<sup>☐</sup> §4.6
- vi. **Cluster housing community**<sup>☐</sup> §4.7

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	7,200 sq ft - one family 8,400 sq ft - two family
Minimum lot width <sup>☐</sup> :	60 ft - one family 70 ft - two family

Minimum lot depth <sup>☐</sup> :	120 ft (for residential)
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### Lot Coverage<sup>☐</sup>

Maximum lot coverage:	40%
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### Setbacks<sup>☐</sup>

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

### Building Height<sup>☐</sup>

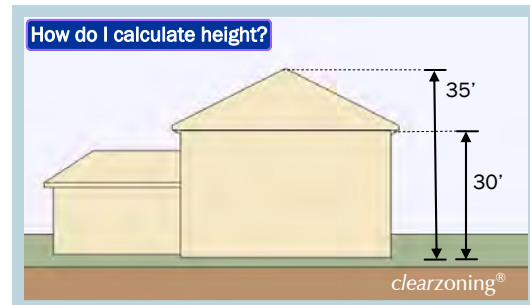
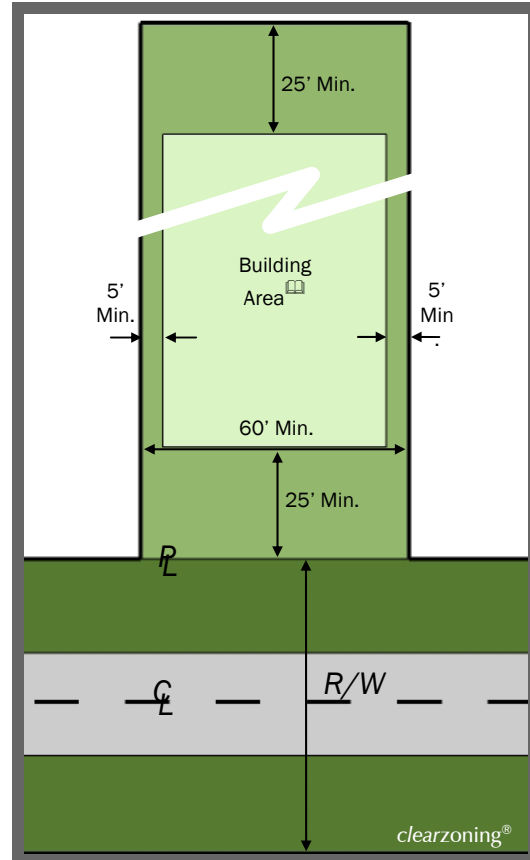
Maximum building height:	35 ft and 30 ft to the eaves
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### Building Width<sup>☐</sup>

Minimum building width:	20 ft
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### NOTES

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



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Floor Area Requirements for Residential Dwellings
- Planned Unit Development<sup>☐</sup>
- General Regulations Applicable to All Districts

### 5. Site Standards

- Accessory Buildings and Uses
- Automobile Parking Requirements
- Front Yard<sup>☐</sup> Requirements
- Signs<sup>☐</sup>
- Fences<sup>☐</sup> and Hedges
- Corner Clearance
- Swimming Pools<sup>☐</sup>

- Storage of Boats and Trailers

### 6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



### 3.1.5

## L Lakeside

#### A. INTENT

The creation of the Lakeside district recognized the unique situation within the property owned by "The Lakeside Association." and is designed to accommodate the mix of residential, recreational, educational, and commercial uses therein which are regulated by specific restrictions adopted by the Lakeside Association.

#### B. PERMITTED USES

- i. One-family dwellings<sup>1</sup>
- ii. Accessory buildings and uses<sup>1</sup>
- iii. Other uses not in conflict with legally adopted restrictions and amendments thereto of the Lakeside Association.

#### C. CONDITIONAL USES

None Specified



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	Existing lots of record
Minimum lot width <sup>☐</sup> :	Existing lots of record
Minimum lot depth <sup>☐</sup> :	Existing lots of record

### Lot Coverage<sup>☐</sup>

Maximum lot coverage:	55%
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### Setbacks<sup>☐</sup>

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

### Building Height<sup>☐</sup>

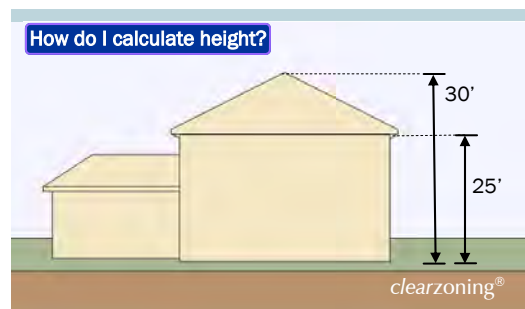
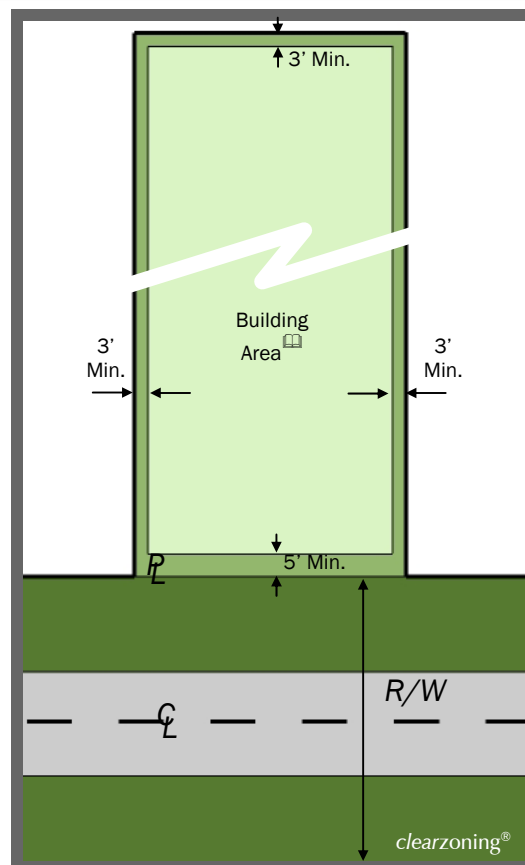
Maximum building height:	30 ft and 25 ft to the eaves
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### Building Width<sup>☐</sup>

Minimum building width:	20 ft
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### NOTES

- Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.
- Approval for Two and Multiple Family Dwellings determined by Lakeside Association.
- See *Selected References* below for applicability



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Floor Area Requirements for Residential Dwellings](#)
- [General Regulations Applicable to All Districts](#)

### 5. Site Standards

- [Accessory Buildings and Uses<sup>☐</sup>](#)
- [Automobile Parking Requirements](#)
- [Front Yard<sup>☐</sup> Requirements](#)
- [Signs<sup>☐</sup>](#)
- [Fences<sup>☐</sup> and Hedges](#)
- [Corner Clearance](#)
- [Swimming Pools<sup>☐</sup>](#)

### 6. Development Procedures

- [Zoning Certificate/Permit Approval](#)

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



## A. INTENT

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



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

## B. PERMITTED USES

- i. Agriculture<sup>☐</sup>
- ii. One-family dwellings<sup>☐</sup> including **manufactured homes**<sup>☐</sup> §4.1
- iii. Roadside stands<sup>☐</sup> for the sale of agriculture and related products
- iv. Neighborhood business<sup>☐</sup> of local nature for the retail sale of food products in an enclosed building
- v. Shops designed to serve the day to day needs of the public including, but not limited to, hobby, bicycle, sign painting, plumbing, etc. if conducted within an enclosed building.
- vi. Professional activities including doctors, dentists, attorneys, etc.
- vii. Personal services<sup>☐</sup>
- viii. Schools<sup>☐</sup>, public or private, including nursery schools<sup>☐</sup> and child day-care centers<sup>☐</sup>
- ix. Churches or other places of worship<sup>☐</sup>
- x. Public parks<sup>☐</sup> and playgrounds
- xi. Government buildings<sup>☐</sup> and uses
- xii. Accessory buildings and uses<sup>☐</sup>

## C. CONDITIONAL USES

- i. Automotive service stations<sup>☐</sup>
- ii. Restaurant<sup>☐</sup>, bar, saloon, tavern/night club<sup>☐</sup>
- iii. Home occupation<sup>☐</sup>
- iv. Two-family<sup>☐</sup> and **multi-family dwellings**<sup>☐</sup> including **condominiums**<sup>☐</sup> §4.3
- v. Hospital<sup>☐</sup>
- vi. Nursing home<sup>☐</sup>
- vii. Flea markets<sup>☐</sup>
- viii. **Windmill, low impact**<sup>☐</sup> §4.10



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☞</sup> :	Not specified
Minimum lot width <sup>☞</sup> :	Not specified
Minimum lot depth <sup>☞</sup> :	120 ft (for residential)

### Lot Coverage<sup>☞</sup>

Maximum lot coverage:	60%
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### Setbacks<sup>☞</sup>

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

### Building Height<sup>☞</sup>

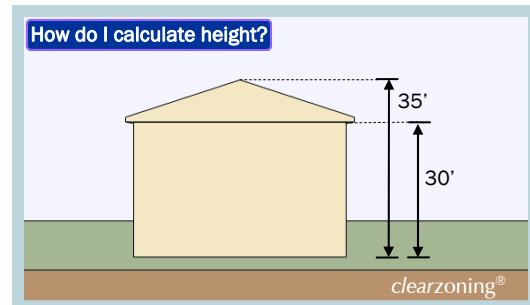
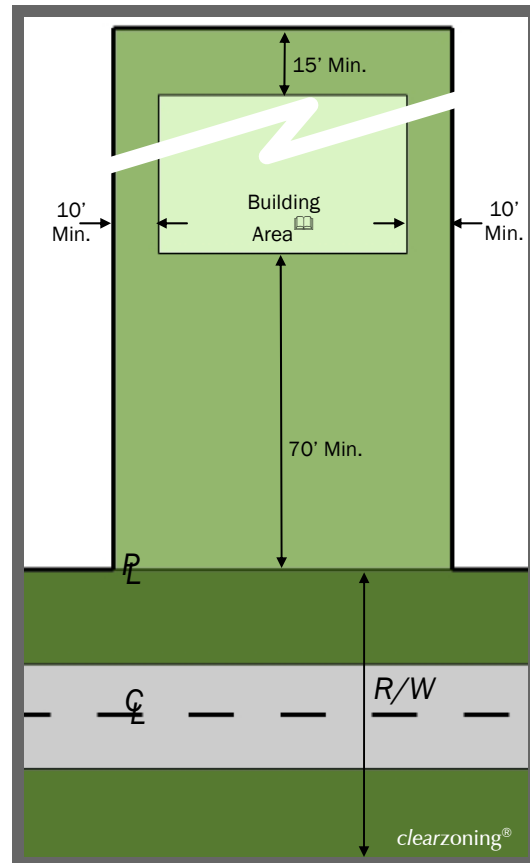
Maximum building height:	35 ft and 30 ft to the eaves
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### Building Width<sup>☞</sup>

Minimum building width:	20 ft (for residential)
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### NOTES

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



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

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

### 5. Site Standards

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

### 6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate



## 3.1.7

## C-2 General Commercial

## A. INTENT

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



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

## B. PERMITTED USES

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

## C. CONDITIONAL USES

- i. Two<sup>☐</sup> and **multi-family dwellings**<sup>☐</sup> including **condominiums**<sup>☐</sup> §4.3
- ii. Kennels<sup>☐</sup>
- iii. Veterinary clinic, animal hospital<sup>☐</sup>
- iv. Hospital<sup>☐</sup>
- v. Nursing home<sup>☐</sup>
- vi. Home occupations<sup>☐</sup>
- vii. Flea markets<sup>☐</sup>
- viii. Automotive repair<sup>☐</sup>
- ix. Bar, saloon, tavern/night club<sup>☐</sup>
- x. **Clubs**<sup>☐</sup> §4.8
- xi. Drive-in theaters<sup>☐</sup>
- xii. **Windmill, low impact**<sup>☐</sup> §4.10



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	Not specified
Minimum lot width <sup>☐</sup> :	Not specified
Minimum lot depth <sup>☐</sup> :	120 ft (for residential)

### Lot Coverage<sup>☐</sup>

Maximum lot coverage:	60%
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### Setbacks<sup>☐</sup>

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

### Building Height<sup>☐</sup>

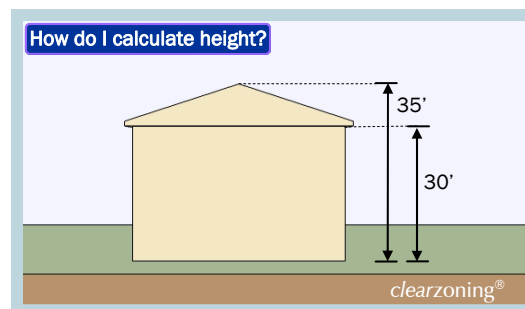
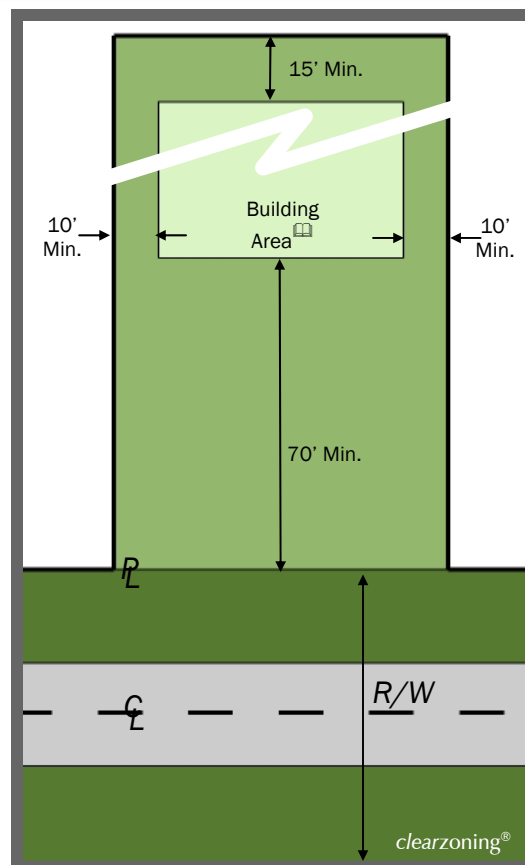
Maximum building height:	35 ft and 30 ft to the eaves
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### Building Width<sup>☐</sup>

Minimum building width:	20 ft (for residential)
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### NOTES

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



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

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

### 5. Site Standards

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

### 6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



## 3.1.8






# C-3 Entertainment Commercial

### A. INTENT

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

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

### B. PERMITTED USES

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

### C. CONDITIONAL USES

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



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	20,000 sq ft
Minimum lot width <sup>☐</sup> :	100 ft
Minimum lot depth <sup>☐</sup> :	100 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage:	60%
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### Setbacks<sup>☐</sup>

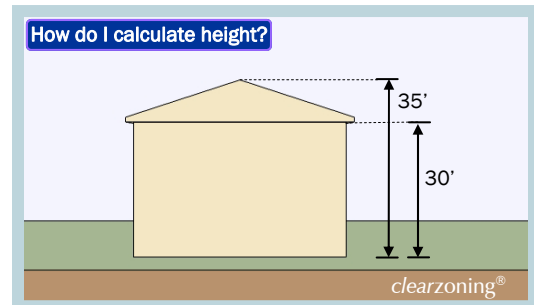
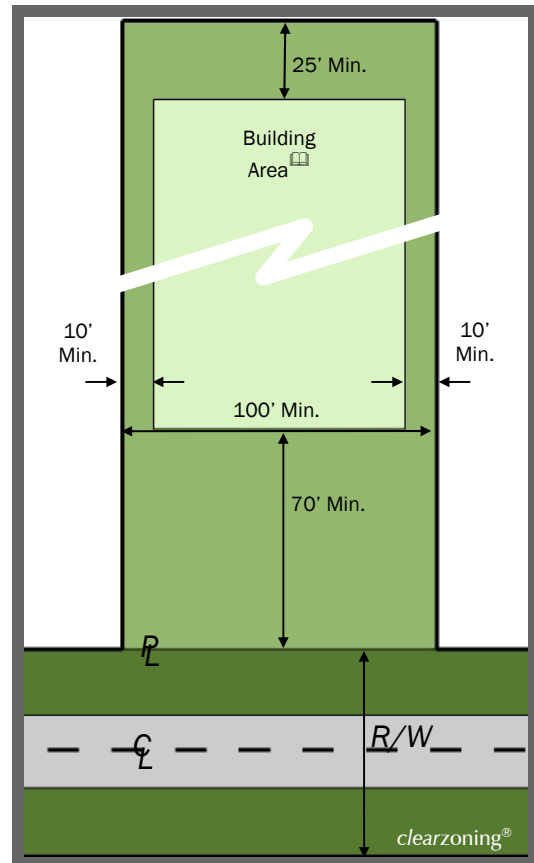
Minimum front yard setback:	70 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	10 ft

### Building Height<sup>☐</sup>

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

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



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [General Regulations Applicable to All Districts](#)

### 5. Site Standards

- [Accessory Buildings and Uses<sup>☐</sup>](#)
- [Automobile Parking Requirements](#)
- [Off-Street Truck Loading](#)
- [Front Yard<sup>☐</sup> Requirements](#)
- [Signs<sup>☐</sup>](#)
- [Fences<sup>☐</sup> and Hedges](#)
- [Corner Clearance](#)

### 6. Development Procedures

- [Zoning Certificate/Permit Approval](#)
- [Conditional Zoning Certificate](#)

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



## 3.1.9

## R-C Recreational Commercial

## A. INTENT

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

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

## B. PERMITTED USES

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

## C. CONDITIONAL USES

- i. Flea markets<sup>☐</sup>
- ii. Recreational Camp<sup>☐</sup>
- iii. Two<sup>☐</sup> and **multi-family dwellings**<sup>☐</sup> including **condominiums**<sup>☐</sup> §4.3
- iv. Home occupations<sup>☐</sup>
- v. **Resort**<sup>☐</sup> §4.4
- vi. **Clubs**<sup>☐</sup> §4.8
- vii. Commercial amusement enterprises<sup>☐</sup>
- viii. **Bed and breakfast inn**<sup>☐</sup> §4.5
- ix. Temporary building/structure/use<sup>☐</sup>

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	Not specified
Minimum lot width <sup>☐</sup> :	Not specified
Minimum lot depth <sup>☐</sup> :	120 ft (for residential)

### Lot Coverage<sup>☐</sup>

Maximum lot coverage:	60%
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### Setbacks<sup>☐</sup>

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

### Building Height<sup>☐</sup>

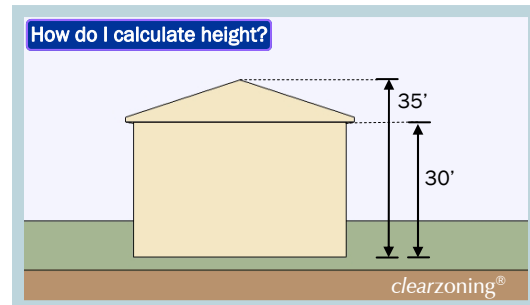
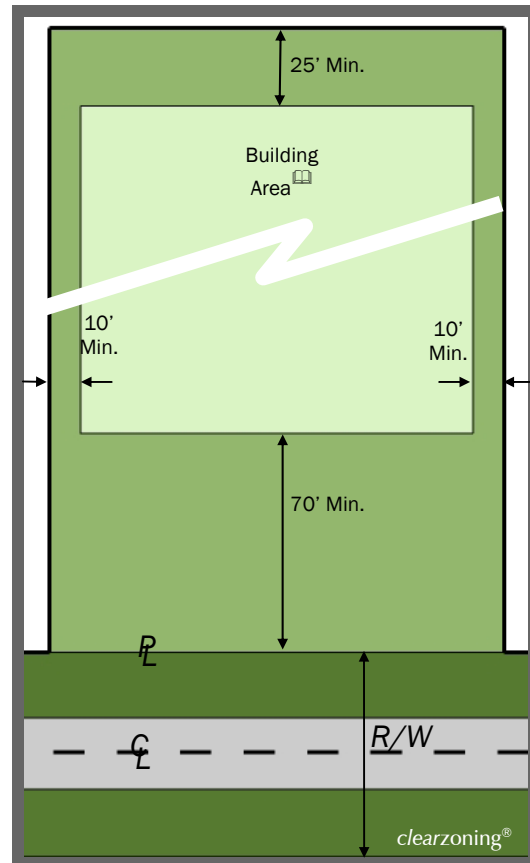
Maximum building height:	35 ft and 30 ft to the eaves
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### Building Width<sup>☐</sup>

Minimum building width:	20 ft (for residential)
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### NOTES

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



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

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

### 5. Site Standards

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

### 6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement




3.1.10

# M-1 Light Manufacturing

## A. INTENT

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

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

## B. PERMITTED USES

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

## C. CONDITIONAL USES

- i. Automotive repair<sup>☞</sup>
- ii. Industrial parks<sup>☞</sup>
- iii. **Windmill, high impact<sup>☞</sup> §4.11**

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	1.0 ac
Minimum lot width <sup>☐</sup> :	150 ft
Minimum lot depth <sup>☐</sup> :	120 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage:	75%
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### Setbacks<sup>☐</sup>

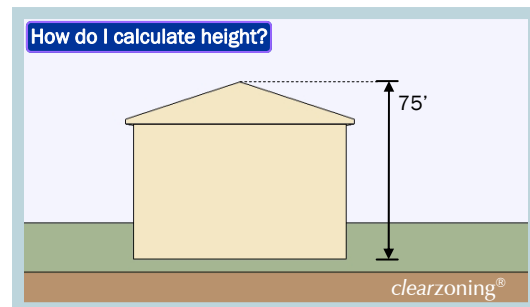
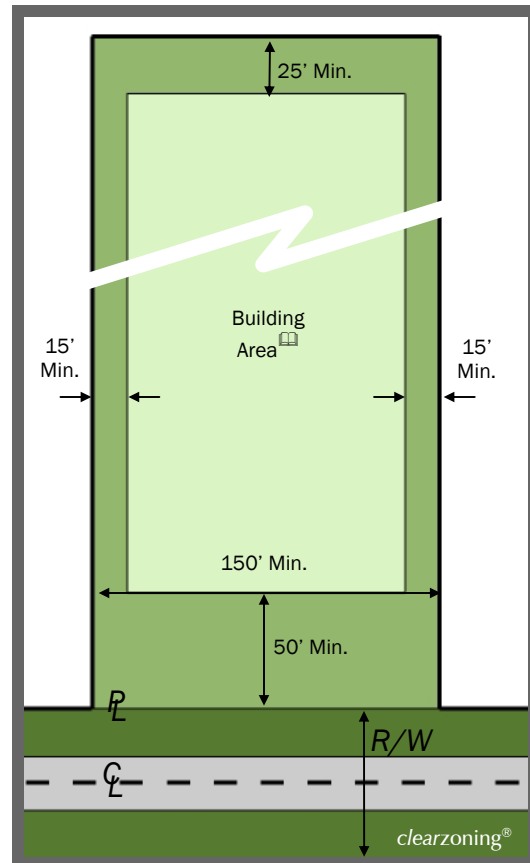
Minimum front yard setback:	50 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	15 ft

### Building Height<sup>☐</sup>

Maximum building height:	75 ft
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### NOTES

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



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [General Regulations Applicable to All Districts](#)

### 5. Site Standards

- [Accessory Buildings and Uses](#)
- [Automobile Parking Requirements](#)
- [Off-Street Truck Loading](#)
- [Front Yard<sup>☐</sup> Requirements](#)
- [Signs<sup>☐</sup>](#)
- [Fences<sup>☐</sup> and Hedges](#)
- [Corner Clearance](#)

### 6. Development Procedures

- [Zoning Certificate/Permit Approval](#)
- [Conditional Zoning Certificate](#)

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



## 3.1.11

## M-2 Heavy Manufacturing

## A. INTENT

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



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

## B. PERMITTED USES

- i. Agriculture<sup>ⓘ</sup>
- ii. Automotive service stations<sup>ⓘ</sup>
- iii. Building material sales, storage yards<sup>ⓘ</sup>
- iv. Contractor establishments<sup>ⓘ</sup> including construction firms
- v. Industrial establishments manufacturing or assembling the following:
  - a. small metal products;
  - b. clothing;
  - c. drugs and medicines;
  - d. electrical equipment;
  - e. glass products;
  - f. furniture and wood products; and
  - g. the assembly of finished equipment
- vii. Wholesale business<sup>ⓘ</sup> and warehousing<sup>ⓘ</sup> activities.
- viii. Cement or cinder block manufacturing
- ix. Automobile parts manufacturing and assembly
- x. Quarrying<sup>ⓘ</sup>
- xi. Rock crushers<sup>ⓘ</sup>
- xii. Commercial shipping and docking facilities
- xiii. Composting facility<sup>ⓘ</sup>
- xiv. Accessory buildings and uses<sup>ⓘ</sup>
- xv. **Windmill, high impact**<sup>ⓘ</sup> **§4.11** powered electric generator

## C. CONDITIONAL USES

- i. **Wind Farm, Small**<sup>ⓘ</sup> **§4.12**



## D. DEVELOPMENT STANDARDS

### Lot Size

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

### Lot Coverage

Maximum lot coverage:	75%
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### Setbacks

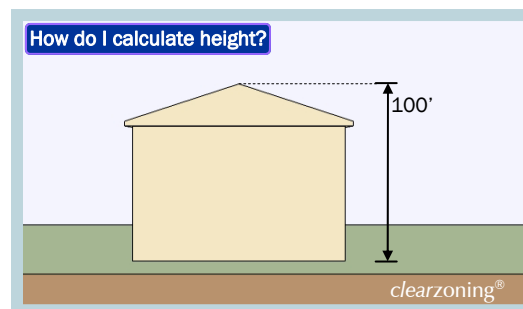
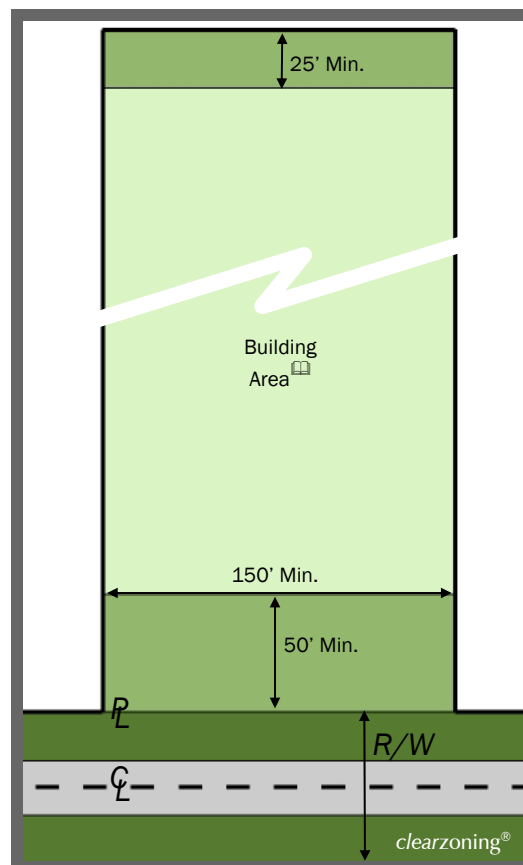
Minimum front yard setback:	50 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	0 ft (15 ft when adjacent to a residential district)

### Building Height

Maximum building height:	100 ft
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### NOTES

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



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [General Regulations](#)  
Applicable to All Districts

### 5. Site Standards

- [Accessory Buildings and Uses](#)
- [Automobile Parking Requirements](#)
- [Off-Street Truck Loading](#)
- [Front Yard !\[\]\(c7dc060c3452bb436913132f744278b8\_img.jpg\) Requirements](#)
- [Signs !\[\]\(049bef713f097630ac07d5de09406013\_img.jpg\)](#)
- [Fences !\[\]\(25e7c7a1c53b4491efa61df4cddccf06\_img.jpg\) and Hedges](#)
- [Corner Clearance](#)

### 6. Development Procedures

- [Zoning Certificate/Permit Approval](#)
- [Conditional Zoning Certificate](#)

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement





## 3.1.12

## MHP Manufactured Home Park

## A. PURPOSE

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

## B. USES

- i. Permitted: Manufactured Home Park<sup>☐</sup>
- ii. Accessory Building and Uses<sup>☐</sup>
  - a. Accessory buildings
  - b. Swimming pools<sup>☐</sup>
  - c. Fences<sup>☐</sup>
  - d. Signs<sup>☐</sup>

decision must be made to the Board of Zoning Appeals within fifteen (15) days.

- x. A single identification sign not exceeding thirty-two (32) square feet in area identifying the name and/or address of the park shall be permitted. Said sign must be set back a minimum of ten feet from the edge of the road right-of-way

## B. GENERAL STANDARDS

The proposed development shall meet the following minimum Requirements:

- i. The proposed site shall contain not less than ten (10) acres and it shall have not less than twenty-five (25) manufactured home spaces at first occupancy.
- ii. The minimum width of the manufactured home development shall not be less than two hundred (200) feet. The ratio of width to depth shall not exceed a one to five (1:5) ratio.
- iii. The minimum floor area of each manufactured home shall be at least seven hundred (700) square feet.
- iv. The manufactured homes<sup>☐</sup> must be completely skirted with materials similar to the unit in color and material to prevent uncontrolled access to the unit.
- v. The maximum building height shall be thirty (30) feet.
- vi. A greenbelt planting strip of twenty (20) feet shall be placed around the entire perimeter of the park. No structure of any type shall be allowed to locate within this strip.
- vii. No commercial sales of any type shall be permitted to occur within the park.
- viii. All other requirements of the Ohio Public Health Council through the Ohio Administrative Code shall be met.
- ix. The plans shall be submitted to the Zoning Inspector for his review and approval. Any plans not meeting all of these requirements will be disapproved. Incomplete plans will not be accepted or reviewed. The zoning inspector will have thirty (30) days in which to review the plans and either authorize or deny the zoning permit. An appeal of the zoning inspector's

## A. PURPOSE AND BENEFITS

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

## B. ESTABLISHMENT

- i. Establishment of a Planned Unit Development district may occur by application in accordance with the provisions of [Article 6](#) and in accordance with the requirements established herein within Article 3.
- ii. Regulations pertaining to the use of land and/or structures and the physical development thereof are hereby established and adopted.

## C. RULES OF APPLICATION

The following rules of application shall apply:

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

## D. PERMITTED USES

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

- i. One family dwellings<sup>□</sup>
- ii. Zero lot line, townhouse<sup>□</sup>, or other innovative form of residential development, provided all density criteria and applicable requirements are met
- iii. Home occupations<sup>□</sup>.
- iv. Public or private schools<sup>□</sup> offering general educational courses and having no rooms used for housing or sleeping of students
- v. Parks<sup>□</sup>, playgrounds, and play-fields open to the public without fee
- vi. Public or private golf courses<sup>□</sup> or other similar outdoor recreational facilities and normal accessory buildings and uses, provided all uses and functional characteristics are specifically included in the approved development plan
- vii. Churches<sup>□</sup> or other places of worship

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



- viii. Other residentially-oriented uses, which in the opinion of the Township Zoning Commission and Township Trustees, meet the purpose and intent of the Planned Unit Development district and are adequately designed, located or otherwise provided for by the development plan and other required documents
- ix. Signs<sup>■</sup> meeting the requirements of [Article 5](#) for the specific use involved.
- x. Accessory buildings and uses<sup>■</sup> in association with a permitted residential use.

#### E. TRACT AND DENSITY CRITERIA

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

#### F. PROCEDURE

- i. Sketch Plan: In exchange for flexibility, the Planned Unit Development district requires that the applicant provide some details which are traditionally found in the subdivision stage of development approval. It is therefore suggested that the applicant informally discuss his plans with the County Engineer, County Board of Health, and County Planning Commission prior to submitting a formal application. This sketch plan phase is mandatory if public streets are proposed.
- ii. Development Plan Submission: Seven (7) copies of a development plan, signed by a registered engineer, surveyor, or architect, shall be submitted with the application to amend the Zoning District Map. Such development plan shall conform to the following:
  - a. The plans include topographical contours at one (1) foot or two foot intervals, soils information for the site, information on any natural area such as wooded areas, floodplains, and engineering plans for water, sewer, and storm water systems.
  - b. The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density

area, and the total number of dwelling units proposed in the overall plan.

- c. The proposed size, location, and use on nonresidential portions of the tract, including usable open areas, parks, playgrounds, school sites, and other areas and spaces with the suggested ownership of such areas and spaces.
- d. Architectural design concepts to be utilized, landscaping plans, street views of typical improvements, and other information relating to the architectural and landscape themes.
- e. The proposed traffic circulation patterns, including public and private streets, parking areas, walks, access ways, including their relationship to topography, existing streets, or other evidence of reasonableness.
- f. The proposed schedule of site development, construction of structures, and associated facilities including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, and easements.
- g. The relationship of the proposed development to existing and future land use in the surrounding area, the street system, the community facilities, services, and other public improvements.
- h. Evidence that the applicant has sufficient control over the land to effectuate the proposed development plan. Evidence of control includes property rights and engineering feasibility data which will be required.
- i. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.
- j. Other information, as may be required by the Township Zoning Commission or Township Trustees, in order to determine compliance with this Resolution.

# PUD Planned Unit Development

3.1.13

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

- a. That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of the Resolution.
- b. That the proposed development is in conformity with a comprehensive plan or portion thereof as it may apply.
- c. That the proposed development advances the general welfare of the township and the immediate vicinity.
- d. That the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard residential development requirements included in this Resolution.
- e. Effect of Approval: The development plan as approved by the Township Trustees shall constitute an amendment to the zoning district map as it applies to the land included in the approved amendment.
- f. The approval shall be for a period of two (2) years to allow the preparation of the required subdivision plan. Unless the required subdivision plat is submitted and recorded within the two (2) year time limit, the approval shall be voided and the land shall revert to its last previous zoning district, except if an application for time extension is approved in accordance with the following section.
- g. Extension of Time or Modification: An extension of the time limit of the approved development plan may be approved by the Township Trustees. Modifications may be approved according to the normal rezoning procedure. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original approved development plan if such extension or modification is not in conflict with the general health, safety, and welfare of the public or the development standards of the Planned Unit Development district.

iv. Development Standards

The following standards for arrangement and development of land and buildings apply to

the Planned Unit Development district. When not specifically supplanted by the following standards, the development standards contained in this Resolution shall also apply.

- a. Open Space: At least twenty (20) percent of the gross area of the tract included in the development plan shall be designated as open space. Such land shall either be preserved in its natural state or developed for recreational purposes. Up to one-third of any land within the tract devoted to public schools sites or within the one hundred year floodplain may be included in the open space calculation. The open space shall be of a size, shape, topography, and location to be usable and accessible.
- b. Lot and Yard Areas: The minimum lot area shall be 8,712 square feet per dwelling unit except in cluster developments where the minimum lot area for each dwelling unit may be reduced to any size which is justified in the approved development plan. However, the overall density of the tract of land covered by the development plan may not exceed three units per acre. Yard areas may also be adjusted accordingly. However, yards abutting the boundaries of the entire tract included in the development plan shall not be less than the minimum requirements for the abutting zoning district. Additionally, the front yard setback for all lots abutting an existing public street shall conform to the requirements of the abutting district along that street or the average if two districts apply for the entire length of the frontage on that street.
- c. Private Streets: Private streets may be allowed if the requirements of the County Engineer and Ottawa County Subdivision Regulations are met for the streets. Maintenance plans must be identified.
- d. Parking: Off-street parking shall be provided in accordance with [Article 5](#) of this Resolution for all uses proposed within the development plan. Group garages or parking lots may be utilized within two hundred (200) feet of the dwellings served.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



### 3.2 BOUNDARIES

1. The location and boundaries of the Districts shall be shown on the map entitled, "Danbury Township Zoning Plan, 1975", as amended. A certified copy of this map is on file in the office of the Board of Danbury Trustees, and said map and all notations, dimensions and designations shown thereon are hereby declared to be a part of this Resolution.
2. Where there is uncertainty as to the boundaries of any of the Districts shown on the aforesaid map, the following shall apply:
  - A. The District boundary lines are intended to follow street, alley, lot or property lines as they exist at the time of the passage of this Resolution unless otherwise indicated by dimensions on the Zoning Map. In case of the vacation of a street, alley, watercourse or other right-of-way, the abutting zoning classification on each side thereof shall automatically be extended to the center line of said vacated street, alley, watercourse or right-of-way.
  - B. Where boundaries appear to approximately follow such aforesaid lines and are not more than ten (10) feet distant therefrom, such lines shall be construed to be the boundary unless specifically shown otherwise.
  - C. All submerged lands (below low water datum, which is 568.6 feet) are a part of that District to which their abutting natural above-water lands are assigned, and shall be bounded by extension of the boundary lines of each abutting natural above-water property. Two (2) adjacent districts which extend onto submerged lands shall be separated by extension of their above-water common boundary line.

### 3.3 FLOOR AREA REQUIREMENTS FOR RESIDENTIAL DWELLINGS

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

District	Minimum Floor Area (sq ft) Per Dwelling			
	One Story	One and One Half Stories (first floor)	Two Story (per floor)	Multiple Level (above grade)
A	1,200	950	900	1,200
R-1	1,200	950	900	1,000
R-2	1,000	950	900	1,000
R-3	800	600	600	BZA*
L	600	600	600	600
C-1	800	600	600	BZA*
C-2	800	600	600	BZA*
R-C	800	600	600	BZA*

BZA\* Board of Zoning Appeals, within conditional use procedure, shall establish the minimum.

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

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

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

### 3.5 GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS

1. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except for a purpose permitted in the district in which the building or land is located.
2. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height and bulk limit herein established for the district in which the building is located, except that



parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, stage towers or scenery lofts, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provision when erected in accordance with all other laws. Windmills, as herein defined, shall comply with the requirements as listed in [Article 4, Section 4.10 and Section 4.11](#).

3. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and lot area regulations of the district in which the building is located unless otherwise specified herein.
4. No building shall be erected, or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located.
5. The minimum yard, parking space, and other spaces, including lot area per family, required by this Resolution for any building hereafter erected or structurally altered, shall not be encroached upon or considered as parking area or open space or lot area requirement for any other building, nor shall any lot area be reduced beyond the district requirements of this Resolution, including setback requirements.
6. No lot shall hereafter be reduced or divided so as to provide less than the minimum lot size required in the district in which such land is situated. Contiguous lots held under single ownership may be considered to be one lot for the purposes of these regulations unless said lots are part of a recorded subdivision.
7. Any lot of record at the time of the adoption of this Resolution may be used for a single family dwelling. Any lot of record that can comply with the required setback requirements of the district in which it is located shall be required to do so. However, on such lots in all districts where compliance with required district setbacks can not occur, the following setbacks shall be maintained unless a variance is granted by the Board of Zoning Appeals:

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

8. Additions to existing buildings on pre-existing lots shall also be required to meet the setbacks described above. For pre-existing corner lots, the minimum front yard depth as described above shall be met for both front yards. For lots that use the waters of Lake Erie as their front yard, the minimum rear yard depth from the road shall be twenty (20) feet.
9. Every residential building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) residential building on one (1) lot except as specifically provided hereafter.
10. Uses other than those specifically mentioned herein as permitted uses in each of the districts may also be allowed therein, provided that in the judgment of the Board of Zoning Appeals such other uses are of similar character to those mentioned and will have no more adverse influence on adjacent properties or the neighborhood or community than the permitted uses specifically mentioned for the district and the required use variance is granted.



1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

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**1** Purpose and  
Introduction

**2** Definitions

**3** Zoning  
Districts

**4** Use  
Standards

**5** Site  
Standards

**6** Development  
Procedures

**7** Admin and  
Enforcement

# *Article 4.0*

## *Use Standards*



## Article 4.0 Use Standards

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

# 4.0 Use Standards

## 4.1 MANUFACTURED HOMES<sup>1</sup>

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

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

## 4.2 RECREATIONAL CAMP<sup>2</sup>

1. An application for a conditional use must be filed with the Board of Zoning Appeals including the plans for the proposed camp and a fee as established by the Board of Township Trustees.
2. Camp Requirements: All camps shall meet the following requirements:
  - i. Size - Minimum of 10 acres.
  - ii. Width and Depth - Minimum width of 200 feet; ratio of width to depth shall not exceed one to five (1:5).
  - iii. Yard - Minimum required front yard of 70 feet; minimum required side yards of 45 feet each side; minimum required rear yard of 60 feet. If either side yard abuts a public or private right-of-way, the minimum required yard shall be 55 feet. The first 20 feet of each required yard setback shall be composed of a green planting strip (buffer zone).
  - iv. Access - Shall be provided into the camp with a minimum right-of way of 50 feet. Marginal access roads may

be required if deemed necessary by the Board of Zoning Appeals.

- v. Streets - Shall have a minimum right-of-way of 20 feet; all streets shall be all-weather roads. Streets may be placed within the yard setback but not within the buffer zone.
  - vi. Recreation and Open Space - 25 percent of the gross camp area shall be reserved for such uses excluding yards, camp sites, buffer zones, submerged lands, and streets.
3. Site Requirements: Individual sites within the camp shall meet the following requirements
    - A. Site Area - Minimum of 1,200 square feet per site.
    - B. Site Width - Minimum of 30 feet and should front on road.
    - C. Site Setbacks - Minimum of 8 feet on all boundaries for all trailers, tents, etc.
    - D. Corner Markers - All 4 corners of each site shall be appropriately marked as approved by the Board of Zoning Appeals.
  4. Camp Utilities and Services Such improvements shall be provided as required by the Ohio Administrative Code 3701-25-51 to 3701-25-75 as amended.
  5. Supplementary Regulations: Accessory Buildings and Uses - Such uses which are appropriate to the operation of a camp may be permitted within the conditional use procedure of review by the Board of Zoning Appeals

## 4.3 CONDOMINIUM<sup>3</sup> /MULTI-FAMILY<sup>4</sup> HOUSING DEVELOPMENT

1. An application for a conditional use must be filed with the Board of Zoning Appeals including plans of the proposed condominium/multi-family housing development and a fee as established by the Board of Township Trustees. The requirements of Section 6.1.3.C of this resolution shall be met.
2. Condominium/Multi-Family Housing Development Requirements All condominium/multi-family housing developments shall meet the following requirements:
  - A. Condominium/Multi-Family Housing Development Lot Area. Minimum area of not less than 1 acre per condominium/multi-family housing development/

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



condominium declaration is required. The minimum lot area per dwelling shall be twenty thousand (20,000) square feet for the first unit and six thousand (6,000) square feet for each additional unit in the "R-3", "C-1", "C-2" and "R-C" districts and twelve thousand (12,000) square feet for each additional unit in the "R-2" district for each condominium/multi-family housing development/condominium declaration. Measurements of lot area shall be made to the street right-of-way line, and to the low water mark in cases where the lot fronts on Lake Erie or Sandusky Bay.

- B. Lot Width and Depth. Condominium/multi-family housing developments shall have a minimum lot width of one hundred feet and a minimum depth of one hundred and twenty-five (125) feet. Rates of width to depth shall not exceed one to five (1:5).
- C. Existing Lot of Record. A condominium/multi-family housing development may be permitted on a lot of less area or width which was recorded at the time of the adoption of this Resolution, as amended, and the owner thereof owns no adjoining land, provided the lot area per unit is complied with.
- D. Yard. There shall be a required front yard of not less than thirty-five (35) feet, except as provided in Article 5, Section 5.4. There shall be a required side yard of not less than ten (10) feet. There shall be a required rear yard of not less than twenty-five (25) feet.
- E. Building Separation. Buildings designed for living purposes shall be separated from each other by a minimum distance of twenty (20) feet. This measurement shall be from the nearest point of one (1) building to the nearest point of the adjacent building.

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

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

- G. Building Height. The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves. The maximum pitch from the thirty (30) foot point to the peak shall not exceed an 8:12 pitch.
- H. Open Space. A minimum of ten (10) percent of all land included in the condominium/multi-family housing development shall be set aside for open space. Open space shall consist of natural areas including grass, trees, and the like and shall not include submerged lands or required parking areas.
- I. Parking Requirements. Each dwelling must be provided with two (2) parking spaces. All other requirements of Article 5 shall be met.
- J. Trash Receptacles. An area of land shall be set aside for the purpose of trash and garbage receptacles. Such receptacle area shall be properly screened and maintained.
- K. Alternate Vehicle Storage. An area or building shall be set aside for the storage of bicycles, mopeds, snowmobiles, and other alternate vehicles excluding boats. If located outside a building, such area shall be properly screened and maintained.
- L. Streets. Streets and driveways on the site will be adequate to serve the residents and suitable to accommodate the anticipated traffic within and through the development including access by emergency and fire vehicles. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The

design, location and surface of the parking area and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce traffic congestion and promote pedestrian and vehicular safety.

#### 4.4 RESORT

The following requirements shall be met:

1. Setbacks. There shall be a required front yard setback of fifty-five (55) feet, a required side yard of forty-five (45) feet, and a required rear yard setback of fifty-five (55) feet. The setback area to be totally open except for plantings and trees.
2. Parking. Each unit used for lodging purposes shall be provided with two (2) parking spaces. Other uses shall meet the requirements of Article 5, Section 5.3.
3. Density. The maximum number of cabins, cottages, recreational vehicles and the like per acre for the resort shall not exceed five (5).
4. Open Space. Twenty-five (25%) percent of the gross land area involved in the resort shall be set aside as open space. Yards, submerged land, and streets shall not be included.
5. Minimum Acreage. A minimum of five (5) acres shall be included in each resort.
6. Development:. The resort may be developed using a variety of housing types intended for transients. Maximum building height shall be thirty-five (35) feet and each cottage/cabin must contain 600 square feet of ground floor area for the first floor.
7. Building Separation. Buildings designed for living purposes shall be separated from each other by a minimum distance of twenty (20) feet. This measurement shall be from the nearest point of one building to the nearest point of the adjacent building.

#### 4.5 BED AND BREAKFAST INN

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

1. The Inn must be owner occupied; it must be the principal residence of the owner and be occupied by the owner.
2. One (1) individual not residing in the Inn may be employed in the operation of the Inn.

3. No more than four (4) rooms shall be offered for rent.
4. Each room rented shall contain a minimum of one hundred (100) square feet. No rented room shall have an independent outside entrance, but emergency fire exits are permitted.
5. No use of an accessory building for rental rooms or the owner's residence will be allowed.
6. No cooking facilities of any type shall be permitted in the rented rooms.
7. A minimum of one (1) on-site parking space per room offered for rent and two (2) spaces for the owner shall be required.
8. The outside appearance of the dwelling shall remain residential in appearance, including any additions thereto.
9. One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a Bed and Breakfast Inn.

#### 4.6 CONTINUING CARE RETIREMENT COMMUNITY

1. An application for a conditional use must be filed with the Board of Zoning Appeals including plan for the proposed continuing care retirement community and a fee as established by the Board of Township Trustees.
2. Continuing Care Retirement Community Requirements:
  - A. Setbacks. There shall be a required front yard setback of fifty (50) feet, a required side yard setback of forty (40) feet, and a required rear yard setback of forty (40) feet.
  - B. Parking. One (1) parking space for each dwelling unit and for each three (3) beds in nursing home facilities, and one (1) parking space for each eight hundred (800) square feet of floor area of buildings not containing dwelling units or not containing nursing home facilities.



- C. Density. The maximum number of dwelling units for the complete development shall not exceed eight per acre.
- D. Open Space. Total area coverage of all buildings (including dwelling units and related service buildings) shall not exceed thirty-five (35) percent of the area of the total site, exclusive of any dedicated public right of way.
- E. Minimum Acreage. A minimum of five (5) acres shall be included in each continuing care retirement community.
- F. Development. The continuing care retirement community may be developed using a variety of building types including attached and detached dwellings and apartments.
- G. Dwelling units shall have a minimum floor area of:

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

\* Studio Dwelling means a dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities. Studio dwelling may not comprise more than twenty-five percent (25%) of the total dwelling units of the entire project.

- H. Maximum building height shall be thirty-five (35) feet.
- I. Building Separation. Buildings designed for living purposes shall be separated from each other by a minimum distance of twenty (20) feet. This measurement shall be from the nearest point of one building to the nearest point of the adjacent building.
- J. Parking/Traffic Plan. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location and surface of the parking area and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce traffic congestion and promote pedestrian and vehicular safety.
- K. Site Development and Land Site Plan. The plan shall include all building locations, drives, parking, fencing and signage. A landscape plan shall also be incorporated as part of the site plan or submitted as a separate sheet and reflect landscaping

within all required lot setbacks. Building elevations shall also be included on the plan along with indication of materials to be used.

- L. Storm Water Management. Storm water management shall be incorporated into the site development plan so that storm water runoff from the site will not substantially increase as a result of the proposed development. The facility shall be designed to control the storm water runoff from at least a 25 year storm as certified by a professional engineer.
- M. Exterior Lighting. All outdoor lights shall be shielded to direct light and glare only onto the structures and drives. Said lighting and glare shall be deflected, shaded and focused away from all adjoining property and shall be a maximum height of 35 feet.
- N. Emergency Access. All dwelling units shall be so positioned as to allow access of emergency and fire vehicles.
- O. Commercial Vehicle Storage. No commercial vehicles, to include commercial tractors, automobiles, trucks, buses, recreational vehicles, semi-trailers, snowmobiles, watercraft, watercraft trailers, shall be parked or stored on the property other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials and equipment to the site during such construction or when materials and supplies are being delivered. No automobiles or trailers of any type without current license plates shall be stored on the property. The foregoing shall not include automobiles, buses, and/or vans providing transportation for residents and/or staff of the Retirement Community.
- P. Refuse Collection. The refuse collection areas provided for the collection of trash, garbage and other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for refuse collection purposes.



#### 4.7 CLUSTER HOUSING COMMUNITY

1. An application for a conditional use must be filed with the Board of Zoning Appeals, including a plan for the proposed





community and a fee as established by the Board of Township Trustees.

2. **Parcel Size.** In order to qualify for a cluster housing community, the parcel must contain a minimum of three (3) acres.
3. **Setbacks** . There shall be a minimum of twenty-five (25) feet in the “R-3” district and a minimum of thirty-five (35) feet in the “R-2” District from the property boundary line of the cluster housing community property to any building. Each building shall have a minimum setback of twenty (20) feet from a public or private right-of-way. Multifamily or duplex buildings in the “R-3” district shall be separated from other buildings by a minimum of twenty (20) feet. Single-family buildings in the “R-3” district shall be separated from other single-family buildings by a minimum of ten (10) feet. Single-family buildings in the “R-3” district shall be separated from other non-single-family buildings by a minimum of twenty (20) feet. Buildings in the “R-2” district shall be separated from each other by a minimum of twenty (20) feet. All measurements shall be from the nearest point of one building to the nearest point of the adjacent building or line.
4. **Parking Requirement.** Each dwelling shall have two off-street parking spaces.
5. **Density.** The minimum lot area per dwelling unit shall be twenty thousand (20,000) square feet for the first unit and six thousand (6,000) square feet for each additional unit in the “R-3” district and twelve thousand (12,000) square feet for each additional unit in the “R-2” district for each cluster housing community declaration. Measurements of parcel shall be made to the street right-of-way line and to the low water mark in cases where the lots front on Lake Erie or Sandusky Bay.
6. **Lot Coverage** . Total area coverage of all buildings (including dwelling units and related service buildings) shall not exceed forty (40) percent of the area of the total site, exclusive of any dedicated public right-of-way or submerged land.
7. **Dwelling Size.** The stated minimum floor area shall be provided as specified. No dwelling shall have a livable ground floor area which totals less than the number of square feet indicated:

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

8. **Streets.** All streets within the cluster housing community shall meet the requirements of the County Engineer and shall be dedicated to the use of the public and accepted by the Township Trustees for maintenance, unless a street connects only to an existing private street.
9. **Building Height:** Maximum building height shall be thirty-five (35) feet.
10. **Preliminary Site Development Plan.** The applicant shall submit a preliminary site development plan for approval by the Board of Zoning Appeals.  
This plan shall include the following information:
  - A. Name of the development, and the name, address, and telephone number of the owner, the developer, and the engineer, architect and other individuals assisting in the preparation of the site plans, date, north point, and scale;
  - B. Zoning classification of the site and other surrounding properties.
  - C. Location and use of all proposed buildings, including setback lines and yard areas.
  - D. Statement of the average net residential density and the number of dwelling units to be contained in the total tract, and, where applicable, in each stage thereof.
  - E. Proposed general grading and/or other methods to be used for adequate drainage control.
  - F. Location of all public and private streets, roads, or highways.
  - G. Proposed sanitary sewers, storm sewers and central water utilities, showing their connections with the existing system.
  - H. Contour lines sufficient to define the topography of the site.
  - I. The dimensions and bearings of the property lines, site acreage and legal description of the property.

**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement





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

11. Final Site Development Plans. After the preliminary site plans have been approved, the final site development plans may be submitted for approval. The final site development plans shall be prepared and sealed by a professional engineer registered in the State of Ohio. The final site development plans shall contain the following:

A. All of the items required on the preliminary site plans and all additional criteria, amendments, and revisions required by the Board of Zoning Appeals drafted in the form of construction drawings. Construction drawings for site improvements shall include detailed sanitary sewer, waterline, storm drainage and roadway plans, and a site grading plan.

B. A staged development plan if applicable.

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

13. Amendments. Amendments to the final plans may be sought by the applicant in accordance with the procedures required by this article for the original approval subject to the same limitations and requirements as those under which final plans were originally approved.

14. Time Limitations. Approval by the Board of Zoning Appeals shall expire after a period of one (1) year from the date of approval of the final plans, for the entire site or any particular stage, whichever is applicable.

15. Approval by the Danbury Township Board of Zoning Appeals for a cluster housing community has no impact upon Ottawa County's review of the proposed development. The requirements of the Ottawa County Subdivision Regulations shall be met, if appropriate. Prior to finalizing any conditional use action, this review and approval by Ottawa Regional Planning must be obtained.

#### 4.8 CLUBS<sup>☐</sup>, PRIVATE AND PUBLIC, GOLF<sup>☐</sup> AND COUNTRY CLUBS, AND LODGES OPERATED BY EDUCATIONAL, SOCIAL OR FRATERNAL ORGANIZATIONS

1. An application for a conditional use must be filed with the Board of Zoning Appeals including the plans for the proposed club. A fee as established by the Board of Township Trustees shall be paid at the time application is submitted.

2. Club Requirements are as follows:

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

B. Minimum setback lines for building purposes shall comply with the district in which it is located. However, the distance from the center and centerline of all greens and fairways shall be at least one hundred fifty (150) feet from an adjoining property line. When any softball, baseball, soccer or football field, tennis court, structured play area or parking area is located less than one hundred fifty (150) feet from any residential property, a continuous planting screen not less than six (6) feet in height shall be provided.

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

D. Accessory uses necessary to the operation of such use, such as clubhouses, restaurants, bars, swimming pools and similar activities, shall be permitted, provided, however, such uses are accessory uses to the club and not the principal use.

#### 4.9 CONDITIONS FOR THE OPERATION OF A SEXUALLY ORIENTED ADULT BUSINESS<sup>☐</sup>

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

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

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

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

- i. The address where the sexually oriented business is operated or is to be operated.
- ii. The status of the applicant as an individual, partnership, or limited partnership, domestic or foreign corporation, or other entity; The full name, residence address, date of birth, and social security number of the applicant or the person applying on behalf of a partnership, corporation or other entity.
  - a. If the applicant is a partnership or limited partnership, the name of the partnership the status of the partnership as a general or limited partnership; The state or other jurisdiction under which it is organized; The address of its principal office in Ohio; Its federal identification number; The name and address, date of birth, and social security number of each partner; and the status of each partner as a general or limited partner.
  - b. If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth, and social security number of each stockholder holding more than two percent of the applicant's stock.
  - c. If any shareholder is a corporation or a general or limited partnership, the same information shall be included for such shareholder as is required for an applicant that is

a corporation or general or limited partnership.

- iii. The application must contain the address where the sexually oriented business is to be located and shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
  - iv. Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the Township, shall be grounds for revocation or non-renewal of a permit.
  - v. Any other information determined by the Board to be necessary.
3. A decision of whether or not to issue a permit or license shall be made within twenty-one (21) days after receipt of all the information required under the paragraphs.
  4. A permit or license issued under this section to a sexually oriented business shall expire one year after the date of issuance. An application for a renewal permit shall be filed not later than forty-five (45) days of the expiration of the permit. An application for renewal shall be acted upon within twenty-one (21) days of receipt of the application. The information contained with the initial application for a permit and supplementary information required by Section 2.A.iv. above shall be used to determine whether or not to renew a permit. Each permit for a sexually oriented business shall contain the name of the applicant, the address of the sexually oriented business and the expiration date of the permit.
  5. In addition, such uses shall be permitted subject to the following conditions:
    - A. Sexually oriented business uses shall be located at least five hundred (500) feet



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

- B. Sexually oriented business uses shall be located at least five hundred (500) feet from any boundary of any residential district in an abutting local unit of government.
- C. Sexually oriented business uses shall be located at least one thousand five hundred (1,500) feet from any other adult entertainment uses.
- D. Adult entertainment uses shall be located at least two hundred (200) feet from a bar, tavern, or other business serving or selling liquor, beer, wine, or other alcoholic beverages.

#### 4.10 WINDMILL, LOW IMPACT

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

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

#### 4.11 WINDMILL, HIGH IMPACT

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

- 1. The proposed wind powered electric generator/windmill shall be a distance of at least 150% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.

- 2. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
- 3. The wind powered electric generator/windmill shall have a rated capacity of more than 100 kW.
- 4. The noise level measured at the property line(s) shall not exceed 60 dBA.
- 5. All necessary township, county, state and federal permits shall be obtained.

#### 4.12 WIND FARM, SMALL

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

- 1. The aggregate output of electricity that can be generated by the small wind farm shall be less than five (5) megawatts. If additional phases are added that result in the wind farm exceeding five (5) or more megawatts, the wind farm shall be exempt from the Danbury Township Zoning Resolution.
- 2. A letter shall be submitted from the owner of the electrical grid agreeing to accept the output generated by the small wind farm.
- 3. A site plan showing the planned location of the each wind powered electric generator, property lines, setback lines, roads (public and private), substations and other accessory buildings required by the small wind farm, a lighting plan, fence plan, associated transmission lines, the area that will be impacted by shadow flicker, and other pertinent information shall be submitted with the conditional use application.
- 4. The small wind farm shall conform to all construction, design safety, electrical standards, and other applicable industry standards. The appropriate industry standards shall be displayed. A professional engineer registered in the State of Ohio shall certify the installation design plans.
- 5. All wind powered electric generators part of the small wind farm shall be equipped with a redundant braking system including both aerodynamic overspeed controls and mechanical brakes.
- 6. The wind powered electric generators, including the blades, shall be a non-obtrusive color such as white, off-white, silver, or gray and contain no advertising display or message on any if its parts.
- 7. The small wind farm and the wind powered electric generators located within it shall not

- be artificially lighted except to the extent required by the Federal Aviation Administration.
8. On-site transmission and power lines shall be placed underground to the maximum extent possible.
  9. Access to the wind powered electric generators, electrical equipment, and any accessory structures shall be controlled using appropriate fencing. Climable access to the generators shall begin no less than fifteen feet off the ground.
  10. A wind powered electric generator shall be setback a distance of not less 125% of the height of the tower supporting the generator from the nearest off-site residence, public road, and any school, church, or other building used for public gathering. The setback distance shall be measured from the center of the base to the nearest point of the foundation of the structure.
  11. The small wind farm shall be designed and all reasonable efforts shall be made to minimize or eliminate shadow flicker to any occupied building on a non-participating property.
  12. If a non-participating landowner, adjacent to the small wind farm, agrees to waive the setback requirement and/or the shadow flicker established above, such waiver shall be recorded in the Ottawa County Recorder's Office. The waiver shall describe the property benefited and burdened and advise all subsequent purchasers of the burdened property that the setback and/or shadow flicker waiver shall run with the land and may forever burden the subject property. The waiver will automatically be removed/eliminated when the wind farm is no longer operational and the decommissioning of the small wind farm has been completed.
  13. The anticipated audible sound from the small wind farm shall be provided to the Board of Zoning Appeals for their review. The noise level measured at all of the adjoining property lines shall not exceed 60 dBA.



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**1** Purpose and  
Introduction

**2** Definitions

**3** Zoning  
Districts

**4** Use  
Standards

**5** Site  
Standards

**6** Development  
Procedures

**7** Admin and  
Enforcement

# *Article 5.0*

## *Site Standards*



## Article 5.0 Site Standards

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



# 5.0 Site Standards

## 5.1 ACCESSORY BUILDINGS AND USES

1. All accessory buildings in the A, R-1 through R-3, C-1 through C-3, and R-C shall be subject to the following regulations and shall be permitted only on lots with a principal building already in existence except as noted in item 1.D below:
  - A. The cumulative square footage of all accessory buildings will be the lot coverage remaining after the square footage of the principal building (if applicable) is subtracted or the following, whichever is smaller:
    - i. 2,000 square feet in the A, C-1, C-2 and C-3 district.
    - ii. 1,200 square feet in the R-1, R-2, R-3 and R-C districts.
  - B. Accessory buildings shall be permitted in the side or rear yard.
  - C. For lots with a principal building, the following shall apply:
    - i. Such buildings shall not exceed 20 feet in height,
    - ii. Shall be no closer than five (5) feet to the principal building, no closer than five (5) feet to the side lot line and no closer than five (5) feet to the rear lot line.
  - D. For lots without a principal building, the following shall also apply:
    - i. The lot on which the principal structure is located must be within fifty (50) feet of the lot on which said accessory building is to be located and owned by the same party. The accessory building shall not exceed twenty (20) feet in height, must be located a minimum of five (5) feet and a maximum of ten (10) feet from the rear lot line and a minimum of five (5) feet from the side lot line.
    - ii. The maximum ground floor area permitted for the accessory building

may not exceed two thousand (2,000) square feet in the A, C-1, C-2 and C-3 districts and may not exceed twelve hundred (1,200) square feet in the R-1, R-2, R-3 and R-C districts.

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

- E. For lots declaring the waters of Lake Erie or Sandusky Bay as their front yard, no accessory building may be located closer than twenty (20) feet from the rear lot line. In addition, docks, decks connected to the dock and other necessary appurtenances to the dock may be located in the required front yard but shall be no closer than five (5) feet to the side lot lines.
2. All Accessory buildings in the L district shall be permitted only on lots with a principal building already in existence and are permitted in the side or rear yard. The minimum setback shall be three (3) feet from the side and rear lot line.
3. Accessory buildings in the M-1 and M-2 districts shall be permitted only on lots with a principal building already in existence and are permitted only in the side or rear yard.
4. Accessory buildings and structures shall be permitted in certain zoning districts as indicated in the table, Accessory Buildings and Structures:

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

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



## 5.2 AUTOMOBILE PARKING REQUIREMENTS

1. Quantity. There shall be provided at the time of the erection or enlargement of any main building or structure the following off-street parking spaces, with a minimum area of two hundred (200) square feet per parking space with minimum dimensions of ten (10) feet wide by twenty (20) feet long, and with adequate provision made for ingress and egress to the parking spaces.

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

2. Rules:


- A. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

- B. No building shall be enlarged, rebuilt, or structurally altered to the extent of more than a fifty (50) percent addition in floor area unless there shall be provided the total number of off-street parking spaces required for the original use and its enlargement.

- C. All parking spaces required herein shall be located on the same lot with the main use served except that spaces may be located within three hundred (300) feet of the lot line on which the main use is located provided a conditional use permit for the parking is approved by the Board of Zoning Appeals and the zoning district is the same as the main use.

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

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

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



treatment, or with permanent surfacing.

- B. Where the parking area adjoins lots in an A or R district, such lots shall be protected by the erection and maintenance of a permanent fence, screen and/or planting approved by the Zoning Commission. Such protection shall not extend into the front yard required on the lot on which the parking area is located.
- C. Any lights used to illuminate parking areas shall be so arranged as to reflect the light away from adjoining premises in an A or R district.
- D. When a parking area is located wholly or partly in an A or R district, as required for a permitted or conditionally permitted use, the following regulations shall apply in addition to the above:
- No commercial enterprise of any kind shall be established on the area;
  - No fee shall be charged for parking thereon;
  - No signs of any kind shall be erected, except those necessary for the orderly parking thereon.
  - No parking shall occur within fifteen (15) feet of any lot line.
- E. When a parking area will be used for purposes of commercial gain, the following standards will be required:
- The parking area shall be surfaced with gravel or crushed stone with adequate dust treatment or with permanent surfacing;
  - Where the parking area adjoins lots in an A or R district, such lots shall be protected by the erection and maintenance of a permanent fence, screen, or planting approved by the Zoning Commission. Any lighting used to illuminate the parking area shall be so arranged to reflect light away from the adjoining premises in an A or R district;
  - The area shall be kept clean and orderly;
  - The owner or operator will be responsible for the orderly control

and parking of vehicles within the area;

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

### 5.3 OFF-STREET TRUCK LOADING

- All loading areas shall be surfaced with gravel or crushed stone with adequate dust treatment, or with permanent surfacing.
- Every building of the type described below which is hereafter built, relocated or expanded more than fifty (50) percent in floor area, shall provide an off-street loading berth<sup>■</sup> or berths in accordance with the following schedule:
  - A building whose dominant use is handling and selling goods at retail shall provide berths in relation to the floor area used for

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

retail purposes as follows:

- Manufacturing, repair, wholesale, trucking terminal or warehouse uses shall provide berths<sup>■</sup> in relation to total floor area as follows:

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

- Other buildings not listed above, but having over ten thousand (10,000) square feet in floor area including offices, motels, mortuaries, etc., shall provide one berth.
- Minimum Size of Berth. The required dimensions of a loading berth shall be a minimum width of 12 feet, a minimum of 50 feet in length, with a minimum height clearance of 15 feet, exclusive of all driveways.
  - Each space shall be easily accessible from a street or alley without substantial interference with traffic.
  - All required loading berths shall be on the same lot as the use served and if such berths



abut an A or R district, they shall be suitably screened or fenced from view.







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

#### 5.4 FRONT YARD REQUIREMENTS

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

1. Interior lots having frontage on two streets shall provide the required front yard on both streets.
2. In the case of corner lots, one front yard shall meet the required setback of the zoning district in which it is located and the other shall be a minimum of twenty-five (25) feet.
3. In situations where 40 percent or more of the frontage on the same side of a street between two intersecting streets is developed with buildings, new buildings shall be erected no closer to the street than the average front yard so established by the existing buildings.
4. In cases where lots front on the waters of Lake Erie or Sandusky Bay, the front yard may be regarded as that portion of the lot oriented towards that water. This regulation also applies to East, Middle, and West Harbors or any inlets thereof.

#### 5.5 SIGNS

1. For the purpose of these regulations, signs shall be divided into six (6) categories as follows:
  - A. Permanent Sign 
  - B. Temporary Sign 
  - C. Portable Sign 
  - D. Identification Sign 
  - E. Directory Sign 
  - F. Wall Sign 
2. General Regulations
  - A. No sign shall be erected or maintained at any location where it may obstruct or impair traffic in any manner.
  - B. Any illuminated sign permitted in a specific district shall employ only a source which emits a light of constant intensity; no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights. Public service signs such as time and temperature signs shall be exempt.

- C. There shall be a minimum distance of 250 feet between outdoor advertising and directory signs in all districts. Existing signs located closer together will be considered non-conforming uses subject to Section 7.9.

- D. For purposes of determining sign numbers, a sign with two (2) facades used for display shall be counted as one sign.

- E. No sign, or other structure shall be placed within the clear vision triangle as defined in Section 5.7 Corner Clearance.

- F. The structural integrity of all signs shall be maintained.

- G. If said service, commodity, or facility ceases to exist, said sign shall be removed or the facade changed within thirty (30) days.

- H. No illuminated signs, other than identification signs, shall be permitted in the R-1, R-2, R-3 and L districts.

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

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

Area of Sign per Face	Minimum Setback
Less than 5 sq ft	2 feet
5 to 14.9 sq ft	5 feet
15 to 49.9 sq ft	10 feet
50 to 72 sq ft	15 feet

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

6. Signs permitted in the Agricultural district

- A. For one-family dwellings, one name plate not exceeding one and one-half square feet in area indicating the name and/or address of the occupant.
- B. For home occupations, one sign not exceeding nine (9) square feet in area



indicating the name and the home occupation of the occupant.

- C. Signs established by, or by order of, any government agency.
  - D. For required parking areas, signs identifying such areas shall be permitted not to exceed nine (9) square feet.
  - E. Temporary signs erected to promote a specific event (garage sale, yard sale, real estate sale, etc.) or election may be permitted unless otherwise prohibited and shall be removed within fourteen (14) days after the event or election is completed.
  - F. Outdoor advertising not to exceed seventy-two (72) square feet in area;
  - G. Directory signs indicating existing services, commodities, or facilities available within a distance of five (5) miles not to exceed thirty-two (32) square feet in area. If said service, commodity, or facility ceases to exist, said sign shall be removed within thirty (30) days.
  - H. One (1) identification sign, as defined herein, not exceeding thirty-two (32) square feet in area.
  - I. One (1) temporary sign not exceeding thirty-two (32) square feet in area for construction and development, giving the name of the contractors, engineers, financial institutions and/or architects during the time construction or development activity is underway, but not to exceed twelve (12) calendar months.
7. Signs permitted in the Residential districts
- A. For one and two family dwellings, one name plate not exceeding one and one-half square feet in area indicating the name and/or address of the occupant.
  - B. For churches, one bulletin board not exceeding forty-eight (48) square feet in area including the supporting structure.
  - C. For home occupations, one sign not exceeding nine (9) square feet in area indicating the name and the home occupation of the occupant.
  - D. Signs established by, or by order of, any government agency.
  - E. For required parking areas, signs identifying such areas shall be permitted not to exceed nine (9) square feet.
  - F. Temporary signs erected to promote a specific event (garage sale, yard sale, real

estate sale, etc.) or election may be permitted unless otherwise prohibited and shall be removed within fourteen (14) days after the event or election is completed.

- G. For continuing care retirement communities, cluster housing communities, and multi-family housing developments one sign not exceeding twelve square feet indicating the name and address of the facility and the name of the management thereof.
  - H. One (1) identification sign, as defined herein, not exceeding thirty-two (32) square feet.
  - I. One (1) temporary sign not exceeding thirty-two (32) square feet in area for construction and development, giving the name of the contractors, engineers, financial institutions and/or architects during the time construction or development activity is underway, but not to exceed twelve (12) calendar months.
8. Signs permitted in the Commercial districts
- A. For one and two family dwellings, one name plate not exceeding one and one-half square feet in area indicating the name and/or address of the occupant.
  - B. For churches, one bulletin board not exceeding forty-eight (48) square feet in area including the supporting structure.
  - C. For home occupations, one sign not exceeding nine (9) square feet in area indicating the name and the home occupation of the occupant.
  - D. Signs established by, or by order of, any government agency.
  - E. For required parking areas, signs identifying such areas shall be permitted not to exceed nine (9) square feet.
  - F. Temporary signs erected to promote a specific event (garage sale, yard sale, real estate sale, etc.) or election may be permitted unless otherwise prohibited and shall be removed within fourteen (14) days after the event or election is completed.
  - G. For multi-family housing developments one (1) identification sign not exceeding thirty-two (32) square feet in area indicating the name and address of the facility and the name of the management thereof.
  - H. Each commercial use on its own lot shall be permitted a maximum of two (2)





permanent signs with the area determined as follows:

The total area of all signs shall not exceed two (2) square feet in area for each lineal foot of frontage occupied by the business for which the sign is erected and provided they do not exceed two hundred (200) square feet in total area.

- I. Directory signs indicating existing services, commodities, or facilities available within a distance of five (5) miles may not exceed thirty-two (32) square feet in area. If said service, commodity, or facility ceases to exist, said sign shall be removed within thirty (30) days.
  - J. Outdoor advertising signs shall not exceed thirty-two (32) square feet in area.
  - K. One (1) temporary sign not exceeding thirty-two (32) square feet in area for construction and development, giving the name of the contractors, engineers, financial institutions and/or architects during the time construction or development activity is underway, but not to exceed twelve (12) calendar months.
9. Signs permitted in the Manufacturing districts
- A. Signs established by, or by order of, any government agency.
  - B. For required parking areas, signs identifying such areas shall be permitted not to exceed nine (9) square feet.
  - C. Temporary signs erected to promote a specific event (garage sale, yard sale, real estate sale, etc.) or election may be permitted unless otherwise prohibited and shall be removed within fourteen (14) days after the event or election is completed.
  - D. Each use shall be permitted identification signs on the lot not to exceed two (2) such signs with a net area of seventy-two (72) square feet each.
  - E. Outdoor advertising signs shall not exceed thirty-two (32) square feet in area.
  - F. One (1) temporary sign not exceeding thirty-two (32) square feet in area for construction and development, giving the name of the contractors, engineers, financial institutions and/or architects during the time construction or development activity is underway, but not to exceed twelve (12) calendar months.

## 5.6 FENCES<sup>§§</sup> AND HEDGES

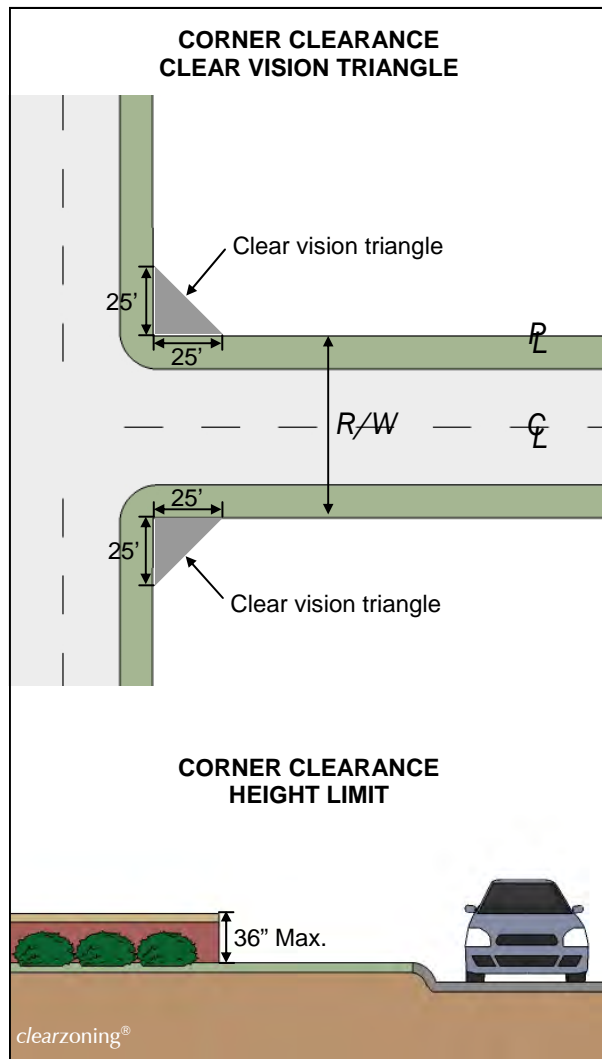
- Fences or hedges shall not exceed the following height in the specified yard unless otherwise restricted:
- No fence, wall, hedge, shrubbery, sign, or other structure or planting shall be placed within the clear vision triangle as defined in Section 5.7 Corner Clearance.

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



## 5.7 CORNER CLEARANCE (CLEAR VISION)

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



## 5.8 SWIMMING POOLS

1. Swimming pools which are private, shall be permitted with any residential use but subject to the following requirements:
  - A. The pool shall be only for the use of the occupants of the principal building and their guests.
  - B. The pool shall be located in the rear of the lot and shall be located no closer than ten (10) feet from any lot line.
  - C. The pool shall be fenced or elevated to a minimum height of 42 inches and shall have a gate which will be kept locked when not in use. Such fencing shall be designed in a manner so as to prohibit access by young children.
2. In the C-1, C-2 and R-C districts, commercial pools shall meet the setback requirements for an accessory building or structure.

## 5.9 STORAGE OF BOATS

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



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**1** Purpose and  
Introduction

**2** Definitions

**3** Zoning  
Districts

**4** Use  
Standards

**5** Site  
Standards

**6** Development  
Procedures

**7** Admin and  
Enforcement

# *Article 6.0*

## *Development Procedures*



## Article 6.0 Development Procedures

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

# 6.0 Development Procedures

## 6.1 ZONING CERTIFICATE/PERMIT APPROVAL

### 1. General Standards

- A. It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, converted or enlarged, wholly or partly, until a zoning certificate/permit shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate/permit, provided he is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this Resolution. No certificate/permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.
- B. Upon written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate/permit for any building or premises existing at the time of enactment of this Resolution certifying, after inspection the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution. No charge shall be made for issuing a zoning certificate/permit in accordance with this paragraph.
- C. Uses Exempt From Zoning Certificates/Permits. This zoning resolution is effective to the full extent allowed by law. Certain laws limit the effect of zoning resolutions. These laws are contained in Sections 519.21 and 519.211 of the Ohio Revised Code.

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

oil and gas production, and telecommunication towers.

### 2. Conditions under which Certificates/Permits are Required

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

- A. Construction or enlargement of a building, including accessory buildings.
- B. Change in use of an existing building or accessory building to a use of a different classification.
- C. Occupancy and/or use of land.
- D. Change in the use of land to a use of a different classification.
- E. Any change from one (1) nonconforming use to another.
- F. A zoning certificate may be issued upon request for any lawful nonconforming uses of land or buildings created by adoption of this Resolution or any amendments thereto.
- G. Marinas and/or marina expansions as defined in Article 4 of this Resolution or any amendments thereto.
- H. Permanent, portable and identification signs as defined in Article 5.

### 3. Application and Issuance of Zoning Certificate/Permit

- A. Written application shall be made for a zoning certificate/permit for the construction of a new building or the enlargement of an existing building. Said certificate/permit shall be issued within ten (10) days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this Resolution.
- B. Written application for a zoning certificate/permit for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this Resolution, the certificate/permit therefore shall be issued within sixteen (16) days after the application for same has been made.
- C. Every application for a zoning certificate/permit shall be accompanied by a plot plan

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



and such other plans as may be necessary to show the location and type of buildings to be erected or to be made.

- i. Each plan shall show:
  - a. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
  - b. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
  - c. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
  - d. The location and size of the proposed structure and/or the proposed enlargement of the existing structure.
  - e. Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Resolution.
- ii. Each plan shall bear statements declaring:
  - a. That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure or septic system.
  - b. Which abutting land was formerly that of the owner of the land involved in the application, and, if any, the approximate date of title transfer.
- iii. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
- iv. Each property owner or authorized agent may be required to attest to the correctness of the statements and data furnished with the application. The certificate/permit will be issued based on the attestation if all other requirements of the Resolution are met.

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

#### 4. Period of Validity

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

#### 5. Fees

- A. A fee, as established by the Board of Township Trustees, shall accompany each application for a zoning certificate/permit.
- B. The Zoning Inspector shall forthwith deposit all fees with the Township Fiscal Officer who shall credit such fees to the credit of the Zoning Fund of the Township.
- C. A record of all zoning certificates/permits shall be kept on file in the office of the Zoning Inspector or his agent and copies shall be furnished upon request at cost to any person having proprietary or tenancy interest in the building or land affected.

#### 6.2 CONDITIONAL ZONING CERTIFICATE:

The Board of Zoning Appeals shall have the duty to hear and decide applications for conditional zoning certificates where they are permitted in Article 3 of this resolution. It is recognized that an increasing number of new kinds of uses are appearing daily and that experience with some of the more conventional uses call for a more flexible procedure so that these uses might be accommodated in the Township. Due to the peculiar nature of some uses, it is felt that each use should be given more detailed consideration as it relates to location, design, size, method of operation, traffic movements, concentration of population, and the kinds of public facilities and services it requires.

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



observed, including specified limitations as to future expansion. The approval of a conditional use will be for a period of one year. Failure to make substantial progress on the approved use shall result in revocation of its authorization.

2. General Requirements. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use in the proposed location:
  - A. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan;
  - B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
  - C. Will not be hazardous or disturbing to existing or future neighboring uses;
  - D. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
  - E. Will be served adequately by essential public facility and services;
  - F. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public/private streets or roads.
  - G. In considering an application for conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structure.

### 6.3 BOARD OF ZONING APPEALS REVIEW AND APPROVAL PROCEDURES

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

The applicant shall supply the necessary names and addresses of property owners within, contiguous to, and directly across the

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

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

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

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

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

The Board shall decide all appeals, variances, conditional uses, or special exceptions within thirty (30) days after the final hearing thereon at a scheduled public meeting. A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector and



observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

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

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



# *Article 7.0*

## *Administration, Appeals and Enforcement*

Article 7.0	Administration, Appeals and Enforcement
7.1	Duties of Zoning Inspector
7.2	Ordinance Interpretation
7.3	Violations
7.4	Penalties
7.5	Zoning Commission
7.6	Procedure for Change in Zoning Districts
7.7	Application Fees
7.8	Board of Zoning Appeals Organization and Procedures
7.9	Non-Conforming Uses

# 7.0 Administration, Appeals, and Enforcement

## 7.1 DUTIES OF ZONING INSPECTOR

1. It shall be the duty of the Township Zoning Inspector, who shall be appointed by the Board of Trustees, to enforce this Resolution. It shall also be the duty of all officials and employees of the township to assist the Zoning Inspector by reporting to him upon new construction, reconstruction, or land uses.
2. Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals, as provided herein.

## 7.2 ORDINANCE INTERPRETATION

1. In interpretation and application, the provisions of this Resolution shall be held to be minimum requirements adopted for the promotion of public health, safety, morals, comfort, and general welfare.
2. In all districts minimum lot areas have been established for dwelling lots. It should be noted that in some cases, the Board of Health or other agencies may require greater lot areas than the minimum established herein based upon whether the lots are served by community water and/or community sewage treatment facilities.
3. Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of building premises.
4. Where this Resolution imposes a greater restriction upon the use of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants, or agreements, the provisions of this Resolution shall control, but nothing herein shall interfere with, abrogate, or annul any easements, covenants, deed restrictions, county requirements, or agreements between parties which imposes restrictions greater than those imposed by this Resolution.

## 7.3 VIOLATIONS

1. Any certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the zoning inspector, the certificate shall be revoked by notice in writing

to be delivered to the holder of the void certificate upon the premises concerned, or, if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new certificate in accordance with this Resolution shall be deemed guilty of violation thereof.

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

## 7.4 PENALTIES

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Board of Trustees. Any person, firm or corporation violating any regulation thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

## 7.5 ZONING COMMISSION

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

1  
Purpose and  
Introduction

2  
Definitions

3  
Zoning  
Districts

4  
Use  
Standards

5  
Site  
Standards

6  
Development  
Procedures

7  
Admin and  
Enforcement



recommendations regarding all applications or proposals for amendments or supplements to the Board of Trustees.

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

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

3. Hearings and Rules. The hearings of the Zoning Commission shall be public. The Zoning Commission shall organize annually and elect a President, Vice-President and Secretary. The Commission shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Resolution.
4. Quorum. A quorum shall consist of three (3) members of the Zoning Commission which shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, staff shall postpone or cancel items requiring a vote and may proceed with items presented for information only.

## 7.6 PROCEDURE FOR CHANGE IN ZONING DISTRICTS

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

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

2. Applications for change of district boundaries or classifications of property as shown on the Zoning Map, shall be submitted to the Zoning Commission, at its public office, upon such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of facts for the permanent record.

Each such application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission shall be accompanied by its motion pertaining to such proposed amendment.

3. Names and addresses of adjacent property owners. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within, contiguous to, and directly across the street from the property the zoning classification of which is proposed to be changed. The names and addresses of said owners shall be obtained

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

4. Referral of proposed change to the Regional Planning Commission. Within five (5) days after the adoption of such motion, or the certification of such resolution, or the filing of such application, the Zoning Commission shall transmit a copy thereof, together with text and map pertaining thereto to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.
5. Public Hearing by Zoning Commission. Before submitting its recommendation on a proposed amendment to the Board of Trustees, the Commission shall hold a public hearing thereon, notice of which shall be given by publication in a newspaper of general circulation in the Township at least ten (10) days before the date of hearing. The notice shall state the place or places and times at which the proposed amendment to the Resolution including the text and maps, may be examined.
6. Notice to property owners by Zoning Commission.
  - A. If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within, contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The applicant shall supply the necessary names and addresses to the Township Zoning Inspector. The failure of delivery of such notice shall not invalidate any such amendment or supplement.
  - B. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the County Auditor's current tax list, the published and mailed

notices shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- i. The name of the zoning commission that will be conducting the public hearing.
  - ii. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
  - iii. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of the owners of these properties, as they appear on the county auditor's current tax list;
  - iv. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
  - v. The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
  - vi. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
  - vii. Any other information requested by the zoning commission;
  - viii. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
- C. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
- i. The name of the zoning commission that will be conducting the public hearing on the proposed amendment;
  - ii. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
  - iii. The time and place where the text and maps of the proposed amendment will be available for examination for a



period of at least ten (10) days prior to the public hearing.

- iv. The name of the person responsible for giving notice of the public hearing by publication;
  - v. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action; and
  - vi. Any other information requested by the zoning commission.
7. Action by Zoning Commission. The Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to the Board of Trustees within thirty (30) days after the hearing.
8. Public hearing by Board of Township Trustees. Within thirty (30) days after receiving from the Commission the certification of said recommendations on the proposed amendment, and before adoption of such amendment, the Board of Trustees shall hold a public hearing thereon, at least ten (10) days notice of the time and place of which shall be given by publication in a newspaper of general circulation in the Township. The notice shall state the place or places and times at which the proposed amendment to the Resolution, including text and maps, may be examined and other notices as required by state statutes.
- A. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:
- i. The name of the board that will be conducting the public hearing.
  - ii. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
  - iii. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
  - iv. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
  - v. The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
  - vi. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail; and
  - vii. Any other information requested by the board.
- B. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
- i. The name of the board that will be conducting the public hearing on the proposed amendment;
  - ii. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
  - iii. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
  - iv. The name of the person responsible for giving notice of the public hearing by publication; and
  - v. Any other information requested by the board.
9. Action of Board of Township Trustees. Within twenty (20) days after holding the public hearing, the Board of Township Trustees shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Resolution or Zoning District Map. The Board of Township Trustees may overrule the recommendations of the Commission by majority vote of the Board.
10. Such amendment or supplement adopted by the Board shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the





amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election. No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

## 7.7 APPLICATION FEES

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

## 7.8 BOARD OF ZONING APPEALS ORGANIZATION AND DUTIES

### 1. Organization and Procedures of the Board of Zoning Appeals

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

The Board of Township Trustees may appoint two (2) alternate members to the Township Board of Zoning Appeals for terms as determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular

member at any meeting of the Board of Zoning Appeals according to procedures prescribed by resolution of the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

- B. Hearings, Rules, etc. The hearings of the Board of Zoning Appeals shall be public. The Board shall organize annually and elect a President, Vice-President and Secretary. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Resolution.
  - C. Quorum. A quorum shall consist of three (3) members of the Board which shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, staff shall postpone or cancel items requiring a vote and may proceed with items presented for information only.
2. Powers and Duties. The Board of Zoning Appeals shall have the following powers and responsibilities:
- A. Appeals: To hear and decide appeals where it is alleged there has been an error in any interpretation, order, requirement, decision, or determination by the zoning inspector in the enforcement and administration of the Resolution.
    - i. An appeal to the Board may be taken by any person aggrieved or by an officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.
    - ii. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals





after the notice of appeal shall have been filed with it that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board or by a court of equity, after notice to the office from whom the appeal is taken and on due cause shown.

- iii. The Board may, in conformity with the provisions of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.
- B. Special Exceptions. To hear and decide the following special exceptions:
- i. Permit the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership at the time of passage of this Resolution.
  - ii. Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy to the extent of more than seventy-five (75) percent of its fair market value where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
  - iii. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements; or permit (1) the waiver of the requirement that automobile parking space be provided on the same lot with a dwelling, if other suitable and convenient parking space is available within or without a building; or (2) the dual use of parking

facilities (i.e. by stores during the day and theaters during the evening) provided there is no overlapping of use and the parking space requirements for each building or use are complied with during each period.

- C. Variances. The Board shall have the power to hear and decide such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest. There are two types of variances which the township may grant: an area variance and a use variance. The factors to be considered by the Board of Zoning Appeals differ for the two types of variances.

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

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

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
- b. Whether the variance is substantial.
- c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- d. Whether the variance would adversely affect the delivery of governmental services (for example, water, sewer, garbage).
- e. Whether the property owner purchased the property with knowledge of the zoning restriction.
- f. Whether the property owner's predicament feasibly can be



obviated through some method other than a variance.

- g. Whether the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variance.
- ii. Use Variance. A use variance involves the development or conversion of land for a use not permitted in the specific zoning district. The factors or standards applied to a use variance are those related to the concept of "unnecessary hardship".  
A use variance must not be contrary to the public interest and the board of zoning appeals must insure that the spirit of the zoning resolution is observed. In other words, the use requested is consistent and harmonious to the existing uses. In addition, all of the following conditions must also be found to exist:
  - a. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity and were not created by the applicant.
  - b. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve a convenience to the applicant.
  - c. The authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any way impair the health, safety, convenience, or general welfare of the inhabitants of the Township.
- iii. Summary. In either type of variance request, the variance as granted shall be the minimum variance necessary to accomplish the reasonable use of the land or building. The granting of a

variance runs with the land and is not approved for the present landowner only. The Board may attach conditions and require such guarantees or bonds as it may deem necessary to assure compliance with the objectives of this Resolution.

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

## 7.9 NON-CONFORMING USES

1. Purpose. The purpose of this section is to (1) define the legal status of buildings or land uses which do not conform to this Resolution but which were in operation prior to the enactment of this Resolution and (2) to provide either for the conversion of nonconforming uses into conforming uses as soon as reasonably possible or for their eventual and equitable elimination.
2. Any lawful uses of buildings and/or land existing at the effective date of this Resolution may be continued, even though such use does not conform to the District provisions. The addition to or enlargement of a nonconforming building or structure shall be permitted provided such addition or enlargement does not exceed twenty (20%) percent of the floor area contained in the original building or structure at the time of the adoption of this Resolution. All other requirements of the District (lot area, yards, etc.) shall be met unless a variance is obtained. A nonconforming use of land shall not be expanded or extended into any other portion of the lot or adjoining property.
  - A. Whenever the use of a building or land becomes nonconforming through a change in the amended Zoning Resolution or in the District boundaries, such use may be continued.
  - B. After the effective date of this Resolution a nonconforming use which is discontinued for a period of two (2) years shall not again be used except in conformity with the regulations of the district in which it is located.
  - C. A nonconforming use which has been damaged by fire, explosion, act of God, or the public enemy to the extent of seventy-five (75) percent or more of its reproduction value at the time of damage



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

- D. It is not the intention herein to classify as nonconforming, a use or building allowed in a district as a conditional use under the regulations of this Resolution.
- E. Any building arranged, intended or designed for a nonconforming use the construction of which has been started at the time of the passage of this Resolution, but not completed, may be completed and put into such nonconforming use, provided it is done within one (1) year after this Resolution takes effect.
- F. Any use which is a permitted conditional use in a district under the terms of this Resolution shall, without further action, be considered a conforming use.