

# Danbury Township Zoning Resolution

**Adopted:**

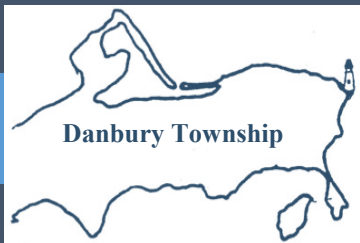
November 6, 1975

**Amended Through:**

July 29, 2022



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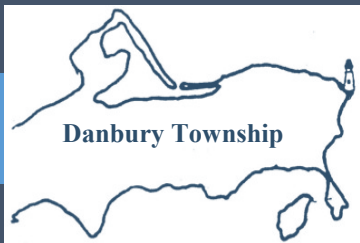
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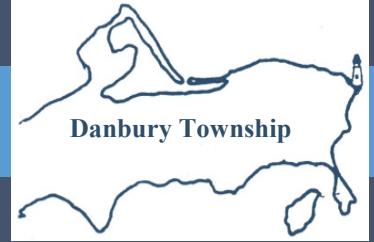
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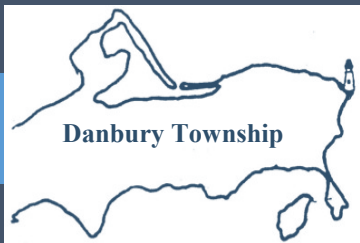
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# Article 1: General Provisions

## **ARTICLE 1: GENERAL PROVISIONS**

- Sec. 1.1 Long Title
- Sec. 1.2 Short Title
- Sec. 1.3 Authorization
- Sec. 1.4 General Purpose
- Sec. 1.5 Effective Date
- Sec. 1.6 Validity & Severability

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# Article 1: General Provisions

## **SECTION 1.1**                      **LONG TITLE**

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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:

## **SECTION 1.2**                      **SHORT TITLE**

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

## **SECTION 1.3**                      **AUTHORIZATION**

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

## **SECTION 1.4**                      **GENERAL PURPOSE**

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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.

## **SECTION 1.5**                      **EFFECTIVE DATE**

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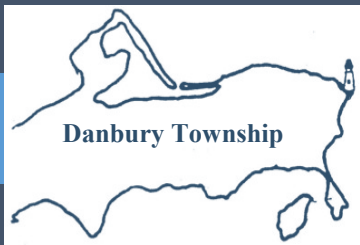
The Zoning Resolution shall be in full force and effect from and after its passage on November 6, 1975 as provided by the Ohio Revised Code.

## **SECTION 1.6**                      **VALIDITY & SEVERABILITY**

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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: Definitions

## **ARTICLE 2: DEFINITIONS**

- Sec. 2.1 Construction of Language
- Sec. 2.2 Definitions
- Sec. 2.3 Sign Definitions

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# Article 2: Definitions

## **SECTION 2.1 CONSTRUCTION OF LANGUAGE**

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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.

## **SECTION 2.2 DEFINITIONS**

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### **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, pools, and docks.

### **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.

### **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.

### **Adult Cabaret**

A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties.

### **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.

### **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.

### **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.

### **Adult Oriented Sexual Business**

Any business or establishment which provides goods or services meeting the definition of adult material.

### **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.

### **Airport**

Any runway, land area, or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage, and tie-down areas, hangars, and other necessary buildings and open spaces.

### **Alley**

A public or private thoroughfare designed to provide access to the rear or side of property or lots.

### **Alteration, Structural**

Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

### **Automotive Repair**

The repair, rebuilding, or reconditioning of motor vehicles or parts thereof including collision service, painting, and steam cleaning of vehicles.

### **Automotive Salvage or Wrecking**

The dismantling or wrecking of vehicles at a facility as defined and regulated in [ORC Section 4738](#). Such uses may include the storage, keeping, buying, or sale of junk vehicles, inoperable vehicles, or parts.

### **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.

### **Automotive, Manufactured Home, Recreational Vehicle, Marine, and Farm Implement Sales and Service**

The sale, service or rental of new and used motor vehicles, manufactured homes, recreational vehicles, marine equipment, boats and recreational watercraft or farm implements, including accessory parts and supplies or repair work of such vehicles.

### **Banquet Hall**

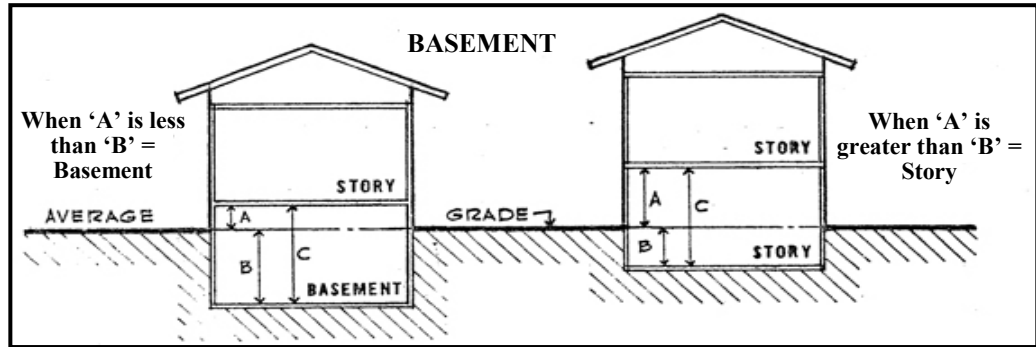
A facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the general public without an invitation and/or outdoor gardens, decks, or reception facilities.

### **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.

**Basement**

A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.



**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.

**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.

**Brewery**

A large-scale facility for the brewing of beer and ale for sale on the premises, as well as for off-site sales and distribution, that produces more than 10,000 barrels annually and may include restaurant/bar space, tasking or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any other alcoholic beverages. See also [“Microbrewery”](#).

**Bottling Works**

A manufacturing or processing facility where materials are placed within a container and sealed for purposes of sale or distribution.

**Buildable Area**

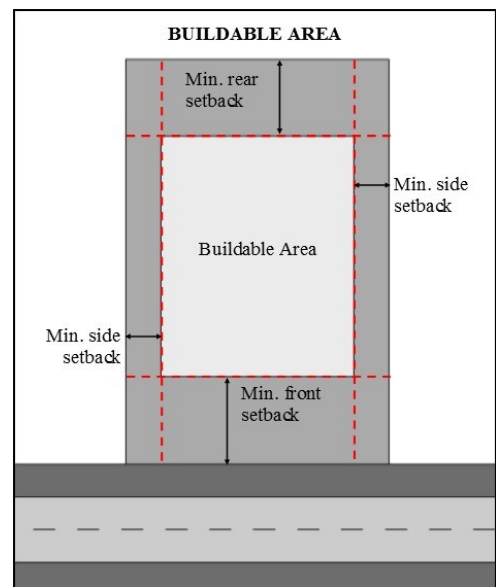
The area of a lot remaining after the minimum required yards and open space requirements of the zoning resolution have been met.

**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.

**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.



**Building Footprint**

The area, measured as a square footage, contained in the perimeter of the exterior faces of the exterior walls of a building, including any covered, roofed-over space such as but not limited to an attached garage or carport, porches, breezeways, or cantilevered construction. Typically the same calculation as the floor area of the ground level or first floor of a building.

### Building Height

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

### 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.

### Building, Principal

A building in which is conducted the main or principal use of the lot on which said building is situated.

### 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.

### Business

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

### Business, General

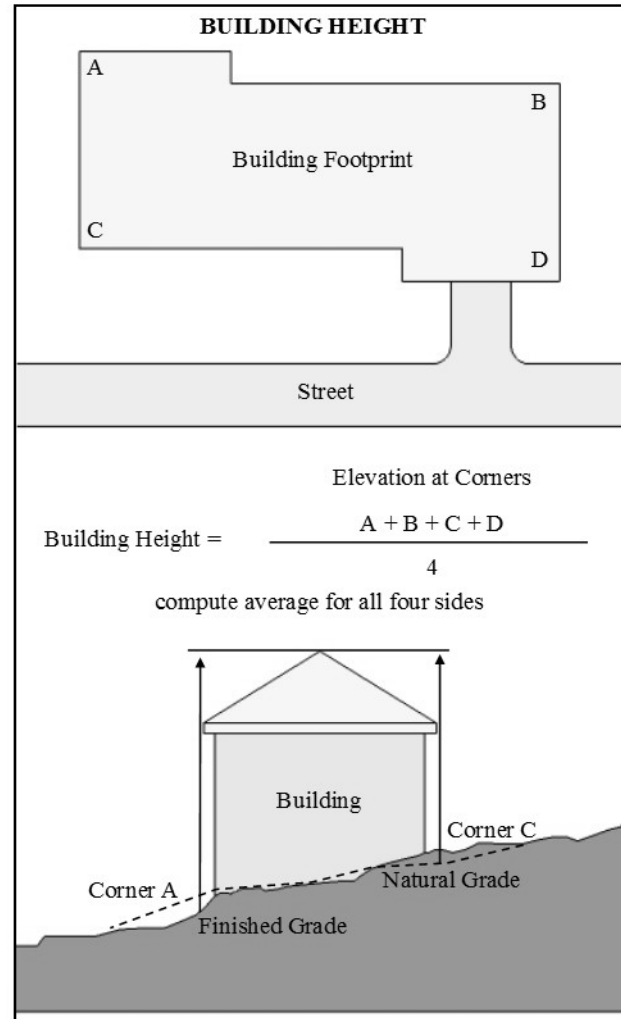
Commercial uses which generally require locations on or near major thoroughfares and which tend, in addition to serving day to day needs of the community, to supply the more durable and permanent needs of the community.

### 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.

### 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.





### **Cabins, Cottages**

Detached buildings used for recreation purposes and not designed for year round occupancy.

### **Cemetery**

Property used for the interring or burying of the dead.

### **Child Day Care Center**

Any commercial building, residential building, or other building or place administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption, for any part of the twenty-four hour day in a building, place, or residence other than the child's own home, including Type A & Type B home daycares as regulated and defined by Ohio Department of Job and Family Services (OAC [Chapter 5101:2](#)).

### **Church**

A building or group of buildings that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

### **Club**

The place where members of a local chapter of an association or a fraternal, cultural, or religious organization hold their meetings and activities.

### **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:

1. The creation of functional and interesting residential areas.
2. The provision of readily accessible recreation areas and open space.
3. The conservation of the natural amenities of the landscape.

### **Commercial**

Same as "[Business](#)".

### **Commercial Amusement Enterprise**

An establishment, indoors or outdoors, engaged in providing short-term amusement activities for a fee. Such activities would include arcades, game rooms, splash parks, water slides, go carts, bumper boats, mini golf, ice skating rink, batting cages, laser tag, paintball, jump houses (trampoline or inflatable), amusement rides, circuses, petting or drive-thru zoo's and the like.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **Conversion**

The changing of the original purpose of a building to a different use.

### **Crematory**

A building or structure housing a furnace used for reducing a dead body to ashes by the action of fire.

**Cul-de-sac**

A street of short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.

**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.

**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.

**Distillery**

A large-scale facility for distilling of spirits and liquor, including wine, for sale on the premises, as well as for off-site sales and distribution, that produces more than 50,000 proof gallons annually and may include restaurant/bar space, tasting or retail space.

**Distribution or Logistic Center**

A use where goods are received and/or stored for delivery to the ultimate customer or user at a remote location.

**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.

**Dwelling/Dwelling Unit**

A building, or portion thereof, designed, used, and intended to be used exclusively for permanent residential occupancy and excluding units designed for transients, recreational vehicles, and vehicles or residences designed to be moved. A manufactured home shall be considered a dwelling as specified in Article 4 of this Resolution. Overnight rental and occupancy of dwelling units for periods of less than thirty (30) days shall be prohibited, except in the "L" District.

**Dwelling/Multi-Family**

A building, or portion thereof, designed, used, and intended to be used for permanent occupancy by three (3) or more families living independently of each other, only and always used by the same occupants, for a continual period of not less than thirty (30) days. Condominiums shall be considered multi-family dwellings. Overnight rental and occupancy of condominium/ multi-family dwelling units for periods of less than thirty (30) days shall be prohibited, except in the "L" District.

**Dwelling/One-Family**

A detached building designed for occupancy by one (1) family, only and always used by the same occupants, for a continual period of not less than thirty (30) days. Overnight rental and occupancy of dwelling units for periods of less than thirty (30) days shall be prohibited, except in the "L" District.

**Dwelling/Two-Family**

A building designed for occupancy by two (2) families, living independently of each other, only and always used by the same occupants, for a continual period of not less than thirty (30) days. Overnight rental and occupancy of dwelling units for periods of less than thirty (30) days shall be prohibited, except in the "L" District.

**Easement**

Authorization by a property owner for the use by another party, and for a specific purpose, of any designated part of his property

**Entertainment Facility**

A facility where any act, play, revue, pantomime, scene, dance act, or song and dance act, or any combination thereof, performed by one or more persons whether or not they are compensated for the performance.

**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.

**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.

**Financial Institution**

Establishments engaged in deposit banking. Financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.

**Fishing Business**

An establishment primarily engaged in providing opportunity for fishing including the sale of related products.

**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.

**Floor Area**

The sum of the gross horizontal area of all floors of a building, measured as a square footage, from the exterior faces of exterior walls or from the center line of party or common walls separating two buildings. Floor area shall include:

1. The area of attics when finished and habitable for residential, commercial, or industrial purposes with a valid certificate of occupancy; and
2. Elevator shafts, stair wells, and closets on each floor; and
3. Any covered, roofed-over space such as a garage or carport for off-street parking attached to the principal structure, including roofed enclosed or unenclosed porches, breezeways, patios, decks, interior balconies, and mezzanines.

The following shall be excluded when calculating floor area:

1. Attic space providing structural head room of less than 7 feet; and
2. Basements or cellars
3. Open, uncovered steps, terraces, patios, decks, balconies and porches; and
4. Any portion of the building that would otherwise be included in the floor area but encroaches over a property line onto an adjacent parcel or road right-of-way.

**Food Processing**

The preparation, storage, or processing of food products including bakeries, dairies, canneries, or other similar businesses.

**Foundry**

An establishment employing the art, process or act of casting materials.

### **Funeral Home**

A building or part thereof used for human funeral services and which may include space for the embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns and other related supplies, the storage of funeral vehicles, facilities for cremation, chapels and other related uses.

### **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.

### **Garage, Private**

An accessory building or a portion of a principal building used for the parking or storage of vehicles.

### **Garage, Public**

A principal or accessory building other than a private garage used for the parking or storage of vehicles.

### **Garage, Service**

Buildings and premises where motor vehicle accessories may be supplied and dispensed including motor vehicle repair, but excluding automotive wrecking.

### **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.

### **Golf Driving Range**

A tract of land used for the practice hitting of golf balls.

### **Government Building**

A building or structure, owned and/or operated, by a political subdivision.

### **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.

### **Helipad/Heliport**

A designated area on the ground or a structure rooftop where a helicopter can take off or land.

### **Historic Site**

A structure or place of outstanding historical and cultural significance and designated as such by the county, state, or federal government.

### **Home Occupation**

A home occupation is the less intensive form of home-based business where the occupation is conducted in a dwelling unit, by the occupant(s) of the dwelling, as a secondary use in connection with that dwelling and there is no visible activity occurring from the property. (See Also "[Limited Home Based Business](#)")

### **Hospital**

A facility or institution classified as a hospital under [Section 3701.07](#) of the Ohio Revised Code providing inpatients diagnostic medical, obstetrical, psychiatric, rehabilitation care or surgical services for sick or injured persons primarily on an in-patient basis for a continuous period longer than twenty-four hours and including ancillary services for outpatient and emergency treatment, training, research, administration, and services to patients, employees, and visitors.

### **Hotel/Motel**

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

### **Indoor Theater**

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

### **Industrial Park**

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

### **Industrial Unit or Dwelling**

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

### **Institution**

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

### **Kennel**

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

### **Laboratory**

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

### **Landing Strip**

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

### **Limited Home Based Business**

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

### **Loading Berth or Space**

An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

## 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:

1. A single lot of record;
2. A portion of a lot of record;
3. 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.

## Lot Coverage

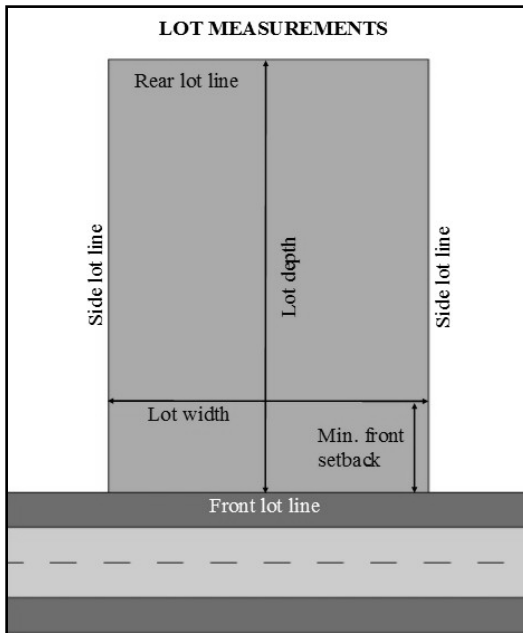
The ratio of the ground floor area (building footprint) of all buildings, principal and accessory, on a lot to the horizontally projected area of the lot, expressed as a percentage.

## 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](#).

## 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.



## Lot Measurements

A lot shall be measured as follows:

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

## Lot of Record

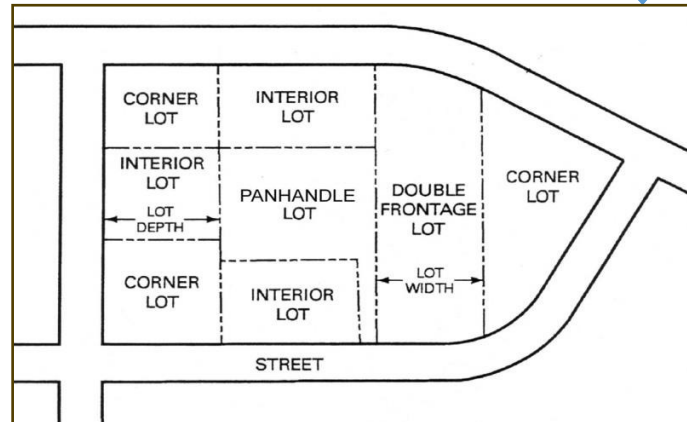
A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.



### Lot Types

Terminology used in this Resolution with reference to corner lots, interior lots, and through lots, (double-frontage lots) is as follows:

1. **Corner Lot:** a lot located at the intersection of two (2) or more streets.
2. **Interior Lot:** a lot with only one (1) frontage on a street.
3. **Through (Double-Frontage) Lot:** a lot other than a corner lot with frontage on more than one (1) street.



### 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.

### 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.

### 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.

### 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.

### 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.

### 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. Is also a facility for launching, mooring, berthing, storing or securing watercraft for primarily recreational use. A marina provides services to recreational watercraft and occupants thereof, including sanitary and other servicing and repair to watercraft while in or out of the water and the sale of fuel and supplies. A marina may provide food, goods, beverages, recreation and entertainment as accessory uses. This classification includes public and private docks, yacht clubs, and boat clubs. "Marina" does not include:

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



**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.

**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.

**Masseur or Masseuse**

Any individual who performs massages at a massage establishment.

**Medical Marijuana**

Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose and as defined and regulated in O.R.C. [3796](#) and any subsequent sections thereof. Further, per O.R.C. [5713.30\(A\)\(5\)](#) a tract, lot, parcel, or portion thereof on which medical marijuana, is cultivated or processed is not land devoted exclusively to agricultural use.

**Metal Stamping**

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

**Micro Brewery**

An establishment that is primarily used for the production of beer and ale and must include restaurant or bar space, tasking or retail space. The brewing operation processed the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any alcoholic beverage other than beer or ale. The brewery shall not produce more than 10,000 barrels of beer or ale per year.

**Micro Distillery**

An establishment that is primarily used for the production of spirits and liquor, including wine, in small quantities of a maximum of 52,000 cases or maximum of 50,000 proof gallons annually and must include a restaurant or bar space, tasking or retail space.

**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.

**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.

**Motel/Hotel**

See "[Hotel/Motel](#)".

**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.

**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.

### **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.

### **Nursery School**

See "[\*Child Day Care Center\*](#)".

### **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.

### **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.

### **Park**

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

### **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.

### **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.

### **Personal Services**

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

### **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.

### **Playground**

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

### **Printing Shop/Publishing**

A commercial facility where documents are impressed with ink or similar substance resulting in a permanent copy of something.

### **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.

### **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.

### **Public Community Facility**

Any facility owned and operated by a governmental agency for use by the general public.

### **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.

### **Quarrying**

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

### **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.

### **Recreation Facility**

A place designed and equipped for the conduct of sports and leisure-time activities. Said facilities do not include: racetracks for animals or motorized vehicles, motocross, supermoto, ATV's, tractor pulls, mud-runs, demolition derby or other noise producing off-roading vehicles, amusement parks or firing ranges.

1. **Recreation Facility, Commercial.** A recreation facility operated as a business and open to the public for a fee.
2. **Recreation Facility, Private.** A recreation facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.
3. **Recreation Facility, Indoor.** A commercial or private recreation facility that is operated inside of a completely enclosed structure or building.
4. **Recreation Facility, Outdoor.** A commercial or private recreation facility that is operated outside of a structure or building in the open air.

### **Recreational Vehicle**

Defined as and including the following:

1. **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.
2. **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.
3. **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.
4. **Folding Tent Trailer:** A canvas folding structure mounted on wheels and designated for travel and vacation use.
5. **Boats and Boat Trailers:** Includes boats, floats, rafts, personal watercraft, and the normal equipment required to transport the same on the highway.

### **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.

**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.

**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.

**Riding Stable**

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

**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.

**Rock Crusher**

Any piece of equipment used to pulverize or reduce to smaller particles rocks or stones.

**School**

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

**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.

**Sexual or Genital Area**

Includes the genitalia, pubic area, anus, perineum of any person, and the breasts of a female.

**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.

**Sign.**

See [Section 2.3](#) for all Sign Definitions

**Shop**

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

**Solar Farm or Field**

A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

**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.

### **Slaughter House**

An establishment where animals are butchered.

### **Specified Sexual Activities**

Includes any of the following:

1. The fondling or other erotic touching of human genital, pubic region, buttock, anus, or female breasts;
2. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
3. Masturbation, actual or simulated, or
4. Excretory functions as part of or in connection with any of the activities 1-3 above.

### **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.

### **Story**

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

### **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".

### **Structure**

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

### **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.

### **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.

### **Tavern/Night Club**

See [“Bar, Saloon, Tavern/Night Club”](#).

### **Telecommunication Tower**

“Wireless telecommunications facilities,” “telecommunications site,” and “personal wireless facility” are recognized as alternate terms. Any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria.

1. The freestanding or attached structure is proposed to be constructed on or after October 31, 1996.
2. The freestanding or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
3. The freestanding or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use.
4. The freestanding structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a freestanding structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
5. The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
6. The freestanding or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

### **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.

### **Townhouse**

Same as [“Dwelling, Multi-Family”](#).

### **Trailer Camp**

Same as [“Recreational Camp”](#).

### **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.

### **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.

### **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.

### **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.

### **Warehouse**

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

### **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.

### **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.

### **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.

### **Windmill, Low Impact**

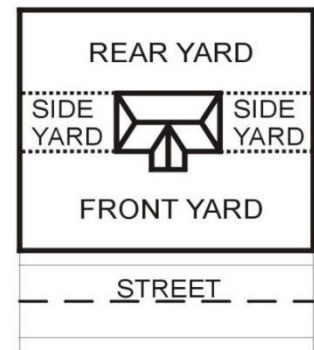
A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

### **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.

### **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.



### **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.

### **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.

### **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.

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**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.

**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.

**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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## SECTION 2.3

## SIGN DEFINITIONS

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### Abandoned Sign

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

### Animation

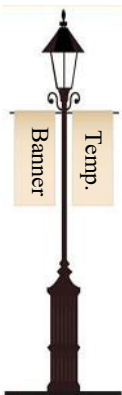
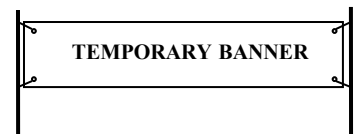
A sign depicting action, motion, light, or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display made from a series of drawings, computer graphics, or photographs of inanimate objects (such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

### Awning Sign

A sign painted on, printed on, or permanently attached flat against the surface of a canopy, marquee, or awning which is mounted onto a building and provides additional functionality as shelter. ([See Sign Graphic](#))

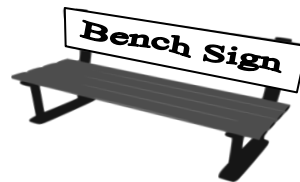
### Banner

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



### Bench Sign

A sign located on the back of a bench.



### Billboard

See "[Off-Premises Sign](#)".

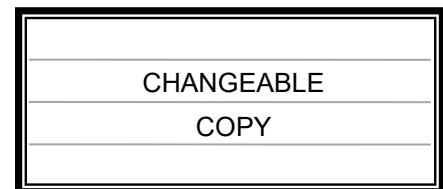
### Canopy

See "[Awning Sign](#)".

### Changeable Copy

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

1. **Manually Activated:** Signs whose informational content can be changed or altered by manual means with the placement of letters or symbols on a panel, mounted in or on a track system.
2. **Electrically Activated:** Signs whose informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. This includes LED signs.



### Channel Letter

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

### Commemorative Plaque

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

### Development Sign

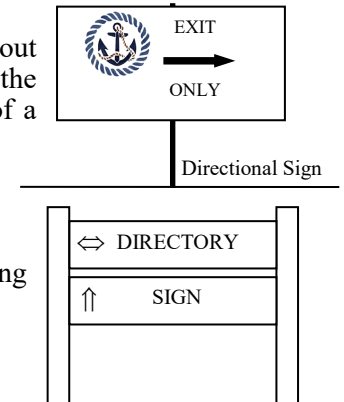
A temporary construction sign denoting the architect, engineer, contractor, subcontractor, financier or sponsor of a residential or commercial development which may also designate the future occupant or use of the development.

### Development Site

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

### Directional Sign

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



### Directory Sign

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

### Double Face Sign

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

### Electronic Message Centers

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

1. **Message Hold Time** - How long a single message is visible.
2. **Transition Method** (a.k.a. the "Frame Effect") - How the message transitions to another (fade, slide in, scroll, etc.) The visual effect used to allow one message to disappear while it is simultaneously being replaced by another.
3. **Transition Duration** - How long the Transition Method takes.

### Estimated Reproduction Value

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

### Ground Mounted Sign

A permanent sign placed upon or supported by the ground independent of any other structure, so that the bottom of the sign face area is less than 5 feet above grade. ([See Sign Graphic](#))

### Identification Sign

See "[On-Premises Sign](#)".

### Inflatable Device

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

### **Illegal Sign**

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

### **Illuminated sign, external**

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

### **Illuminated sign, internal**

An illuminated sign whose light source is concealed or contained within the sign.

### **Maintenance**

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

### **Nonconforming Sign, Legal**

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

### **Off-Premises Sign**

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

### **On-Premises Sign**

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

### **Permanent Sign**

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

### **Pole Sign**

A permanent sign that is mounted on a freestanding mono-pole or other support so that the bottom of the sign face area is 5 feet or more above grade. ([See Sign Graphic](#))

### **Projecting Sign**

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

### Real Estate Sign

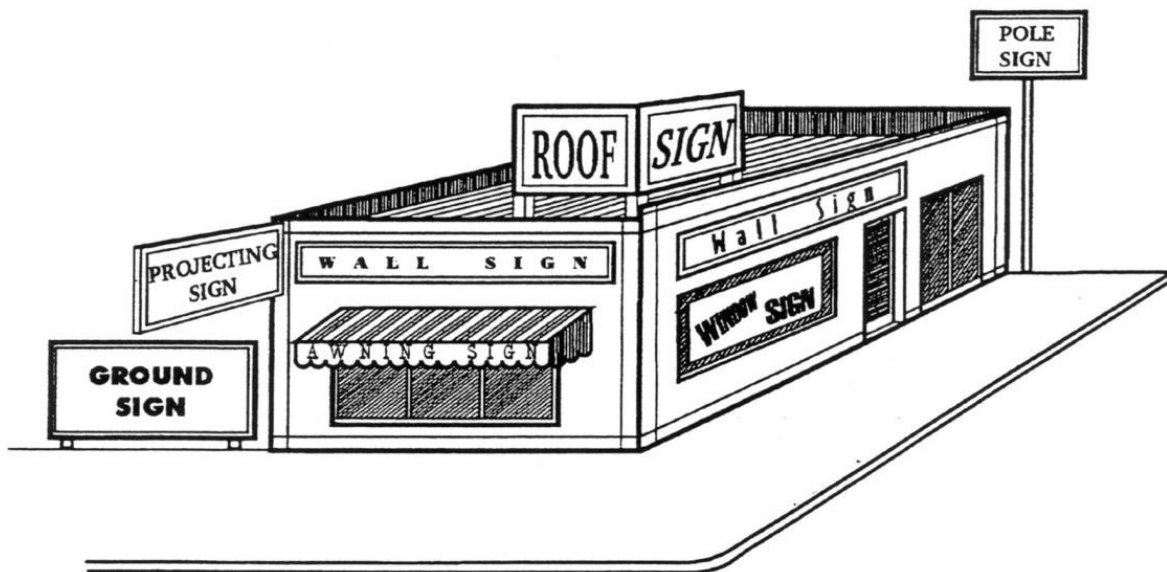
A temporary sign advertising the real property upon which the sign is located for rent, for lease, or for sale and providing the name and location of the owner or his agent.

### Roof Sign

A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eaves line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. ([See Sign Graphic](#))

### Sign

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



### Sign Area

Shall mean the surface of a sign to be included when computing the minimum or maximum allowable area of the sign as measured according to [Section 6.3.2](#).

### Sign Casing

The frame or portion of the sign structure that holds or supports the sign face/panel in place.

### Sign Copy

The words and/or message displayed on a sign.

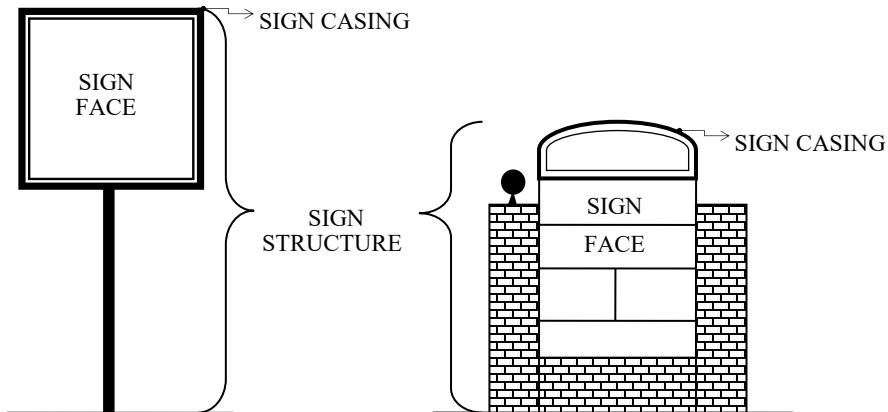
### Sign Face/Panel

Shall mean the area or display surface used for the message.

**Sign Height**

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

**Sign Structure**



**Snipe Sign**

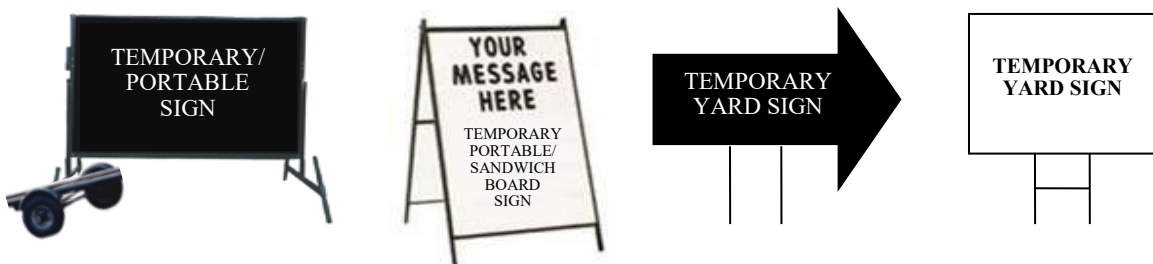
A sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects and which is located within the public right-of-way.

**Static**

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

**Temporary Sign**

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



**Traffic Control Signs**

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

**Wall Sign**

A permanent sign attached, fastened to or painted on the outside wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure. [\(See Sign Graphic\)](#)

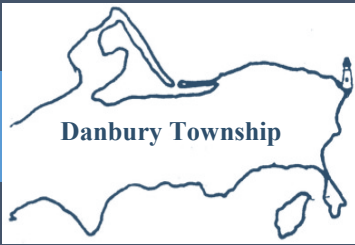
**Window Sign**

A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window. May be permanent or temporary. [\(See Sign Graphic\)](#)

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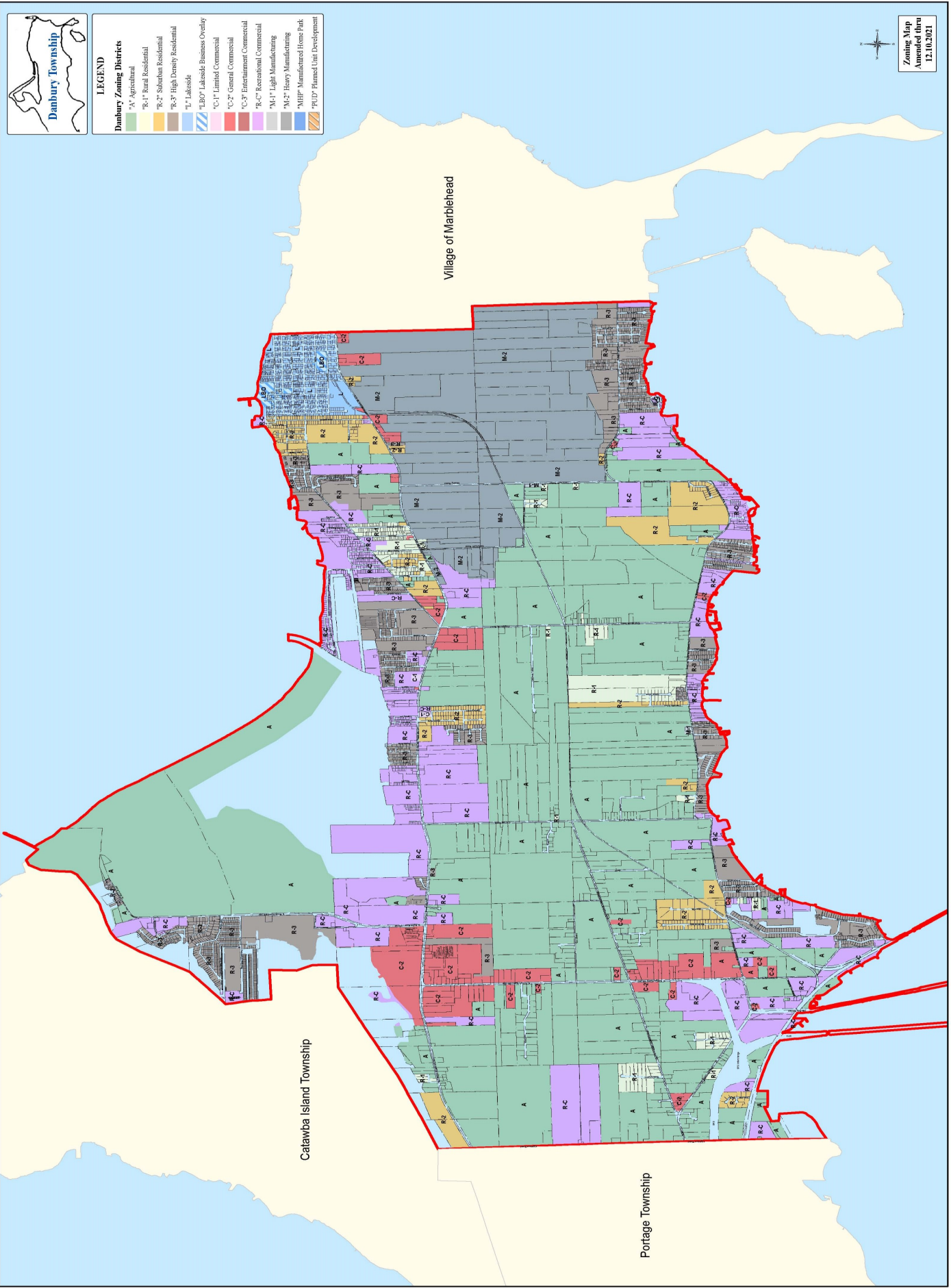




# Article 3: Zoning Districts

## **ARTICLE 3: ZONING DISTRICTS, DEVELOPMENT STANDARDS & USES**

- Sec. 3.1 Official Zoning Map
- Sec. 3.2 Boundaries
- Sec. 3.3 Districts Established & Purposes
  - Sec. 3.3.1 A Agricultural
  - Sec. 3.3.2 R-1 Rural Residential
  - Sec. 3.3.3 R-2 Suburban Residential
  - Sec. 3.3.4 R-3 High Density Residential
  - Sec. 3.3.5 L Lakeside
  - Sec. 3.3.6 LBO Lakeside Overlay District
  - Sec. 3.3.7 C-1 Limited Commercial
  - Sec. 3.3.8 C-2 General Commercial
  - Sec. 3.3.9 C-3 Entertainment District
  - Sec. 3.3.10 R-C Recreational Commercial
  - Sec. 3.3.11 M-1 Light Manufacturing
  - Sec. 3.3.12 M-2 Heavy Manufacturing
  - Sec. 3.3.13 MHP Manufactured Home Park
  - Sec. 3.3.14 PUD Planned Unit Development
- Sec. 3.4 Use Matrix
- Sec. 3.5 District Requirements



# Article 3: Zoning Districts

## **SECTION 3.1 OFFICIAL ZONING MAP**

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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.

## **SECTION 3.2 BOUNDARIES**

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1. 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 centerline 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.

## **SECTION 3.3 DISTRICTS ESTABLISHED & PURPOSES**

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

### **Sec. 3.3.1. A Agricultural**

### **Residential**

The purpose of the Agricultural district is to accommodate low density single-family, residential uses, while preserving the agricultural or rural nature of those areas of Danbury Township so designated in the Land Use Plan.

### **Sec. 3.3.2. R-1 Rural Residential**

### **Residential**

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

### **Sec. 3.3.3. R-2 Suburban Residential**

### **Residential**

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

### **Sec. 3.3.4. R-3 High Density Residential**

### **Residential**

The purpose of the High Density Residential district is to accommodate high density single, two, and multifamily residential uses in areas served by a community water supply and a community sanitary sewage treatment system.

**Sec. 3.3.5. L Lakeside**

**Residential**

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

**Sec. 3.3.6. LBO Lakeside Business Overlay**

**Business & Commercial**

The purpose of the LBO Lakeside Business Overlay District is to provide for retail sales, food services or other services involving an office or places of business frequented by clients or customers and is designed to accommodate the mix of residential, recreational, educational, and commercial uses therein. Where the property is classified in an overlay district (i.e. Lakeside Business Overlay District) as well as a general use district then the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying district. In the event of an express conflict between the standards set forth in the underlying district and the standards set forth in the overlay district, the standards set forth in the overlay district shall control. Aside from zoning regulations stated in this Resolution, other design regulations may be enforced by the Lakeside Association through its Historic Preservation and Design Review Board.

**Sec. 3.3.7. C-1 Limited Commercial**

**Business & Commercial**

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.

**Sec. 3.3.8. C-2 General Commercial**

**Business & Commercial**

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

**Sec. 3.3.9. C-3 Entertainment**

**Business & Commercial**

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

**Sec. 3.3.10. R-C Recreational Commercial**

**Business & Commercial**

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

**Sec. 3.3.11. M-1 Light Manufacturing**

**Industrial**

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

**Sec. 3.3.12. M-2 Heavy Manufacturing**

**Industrial**

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.

### Sec. 3.3.13. MHP Manufactured Home Park

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

### Sec. 3.3.14. PUD Planned Unit Development

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

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## SECTION 3.4 USE MATRIX

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

**1. Permitted Uses:**

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

**2. Conditional Uses:**

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

**3. Permitted with Conditions:**

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

**4. Prohibited Uses:**

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

**5. Unlisted Uses:**

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

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

	A	R-1	R-2	R-3	L	LBO	C-1	C-2	C-3	R-C	M-1	M-2	MHP	
Accessory buildings and uses	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">§5.2</a>
Adult oriented sexual business									C					<a href="#">§4.17</a>
Agriculture	P	P	P	P			P	P	P	P	P	P		
Airports	C						C	C			C	C		<a href="#">§4.1</a>
Automobile parts manufacturing and assembly												P		
Automotive repair								P			P	P		
Automotive Salvage or Wrecking												P		<a href="#">§4738</a>
Automotive service stations							P	P		P	P	P		
Automotive, manufactured home, recreational vehicle, and farm implement sales and service								P			P	P		
Banks & Financial Institutions							P	P		P				
Banquet Hall								P		P				
Bar, saloon, tavern/night club							P	P		P				
Beaches, commercial swimming pools							P	P		P				
Bed and breakfast	C	C	C	C	C	C				C				<a href="#">§4.2</a>
Brewery											P	P		

P = Permitted Use

C = Conditional Use

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

A	R-1	R-2	R-3	L	LBO	C-1	C-2	C-3	R-C	M-1	M-2	MHP
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Building material storage yards, sales										P	P		
Cement or cinder block manufacturing											P		
Cemeteries	P	P	P	P	P		P	P	P	P	P		
Churches or other places of worship	P	P	P	P	P	P	P	P		P			
Child day-care centers	C	C	C	C			P	P		P&C			<a href="#">§4.3</a>
Clubs	C							C		C			<a href="#">§4.4</a>
Cluster housing communities			C	C									<a href="#">§4.5</a>
Commercial Amusement Enterprises										C			<a href="#">§4.6</a>
Commercial shipping and docking facilities											P	P	
Composting facility	P											P	
Continuing Care Retirement communities, nursing homes			C	C			C	C					<a href="#">§4.8</a>
Contractors establishments including construction firms											P	P	
Distillery											P	P	
Distribution or Logistic Center											P	P	
Drive-in restaurants								P					
Drive-in theaters								C	P				<a href="#">§4.9</a>
Entertainment facility						P							
Fishing, private or commercial and related business								P		P			
Flea markets								C	C		C		<a href="#">§4.10</a>
Funeral Home								P		P			
General businesses								P					
Golf courses	C									P			<a href="#">§4.4</a>
Golf driving range and miniature golf						P		P		P			
Government buildings	P	P	P	P	P		P	P		P			
Grocery Stores						P		P		P			
Historic sites	P	P	P	P	P	P	P	P		P			
Home Occupations	P	P	P	P			P	P		P			<a href="#">§4.11</a>
Hospitals							C	C					<a href="#">§4.12</a>
Hotel, motel						P		P		P			
Indoor theaters						P		P	P				



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



	A	R-1	R-2	R-3	L	LBO	C-1	C-2	C-3	R-C	M-1	M-2	MHP	
Industrial establishments manufacturing or assembling: small metal products, clothing, drugs and medicines, electrical equipment, glass products, furniture and wood products, the assembly of finished equipment											P	P		
Industrial parks											P			
Kennels, Veterinary Clinic, Animal Hospital	C							C						
Laboratory (Research & Development)								P		P	P	P		
Landing strip	C						C	C			C	C		
Limited home-based business	C	C	C	C			C	C		C				<a href="#">§4.11</a>
Manufactured home park													P	
Manufactured homes	P	P	P	P			P	P		P				<a href="#">§4.13</a>
Marinas, boat launching, docking facilities										P				
Medical marijuana, cultivation, processing and dispensaries														
Micro Brewery							P	P		P				
Micro Distillery							P	P		P				
Mini-warehousing								P			P	P		
Multi-family including condominiums			C	C			C	C		C				<a href="#">§4.7</a>
Neighborhood business						P	P			P				
Nurseries or greenhouses	P										P	P		
One-family dwellings	P	P	P	P	P	P	P	P		P				
Parking area, lot					P	P								
Personal services						P	P	P		P				
Printing shops/publishing								P			P			
Professional activities including doctors, dentist, attorney, etc.						P	P	P		P				
Propane storage facility											P			
Public community facilities	P	P	P	P	P		P	P		P				
Public parks and playgrounds	P	P	P	P	P	P	P	P		P				
Quarrying												P		
Recreation facility, outdoor						P		C		C	P			<a href="#">§4.14</a>
Recreation facility, indoor						P		P		P	P			
Recreational businesses						P		C		C				
Recreational camp										C				<a href="#">§4.15</a>

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

A	R-1	R-2	R-3	L	LBO	C-1	C-2	C-3	R-C	M-1	M-2	MHP
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Resorts									C				<a href="#">§4.16</a>
Restaurant						P	P	P	P				
Riding stable	P								P				
Roadside stands for the sale of agriculture and related products	P						P	P	P				
Rock crushers											P		
Schools, public and private	P	P	P	P	P	P	P		P				
Solar Farm or Field	C							C		C	C		<a href="#">§4.18</a>
Storage areas on property being used for boat sales and service								P	P	P	P		
Storage areas, which includes buildings just for storage or in relation to repair, and services								P	P	P	P		
Telecommunication Towers	C	C	C	C								C	<a href="#">§4.19</a>
Temporary building/structure/use	P&C	P&C	P&C	P&C			P&C	P&C		P&C	P&C	P&C	<a href="#">§4.20</a>
Two-family dwellings		C	P	P	C	C	C	C	P				<a href="#">§4.7</a>
Wholesale business and warehousing activities								P		P	P		
Wind Farm, Small	C										C		<a href="#">§4.21</a>
Windmill, high impact										C	P		<a href="#">§4.22</a>
Windmill, low impact	P	C					C	C		C	P		<a href="#">§4.23</a>

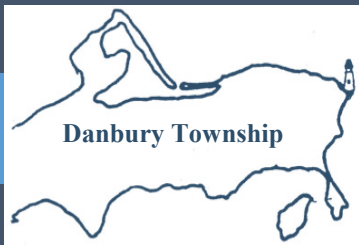
**SECTION 3.5**

**DISTRICT REQUIREMENTS**

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

District	Minimum Lot Size	Min. Lot Width	Min. Lot Depth	Max. Lot Coverage	Setbacks **			Max. Bldg. Height	Min. Bldg. Width
					Front	Side	Rear		
A Agricultural	1 acre	150'	120'	30%	50'	20'	40'	35' (30' to eaves)	20'
R-1 Rural Residential	20,000s.f. (one family)	100'	120'	35%	40'	15'	35'	35' (30' to eaves)	20'
	25,000s.f. (two family)								
R-2 Suburban Residential	12,000s.f. (one family)	80' (one family)	120'	40%	35'	10'	35'	35' (30' to eaves)	20'
	16,000s.f. (two family)	100' (two family)							
R-3 High Density Residential	7,000s.f. (one family)	60' (one family)	120'	40%	25'	5' (one family)	25'	35' (30' to eaves)	20'
	8,400s.f. (two family)	70' (two family)				8' (two family)			
L Lakeside	Existing lots of record	Existing lots of record	Existing lots of record	55%	<b>Inside the Gates</b>			30' (25' to eaves)	20'
					0'	0'	0'		
					<b>Outside the Gates</b>				
LBO Lakeside Business Overlay	Existing lots of record	Existing lots of record	Existing lots of record	55%	5'	3'	3'	45' 40' to eaves)	20'
					0'	0'	0'		
					<b>Adjoining Residential</b>				
C-1 Limited Commercial	Not specified	Not specified	120' (for Residential)	60%	40'	10'	15'	35' (30' to eaves)	20' (for Residential)
					<b>Adjoining Residential</b>				
C-2 General Commercial	Not specified	Not specified	120' (for Residential)	60%	50'	10'	15'	35' (30' to eaves)	20' (for Residential)
					<b>Adjoining Residential</b>				
						15'	25'		
C-3 Entertainment Commercial	20,000s.f.	100'	100'	60%	70'	10'	25'	35' (30' to eaves)	Not specified
					<b>Adjoining Residential</b>				
						25'	25'		
R-C Recreational Commercial	Not specified	Not specified	120' (for Residential)	60%	40'	10'	25'	35' (30' to eaves)	20' (for Residential)
					<b>Adjoining Residential</b>				
						15'	25'		
M-1 Light Industrial	1 acre	150'	120'	75%	75'	15'	25'	40'	Not specified
					<b>Adjoining Residential</b>				
						25'	40'		
M-2 Heavy Industrial	1 acre	150'	120'	75%	100'	20'	25'	40'	Not specified
					<b>Adjoining Residential</b>				
						40'	40'		
MHP	10 acres	200'		Not specified	Not specified	Not specified	Not specified	30'	Not specified

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# Article 4: Use Standards

## **ARTICLE 4: USE STANDARDS**

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

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# Article 4: Use Standards

It is recognized that an increasing number of new types 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. This Article outlines the additional standards some permitted uses listed in [Article 3](#) must follow in order to be approved administratively. Conditional Uses listed in [Article, Section 3.4](#) must also following these standards, but are subject to review by the Board of Zoning Appeals in accordance with [Article 7, Section 7.11](#).

## **SECTION 4.1 AIRPORTS/ HELIPAD/ LAND STRIPS**

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Any airport, helipad or landing strip shall be subject to all Federal and State Regulations. Any application for an airport, helipad or landing strip shall include a site plan illustrating the development plan for the said airport, helipad or landing strip, including but not limited to, the location of all proposed structures, runways, towers, landing areas, as well as elevations of all proposed structures. The site plan shall also identify the location of all structures adjoining, or adjacent to, the perimeter boundary of the proposed airport, helipad or landing strip development site. The Township may call upon any regulating Federal or State Agency to have a representative provide or present any information they find necessary related to the regulations of an airport, helipad or landing strip prior to rendering a decision on the Conditional Use request.

## **SECTION 4.2 BED AND BREAKFAST INN**

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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.

## **SECTION 4.3 CHILD DAY-CARE CENTER**

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The following conditions shall be met for child day-care centers:

1. An application for a conditional use must be filed in the A, R-1, R-2, R-3 and within residential neighborhoods or recorded subdivisions of the R-C zoning districts, with the Board of Zoning Appeals including a site plan and a fee as established by the Board of Township Trustees.
  - A. A child day-care center in the R-C district, that is not located in a residential neighborhood or recorded subdivision, is not required to be operated as a limited home-based business, or be approved by the Board of Zoning Appeals as a Conditional Use, but all other applicable requirements herein shall be satisfied.
2. The building in which a child day-care center is established, including a Type A or Type B home daycare, shall be residential in character.
3. Any child day-care center operated as a Type A or Type B home daycare shall meet the requirements of a limited home-based business as listed in [Section 4.11](#), with the exception of the floor area.

4. Any toys or outdoor play equipment shall be kept in an orderly fashion.
5. Outdoor play yards shall only be permitted in the side or rear yards and follow the accessory building setbacks established in [Section 5.2](#).
6. A copy of any required licenses for such operation shall be provided to the Township Zoning Inspector and kept with the Board of Zoning Appeals case.

#### **SECTION 4.4 CLUBS, PRIVATE & PUBLIC, GOLF & COUNTRY CLUBS AND LODGES OPERATED BY EDUCATIONAL, SOCIAL OR FRATERNAL ORGANIZATIONS**

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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. **Parcel Size:** Adequate lot areas shall be provided for the use contemplated in order to meet all of the requirements of the regulations herein.
  - B. **Setbacks:** 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. Any softball, baseball, soccer or football field, tennis court, structured play area shall be 45' from an adjoining residential property. All parking areas, including access lanes shall be setback 20' from any property line.
  - C. **Parking:** Parking shall be provided as required in [Article 5, Section 5.10](#).
  - 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.

#### **SECTION 4.5 CLUSTER HOUSING COMMUNITY**

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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:

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

8. **Streets:** All streets within the cluster housing community shall meet the requirements of the County Engineer and shall be dedicated to the use of the public and accepted by the Township Trustees for maintenance, unless a street connects only to an existing private street.
9. **Building Height:** Maximum building height shall be thirty-five (35) feet.
10. **Preliminary Site Development Plan:** The applicant shall submit a preliminary site development plan for approval by the Board of Zoning Appeals.  
This plan shall include the following information:
  - A. Name of the development, and the name, address, and telephone number of the owner, the developer, and the engineer, architect and other individuals assisting in the preparation of the site plans, date, north point, and scale;
  - B. Zoning classification of the site and other surrounding properties.
  - C. Location and use of all proposed buildings, including setback lines and yard areas.
  - D. Statement of the average net residential density and the number of dwelling units to be contained in the total tract, and, where applicable, in each stage thereof.
  - E. Proposed general grading and/or other methods to be used for adequate drainage control.
  - F. Location of all public and private streets, roads, or highways.
  - G. Proposed sanitary sewers, storm sewers and central water utilities, showing their connections with the existing system.
  - H. Contour lines sufficient to define the topography of the site.
  - I. The dimensions and bearings of the property lines, site acreage and legal description of the property.
  - J. A vicinity map showing the location of the property in relation to existing streets and roadways.
11. **Final Site Development Plans:** After the preliminary site plans have been approved, the final site development plans may be submitted for approval. The final site development plans shall be prepared and sealed by a professional engineer registered in the State of Ohio. The final site development plans shall contain the following:
  - A. All of the items required on the preliminary site plans and all additional criteria, amendments, and revisions required by the Board of Zoning Appeals drafted in the form of construction drawings. Construction drawings for site improvements shall include detailed sanitary sewer, waterline, storm drainage and roadway plans, and a site grading plan.
  - B. A staged development plan if applicable.

12. **Staged Developments:** Developments larger than six (6) acres may be constructed in stages. A stage shall be at least three (3) acres in size. Each stage shall be submitted for approval and shall contain all the requirements listed herein.
13. **Amendments:** Amendments to the final plans may be sought by the applicant in accordance with the procedures required by this article for the original approval subject to the same limitations and requirements as those under which final plans were originally approved.
14. **Time Limitations:** Approval by the Board of Zoning Appeals shall expire after a period of one (1) year from the date of approval of the final plans, for the entire site or any particular stage, whichever is applicable.
15. Approval by the Danbury Township Board of Zoning Appeals for a cluster housing community has no impact upon Ottawa County's review of the proposed development. The requirements of the Ottawa County Subdivision Regulations shall be met, if appropriate. Prior to finalizing any conditional use action, this review and approval by Ottawa Regional Planning must be obtained.

## **SECTION 4.6 COMMERCIAL AMUSEMENT ENTERPRISES**

The following requirements shall be met:

1. **Size.:** Minimum of 2 acres on a non-residentially platted, subdivision lot.
2. **Setbacks:** Shall be the same as underlying zoning district setback requirements, including all ancillary structures or uses, with the exception of a side or rear-yard abutting a residentially zoned property, which shall then be required to be setback 25' feet.
3. **Parking/Traffic Plan:**
  - A. The applicant shall submit a parking and traffic circulation plan.
  - B. Said plan shall delineate the parking requirements for each use on the property, as outlined in [Article 5](#) of the zoning resolution, and their respective locations.
  - C. All parking spaces, including access lanes shall be setback 10' from any property line.
4. **Development:**
  - A. Such Commercial Amusement Enterprise establishment may be seasonal, but shall not be a temporary establishment or operate primarily from a temporary building or structure, including ancillary uses.
  - B. No outdoor lighting shall be permitted other than basic security lighting.
  - C. The BZA may require portions of the site with high activity areas to be screened by a fence having a maximum height of 7 feet.
  - D. Speaker systems, music, or any other discernable sounds coming from the site may be subject to the Township Noise Resolution.
  - E. Building elevations shall also be included on the plan, along with indication of materials to be used.
5. **Trash Receptacles:** An area shall be set aside for the purpose of trash and garbage receptacles. Such receptacle area shall be properly screened and maintained.
6. **Buffering:** A landscape and buffering plan shall also be incorporated as part of the site plan or submitted as a separate sheet and reflect landscaping within all required lot setbacks.

**SECTION 4.7 CONDOMINIUMS/ MULTI-FAMILY HOUSING DEVELOPMENT**

1. An application for a conditional use must be filed with the Board of Zoning Appeals including plans of the proposed condominium/multi-family housing development and a fee as established by the Board of Township Trustees. The requirements of [Section 7.5.3.C](#) of this resolution shall be met.
2. **Condominium/Multi-Family Housing Development Requirements:** All condominium/multi-family housing developments shall meet the following requirements:
  - A. **Condominium/Multi-Family Housing Development Lot Area:** Minimum area of not less than 1 acre per condominium/multi-family housing development/condominium declaration is required. The minimum lot area per dwelling shall be twenty thousand (20,000) square feet for the first unit and six thousand (6,000) square feet for each additional unit in the “R-3”, “C-1”, “C-2” and “R-C” districts and twelve thousand (12,000) square feet for each additional unit in the “R-2” district for each condominium/multi-family housing development/condominium declaration. Measurements of lot area shall be made to the street right-of-way line, and to the low water mark in cases where the lot fronts on Lake Erie or Sandusky Bay.
  - B. **Lot Width and Depth:** Condominium/multi-family housing developments shall have a minimum lot width of one hundred feet and a minimum depth of one hundred and twenty-five (25) 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 5.7](#). 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
One	1,000 sq ft		800 sq ft		
1 & 1/2	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, Section 5.10](#) 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.

**SECTION 4.8 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 (8) 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 Size:** 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. **Building Height:** 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 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.

## **SECTION 4.9 DRIVE-IN THEATER**

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The following requirements shall be met:

1. No screen shall be located or oriented in such a way so that the images projected on the screen are visible to persons driving on any road, street, or highway located within a radius of one-third mile from the theater screen.
2. Per [ORC 505.171](#), the owner or operator of a drive-in theater shall be required to construct and maintain a fence, wall, or tangible barrier or install landscaping and vegetation which shall, to the maximum extent practicable, in relation to the topography of the site and location of the screen, conceal or obscure obscene or X-rated images projected on the screen from the ordinary view of persons driving on any road, street, or highway located within a radius of one-third mile from the theater screen.
3. Per [ORC 505.171](#), the Township Police Chief, or his duly appointed officer shall inspect each drive-in theater located in the township; furnish the owner or operator thereof with a copy of the regulations adopted pursuant to divisions (1) and (2) of this section; and notify in writing the owner or operator if he finds there is a violation of the regulations.
  - A. Whoever violates any regulation adopted pursuant to division (2) or (3) of this section is guilty of a minor misdemeanor.
4. **Size:** Minimum of 5 acres.
5. **Setbacks:** All support structures to the operation of a drive-in theater (i.e. concession stand, ticket booth, restrooms) are subject to the underlying zoning district setback requirements. A side or rear-yard abutting a residentially zoned property, such structures shall be setback 40' including all drives and vehicle parking spaces. The movie screen shall be 100' feet from any road right-of-way.
6. **Access:** There shall be a minimum of two points of access in and out of the theater viewing area. Access drives from the main road to the point of gate entry into the theater viewing area shall have a minimum right-of way of 30 feet.

## **SECTION 4.10 FLEA MARKETS**

The following requirements shall be met:

1. **Size:** Minimum of 5 acres.
2. **Setbacks:** All vendor stands, displays and support structures to the operation of a flea market, are subject to the underlying zoning district setback requirements, with the exception of a side or rear-yard abutting a residentially zoned property, which shall then be required to be setback 40' feet, including all drives and vehicle parking spaces.
3. **Access:** There shall be a minimum right-of way of 40' for the main entry of the flea market.
4. Set-up for the flea market shall not start more than 72 hours prior to the event and shall be completely removed within 48 hours after the event.
  - A. Upon completion of the event, the site shall be cleaned of trash and debris, and all evidence of the vendor stands, displays and support structures to the operation of a flea market removed.
5. A site plan shall be submitted showing the location of all vendor stands, tents, or other portable uses and equipment, and the parking arrangements.
  - A. Ample space shall be provided to allow fire and police emergency access throughout the flea market, however, general vehicular access throughout the market should be limited.
6. Any vendor stands or displays in need of temporary electric connections must also contact the Ottawa County Building Department.
7. No temporary tent shall exceed six-hundred (600 sq.ft.) square feet and the Ottawa County Building Department shall be contacted to determine if permits are required by that agency.

## **SECTION 4.11 HOME OCCUPATIONS & LIMITED HOME BASED BUSINESSES**

The purpose of home occupation regulations is to permit residents an opportunity to use their homes as a place of livelihood. While permitting such uses in homes, it is important to protect adjacent residential areas from any adverse impacts caused by activities associated with the home occupation. The limitations in this section are designed to assure compatibility between the home occupation and neighboring properties, while retaining the residential character of the building in which the home occupation is conducted.

Two separate forms (levels) of home occupation businesses exist in accordance with the provisions below:

1. **Home Occupation:** A Home Occupation is the less intensive form of home-based business where the operation is conducted entirely by the resident(s) of the home and there is no advertising contained on the interior or exterior of the structure or property. The business does not generate traffic or other persons visiting the home. The specific requirements for a Home Occupation are contained below.
  - A. Home Occupations are a permitted use in any residential structure containing a legal residential use, regardless of zoning district.
  - B. No one other than those persons residing on the premises shall be employed, commissioned or engaged in the home occupation activity.
  - C. There shall be no signage placed on the building or anywhere on the property indicating the business activity.
  - D. An accessory structure may be utilized for hobby-type occupations that involves the use of machinery for metal working, painting, wood-working or the like.
    - i. A maximum of 25 percent of the accessory structures floor area may be utilized for such occupation.
    - ii. Such accessory structure shall not be utilized for a hobby-type occupation if it is the required parking space for the principle use.
  - E. The operation shall not generate customers, clients or other individuals coming to the home and shall not generate an unreasonable quantity of traffic compared to what would normally be seen on the street.
  - F. A permit for a Home Occupation is not required. However, if the Zoning Inspector finds that any of the above provisions are being violated, the owner may be subject to a citation or requested to submit for a Limited Home Based Business Permit.



2. **Limited Home-Based Business:** A Limited Home-Based Business is the more intensive form of a home occupation where there may be involvement by residents of the home and one or more persons living outside the home. The occupation may advertise on the property, and may generate some additional traffic in the neighborhood. The specific requirements for a Limited Home Based Business are contained below.
  - A. Limited Home Based Business is a Conditional Use in any residential structure containing a legal residential use, regardless of zoning district.
  - B. Persons residing in the premises shall be engaged in the business activity.
  - C. Not more than one (1) person, other than resident(s) of the home in which the operation will be conducted shall be engaged in the operation. The Board of Zoning Appeals may at its sole discretion allow more than one person outside the home to be engaged in the business if it can be shown that the engagement of the additional individual(s) in the operation will not adversely affect the surrounding neighborhood and can be adequately accommodated in regard to on-site parking.
  - D. Any operation to be conducted on the premises should be restricted to those types of occupations where customers can be scheduled for appointments rather than just being open generally to the public as walk-in traffic.
    - i. Licensed Type A & B daycare is exempt from the visitor requirement.
  - E. The operation shall occupy a maximum of forty (40%) percent of the floor area of the residence, including storage.
  - F. Signage is permitted in accordance with [Article 6, Section 6.4](#) of this resolution.
  - G. The use of accessory buildings, including attached and detached garages is prohibited. The Board of Zoning Appeals, at its sole discretion, may allow the use of these types of structures upon request by the applicant in such cases where the applicant can demonstrate to the Board that such use is not detrimental to the inhabitants of the subject property or the surrounding neighborhood, and where the applicant can demonstrate as part of their application, that the use of such structures can be undertaken in compliance with all applicable Township, State or Federal codes.
3. **General Requirements for both a Home Occupation and Limited Home-Based Business:**
  - A. Such use is not objectionable due to noise, hours of operation, traffic generated, or hazardous, or noxious process, odors, vibrations, glare, fumes or electrical interference detectable outside of the dwelling unit or off of the lot.
  - B. The exterior appearance of the building may not be altered for the purpose of accommodating the home occupation in a manner that is inconsistent with the residential character of the building.
  - C. No materials, commodity or stock in trade shall be sold, displayed or stored outside.
  - D. No separate or private entrance from the outside of the principal building shall be used to serve only the Home Occupation.
  - E. The operation of the home based occupation must be conducted entirely within the main residential structure and may not be conducted outside the principal use in the yard, driveway or in any accessory building or structure, unless otherwise provided herein.
  - F. Where there are two or more dwelling units attached, the calculation of the total floor area shall be limited to the area of the dwelling unit in which the occupation will be located.
4. **Prohibited Home Occupations & Limited Home-Based Businesses:**
  - A. Those that serve as a gathering point for employees engaged in the business operation that takes place off the premises. This may include, but it is not limited to, landscape and/or lawn care business offices, construction offices, or a business where drivers or employees gather at the before being dispatched from the home for the purposes of the home occupation.
  - B. Operations that require fire safety inspections, permits or other regulatory inspections and permits.
  - C. Operations involving biohazard materials or hazardous waste that poses substantial or potential threats to public health or the environment.
  - D. Operations that require the use of mechanical ventilation systems to exhaust the by-products of the home occupation.
  - E. Operations that involve the use of controlled substances.
  - F. Any operation that is specifically listed as a Conditional Use of this zoning resolution.

## **SECTION 4.12                      HOSPITALS**

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The following requirements shall be met:

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

## **SECTION 4.13                      MANUFACTURED HOMES**

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

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



## **SECTION 4.14                      OUTDOOR RECREATIONAL FACILITIES**

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The following requirements shall be met:

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

## **SECTION 4.15                      RECREATIONAL CAMP**

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1. An application for a conditional use must be filed with the Board of Zoning Appeals including the plans for the proposed camp and a fee as established by the Board of Township Trustees.
2. **Camp Requirements:** All camps shall meet the following requirements:
  - A. **Size.** Minimum of 10 acres.
  - B. **Width and Depth:** Minimum width of 200 feet; ratio of width to depth shall not exceed one to five (1:5).
  - C. **Yard:** Minimum required front yard of 70 feet; minimum required side yards of 45 feet each side; minimum required rear yard of 60 feet. If either side yard abuts a public or private right-of-way, the minimum required yard shall be 55 feet. The first 20 feet of each required yard setback shall be composed of a green planting strip (buffer zone).
  - D. **Access:** Shall be provided into the camp with a minimum right-of way of 50 feet. Marginal access roads may be required if deemed necessary by the Board of Zoning Appeals.
  - E. **Streets:** Shall have a minimum right-of-way of 20 feet; all streets shall be all-weather roads. Streets may be placed within the yard setback but not within the buffer zone.
  - F. **Recreation and Open Space:** 25 percent of the gross camp area shall be reserved for such uses excluding yards, camp sites, buffer zones, submerged lands, and streets.

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

## **SECTION 4.16 RESORT**

The following requirements shall be met:

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

## **SECTION 4.17 CONDITIONS FOR OPERATION OF A SEXUALLY ORIENTED ADULT BUSINESS**

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

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

## **SECTION 4.18 SOLAR FARM OR FIELD**

The following conditions shall be met for a solar farm:

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

## **SECTION 4.19 TELECOMMUNICATION TOWERS**

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

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

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

B. Any person who plans to construct a telecommunications tower within one hundred feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence, stating information specified in Section (A) above. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice.

C. Written notice to the Board of Township Trustees of the information specified in Section (A) above. The notice to the Board also shall include verification that the person has complied with the notification requirements of this Section.

## 2. **Responses to Notification:**

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

B. If the Board of Township Trustees receives no notice under Section (1) within the time prescribed by that division or no Board member has an objection as provided under Section (1) within the time prescribed by that division, the tower shall be permitted as-of-right pursuant to the applicable sections of this Resolution.

## 3. **Procedures when Objections are Filed:**

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

A. A map showing the location of all of the applicant's and other providers' existing telecommunications towers and antennas within the Township and contiguous political subdivisions or within a 3-mile radius, whichever is greater;

B. A map showing the location(s) of the applicant's planned future telecommunications towers (not including the one being applied for) in the Township and contiguous political subdivisions;

C. For each location shown on the maps, there shall be listed and shown:

i. The type and size of telecommunications tower;

ii. The type of equipment currently located on each existing tower or proposed on each tower;

iii. This shall include who the equipment owners are and proof on whether or not any are certifiably exempted in accordance with [ORC 519.211](#).

iv. The space available on the telecommunications tower for additional equipment;

v. The ground network, if any, served by the telecommunications tower;

vi. A site plan showing the parcel on which any existing telecommunications tower is located.

D. A site plan for the facility being applied for shall also be submitted containing:

i. The location, type and size of existing and/or proposed tower(s), antenna and equipment, including buildings and structures located at the site.

ii. The location of access easements, drives, circulation and parking areas.

iii. Detailed drawings of the screening plan and related design standard.

iv. Setbacks from property lines and dwellings within 600 feet of the proposed tower;

v. Legal description of the lot on which the tower is to be sited;



- vi. Any illumination required by the FAA or FCC; and
- vii. Any other information necessary to assess compliance with this section.
- E. A written certification from a State Certified, Professional Engineer stipulating:
  - i. That the tower's design is structurally sound and in compliance with all codes;
  - ii. That the equipment on the tower and at the site complies with all current FCC regulations;
  - iii. That the tower will accommodate co-location of additional antennas for future use, with a statement as to the number of antennas capable of being accommodated or an explanation as to why the tower will not be constructed to accommodate co-location; and
  - iv. Height and fall zone drawing.

**4. General Requirements for all Telecommunication Facilities:**

- A. Only one (1) tower is allowed on a parcel of land. Applications to place multiple towers upon a single parcel shall require credible evidence that collocation is not practical.
- B. Pole, tower and/or structure placement shall be established on a lot meeting the minimum square footage requirements of the applicable zoning district and shall maintain a minimum setback of 100 feet from every lot line.
- C. Towers shall not be located within 500 feet of any residence other than the residence on the parcel on which the tower is to be located.
- D. No fall zone for a tower shall encroach into a public or private road right-of-way.
- E. Telecommunication facilities shall be designed so as to also accommodate public telecommunication needs. Appropriate shared parking and access must be provided for co-located facilities on one tower.
- F. Maintenance:
  - i. Towers and related structures must be maintained in good working order.
  - ii. The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain or be illuminated by artificial lights, beacons or strobes, unless otherwise required by the FAA, FCC, ODOT or their respective successors.
  - iii. All surfaces shall be maintained in good condition, absent of flaking or peeling paint and rust.
- G. No commercial or non-commercial advertising is permitted anywhere on the telecommunication facility.
- H. The owner/operator (or its successors) shall, within 30 days of ceasing operation at the site of a telecommunication tower, give written notice of such ceasing of operation to the Zoning Department. Facilities shall be removed from the site within 12 months of ceasing operations. After the facilities are removed, the site shall be restored to its original or an improved condition. Resale or renting of facilities is permissible only to other similar communications systems subject to obtaining a Zoning Certificate from the Zoning Department.
- I. Notification of any transfer of ownership, resale, or renting of the telecommunication facility shall be provided to the Zoning Department. Such notification shall include who the most current company, person, address, phone numbers and any other pertinent contact information.

**5. Design Standards Telecommunication Facilities:**

- A. Facilities shall be effectively screened on each side which adjoins a premises in any residence district. Screening shall consist of:
  - i. A solid masonry wall or solid fence, not less than 4 feet or more than 7 feet in height;
  - ii. A tight screen or hardy evergreen shrubbery; or
  - iii. Natural or existing screening not less than 4 feet in height.
  - iv. Screening walls and fences shall be located not less than 30 feet from each lot line. The space between any screening device and adjacent lot lines shall be buffered by the use of landscape plant materials including grass, hardy shrubs, evergreen or ground cover.
  - v. The use of razor or barbed wire shall be prohibited.
  - vi. All screening devices and landscape materials shall be maintained in good condition.
- B. An identification signage not to exceed 4 square feet in size that shall provide the name, address and telephone number of the entity to contact in event of emergency.
- C. Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.

**6. Decision Standards:**

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

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

**7. Expert Review:**

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

## **SECTION 4.20                      TEMPORARY STRUCTURES**

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

1. A Zoning Certificate shall be required for all temporary buildings, structures or uses. The temporary building, structure or use shall be reviewed in accordance with this section and all other applicable sections of this Resolution.
2. Failure to obtain a zoning permit or complying with the standards contained herein shall be a considered a violation of this resolution.
3. No required off-street parking space(s) shall be occupied by the temporary use.
4. Any temporary use, structure, building, tent or equipment must include a placard which is clearly visible and which includes the container identification number (where applicable), the business that owns and is responsible for the unit and a phone number of such business.
5. **Prohibited Temporary Uses:**
  - A. Mobile Vendors and Food Carts, including, but not limited to, temporary or seasonal vendors, such as, book sales/purchases, mattress sales, jewelry sales, art sales, craft, rug, flowers, drink or food sales.
    - i. Mobile Vendors and Food Carts shall only be permitted in conjunction with a special event or festival as outlined in [Section 6.D](#) herein, or flea market event, located on the same property as the event and on the same dates as the event.
6. **Permitted Temporary Uses:**
  - A. **Contractor Offices and Equipment:**
    - i. A mobile home unit, or trailer unit similar to, shall be limited to one (1) in a residential district and two (2) in a non-residential district and only be used for a field office. No such use shall contain any sleeping or cooking accommodations.
    - ii. Any trailer, shed or staging yard shall meet the accessory building setbacks of the district in which it is located.

- iii. All such uses shall be located on the same site or in the same development as the related construction.
- iv. Such uses shall be limited to a period not to exceed the duration of the active construction phase of such project or within 30 days following a certificate of occupancy.
- v. Such uses shall also be removed from the site if construction is abandoned or halted for six or more consecutive months.
- vi. A maximum of an eight (8') foot high temporary fence is permitted around the boundaries of the construction site or staging yard.
- vii. No on-site sanitary facility (portable toilet) shall be located within:
  - a. Twenty-five (25) feet of any abutting residential structure, and
  - b. Ten (10) feet of any property line or right-of-way line, and
  - c. Shall be located in the side or rear yard to the maximum extent possible.

**B. Model Units with or without Real Estate Offices:**

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

**C. Temporary Shelter:**

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

**D. Special Events and Festivals:**

- i. Temporary special events such as festivals, circuses, concerts, and similar uses are permitted only when sponsored by a not-for-profit religious, philanthropic or civic group or organization.
- ii. Such event shall be valid for no more than 10 consecutive days.
  - a. Seasonal fundraising events such as but not limited to Christmas tree sales may be permitted for up to 45 days, including the set-up and removal.
  - b. Such seasonal event shall also be subject to "Temporary Outdoor Sales and Displays" requirements in [Section 6.F below, with the exception of "ii & iii"](#)
- iii. All temporary stands, tents, rides or other portable uses or equipment shall not be located within;
  - a. Twenty-five (25) feet of any property line.
  - b. Two-hundred and fifty (250) feet of any residential structure.
- iv. Set-up for such special event shall not start more than 72 hours prior to the event and shall be completely removed within 48 hours after the event.
  - a. Upon completion of the event, the site shall be cleaned of trash and debris, all evidence of the temporary stands, tents, rides or other portable uses or equipment removed.



- v. The person responsible for the operation of any such event shall provide the Zoning Inspector and Danbury Police Department in advance of the event date(s), the contact information for the primary person in charge and whom will be on-site the day(s) of the event.
- vi. Requests for any other special arrangements (i.e. road closures, police assistance or emergency personnel) must be made with the applicable departments at least 2 weeks in advance of the event. Such requests may be denied by the department head of that department.
- vii. A site plan shall be submitted showing the location of all temporary stands, tents, rides, other portable uses and equipment and the parking arrangements.
  - a. Ample space shall be provided to allow fire and police emergency access throughout the special event, however, general vehicular access should be limited.
- viii. Outdoor weddings, graduations and similar private, residence events are exempt from this standard but organizers of such events are encouraged to notify the Zoning Inspector or Danbury Police Department to determine if special accommodations should be made to address traffic and circulation.
- ix. All events, including private events, are subject to the noise resolution of the Township.
- x. All events, including private events, utilizing tents, rides or in need of temporary electric connections must also contact the Ottawa County Building Department.

**E. Temporary Portable Storage Containers:**

- i. Containers designed for the temporary storage of property that can be moved by truck or trailer (including intermodal storage units).
  - a. Only one portable storage unit shall be permitted on a residential lot at any one time.
  - b. The size of a portable storage unit shall not exceed 1,024 cubic feet, measured by the exterior length, width, and height multiplied together.
  - c. Such unit shall be located in the side or rear yard to the maximum extent possible or located on a driveway or other hard surfaced area.
  - d. A portable storage unit shall be permitted on a lot when necessary to facilitate clean up and/or restoration activities resulting from a fire or natural disaster to a building or structure for a period not to exceed the duration listed under [Section 6.C. "Temporary Shelter"](#);
  - e. A portable storage unit shall be permitted when the occupant of the property is relocating for a period not to exceed 30 consecutive days.
  - f. A portable storage unit shall be permitted on any non-residential lot for a period not to exceed 30 consecutive days, up to two times per calendar year.
  - g. Storage of hazardous materials as defined under applicable state, local and federal laws and regulations are prohibited.
  - h. No part or former part of a semi-trailer mobile home unit, or trailer unit similar to, or recreational vehicle shall be utilized as a portable storage unit.
- ii. Containers or drop boxes designed for the temporary storage of donations or charity drives, items to be serviced (i.e dry cleaning) or for recycling.
  - a. Only one unit shall be permitted on a non-residential lot, in a Commercial or Industrial zoning district, at any one time.
  - b. The size of a portable storage unit shall not exceed 300 cubic feet, measured by the exterior length, width, and height multiplied together.
  - c. Such unit shall be located in the side or rear yard to the maximum extent possible or located on a hard surfaced area.
  - d. Such unit shall not be located in any required setback, parking and circulation area, right-of-way, or required landscape or buffer area.
  - e. The property owner of the property where the unit is located shall be responsible for ensuring that no items are left lying on the ground outside of such unit and keeping it orderly and maintained.
  - f. No part or former part of a semi-trailer mobile home unit, or trailer unit similar to, or recreational vehicle shall be utilized as a portable storage unit.
  - g. Storage of hazardous materials as defined under applicable state, local and federal laws and regulations are prohibited.

**F. Temporary outdoor sales and displays:**

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

**SECTION 4.21 WIND FARM, SMALL**

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

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

10. A wind powered electric generator shall be setback a distance of not less 125% of the height of the tower supporting the generator from the nearest off-site residence, public road, and any school, church, or other building used for public gathering. The setback distance shall be measured from the center of the base to the nearest point of the foundation of the structure.
11. The small wind farm shall be designed and all reasonable efforts shall be made to minimize or eliminate shadow flicker to any occupied building on a non-participating property.
12. If a non-participating landowner, adjacent to the small wind farm, agrees to waive the setback requirement and/or the shadow flicker established above, such waiver shall be recorded in the Ottawa County Recorder's Office. The waiver shall describe the property benefited and burdened and advise all subsequent purchasers of the burdened property that the setback and/or shadow flicker waiver shall run with the land and may forever burden the subject property. The waiver will automatically be removed/eliminated when the wind farm is no longer operational and the decommissioning of the small wind farm has been completed.
13. The anticipated audible sound from the small wind farm shall be provided to the Board of Zoning Appeals for their review. The noise level measured at all of the adjoining property lines shall not exceed 60 dBA.

#### **SECTION 4.22 WINDMILL, LOW IMPACT**

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

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

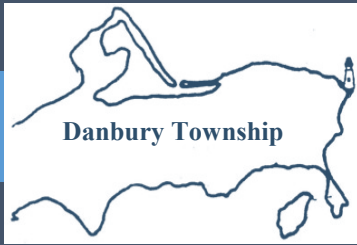
#### **SECTION 4.23 WINDMILL, HIGH IMPACT**

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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.

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# Article 5: General Regulations

## **ARTICLE 5: GENERAL REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS**

- 5.1 General Regulations Applicable to All Districts
- 5.2 Accessory Buildings
- 5.3 Breezeways and Attached Garage Standards for Lakeside
- 5.4 Corner Clearance
- 5.5 Fences
- 5.6 Floor Area Requirements for Residential Dwellings
- 5.7 Front Yard Requirements
- 5.8 Landscaping & Buffering
- 5.9 Lot Area, Lot Width and Building Setbacks for Dwellings in the C-1, C-2 and R-C Commercial Districts
- 5.10 Parking & Off-Street Loading Requirements
- 5.11 Storage of Recreational Vehicles
- 5.12 Swimming Pools

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# Article 5: General Regulations Applicable to All Zoning Districts

## **SECTION 5.1 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. **Height Exceptions:** 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 4.21, 4.22 and 4.23](#).
3. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and lot area regulations of the district in which the building is located unless otherwise specified herein.
4. No building shall be erected, or structurally altered except in conformity with the off-street parking and loading regulations of the district in which such building is located unless otherwise specified herein.
5. The minimum yard, parking space, and other spaces, including lot area per family, required by this Resolution for any building hereafter erected or structurally altered, shall not be encroached upon or considered as parking area or open space or lot area requirement for any other building, nor shall any lot area be reduced beyond the district requirements of this Resolution, including setback requirements.
6. No lot shall hereafter be reduced or divided so as to provide less than the minimum lot size required in the district in which such land is situated. Contiguous lots held under single ownership may be considered to be one lot for the purposes of these regulations unless said lots are part of a recorded subdivision.

7. Any lot of record at the time of the adoption of this Resolution may be used for a single family dwelling. Any lot of record that can comply with the required setback requirements of the district in which it is located shall be required to do so. However, on such lots in all districts where compliance with required district setbacks can not occur, the following setbacks shall be maintained unless a variance is granted by the Board of Zoning Appeals.

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

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

11. Pursuant to the authority of Ohio Revised Code [Section 3796.29](#) and [Section 519.21\(D\)](#) all medical marijuana cultivation, processing and/ or dispensary facilities are prohibited. See Danbury Township [Trustee Resolution 06-2017](#).
12. For residential uses, all building and structures must conform to the requirements of either the Ohio Basic Building Code or the [Manufactured Housing Construction and Safety Standards Act of 1974](#). For manufactured homes, the standards in [Section 4.13](#) of the Danbury Township Zoning Resolution shall also be met.
13. For non-residential uses, only buildings and structures that conform to the Ohio Basic Building Code may be occupied for commercial and industrial purposes.

## **SECTION 5.2                      ACCESSORY BUILDINGS**

1. All accessory buildings in the A, R-1 through R-3, C-1 through C-3, R-C, and properties in the L district outside the gates of Lakeside, 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 and LBO districts shall be permitted only on lots with a principal building already in existence and are permitted in the side or rear yard. The minimum setback shall be three (3) feet from the side and rear lot line. Such building shall not exceed 1,200 square feet, shall be no closer than five (5) feet to the principal building, and shall not exceed fifteen (15) feet in height .
3. Accessory buildings in the M-1 and M-2 districts shall be permitted only on lots with a principal building already in existence and are permitted only in the side or rear yard.



4. Accessory buildings and structures shall be permitted in certain zoning districts as indicated in the table, Accessory Buildings and Structures:

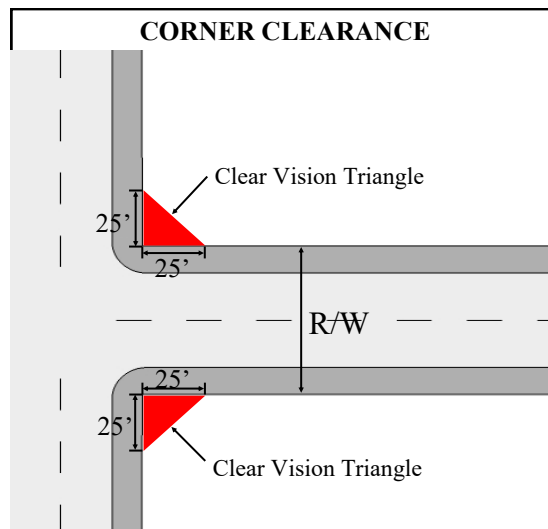
Accessory Buildings and Structures	Districts													
	A	R-1	R-2	R-3	L	LBO	C-1	C-2	C-3	R-C	M-1	M-2	MHP	PUD
Accessory Buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pools	P	P	P	P	P	P	P	P	NP	P	NP	NP	P	P
Signs	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fences	P	P	P	P	P	P	P	P	P	P	P	P	P	P
P—Permitted NP—Not Permitted														

**SECTION 5.3 BREEZEWAYS AND ATTACHED GARAGE STANDARDS FOR LAKESIDE**

1. An attached garage is permitted in the L and LBO Lakeside Districts by the means of an enclosed or open breezeway with a roof-like structure connecting a pedestrian door from the principal residence to a pedestrian door of the garage structure. Such breezeway, shall allow occupants to access both structures without physically entering either structure from the outside. An attached garage via a breezeway shall also meet the following:
  - A. Such roof-like structure shall be tied into the existing roof framing of the principle residence and garage; or shall be connected permanently to both structures a minimum of one (1’) foot above the door frames.
  - B. Connection between the principle residence and garage shall not be made of temporary construction material or material intended to be used for gardening trellises or a fence.
  - C. Any conversion of the garage into inhabitable space is only permitted if it is fully integrated and contiguous with the rest of the primary residence. Access to the converted living space must be through the primary residence only. A separate primary entrance to the converted garage living space is not permitted.
2. The regulations herein shall exclude those properties in the L zoning district which are located outside the gates of Lakeside.

## SECTION 5.4 CORNER CLEARANCE

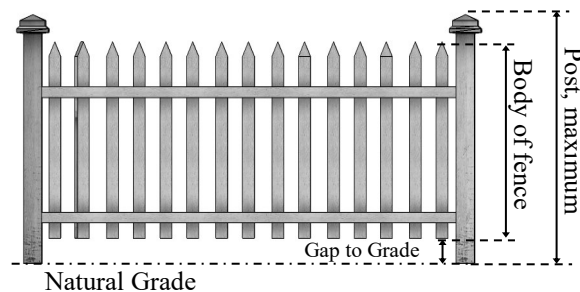
On property located at street and/or highway intersections in any district established by this Resolution, no fence, wall, hedge, shrubbery, sign, or other structure or planting which obstructs the view of motorists, and thereby creates a traffic hazard, shall be erected, placed, planted, or maintained 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.



## SECTION 5.5 FENCES

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

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



3. Fence posts are permitted to extend a maximum of five (5) feet above the natural grade where four (4) foot fences are permitted, seven (7) feet above the natural grade where six (6) foot fences are permitted and eight (8) feet above the natural grade where seven (7) foot fences are permitted.
4. No fence, wall, or other structure shall be placed over three (3) feet in height within the clear vision triangle as defined in [Section 5.4](#) Corner Clearance.
5. If the natural grade has been raised for landscape purposes, the creation of a berm, retaining wall, or other method for the primary purpose of increasing the elevation of the fence, the measurement will be taken from the natural grade prior to any modifications.

6. A fence may be located up to the lot line as long as the entire fence, including fence footings, is located on the fence owner's property. The "ugly side" or exposed framework of the fence must face the fence owner.
7. Fences shall not exceed the following height in the specified yard unless otherwise restricted:

Fences	Districts												
	A	R-1	R-2	R-3	L	LBO	C-1	C-2	C-3	R-C	M-1	M-2	MHP
Front Yard Height	7'	5'	5'	5'	4'	4'	5'	5'	5'	5'	10'	10'	5'
All Other Required Yards	7'	7'	7'	7'	See <a href="#">5.5.8</a>	See <a href="#">5.5.8</a>	7'	7'	7'	7'	10'	10'	7'

8. The following height and opacity requirements shall apply in the Lakeside (L) & Lakeside Business Overlay (LBO) District.
  - Front Yard Height – 4 feet
  - Side Yard Height – 4 feet
  - Rear Yard Height – 6 feet

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

9. Any fencing affiliated with Danbury Township, Danbury Local School District or Lakeside Association athletic fields and courts that are designed to sport regulation standards and for security reasons, including outer perimeter gates, are exempt from height and opacity requirements herein.

## **SECTION 5.6 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:

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

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

## **SECTION 5.7 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.

## **SECTION 5.8 LANDSCAPING & BUFFERING REQUIREMENTS**

1. **Purpose.** To promote and protect the interest of the public’s convenience, comfort, prosperity, or general welfare in accordance with [Article 1](#), of this resolution; Require buffering between non-compatible land uses to protect, preserve and promote the character and value of surrounding neighborhoods; and require reasonable landscaping that is beneficial to the residents and businesses of the community.
2. **General.** Landscaping standards of this section shall apply to all new multi-family, public/institutional, commercial or industrial developments or to any multi-family, public/institutional, commercial or industrial development or building enlarged, rebuilt, or structurally altered to the extent of more than fifty (50) percent of the floor area. Individual single-family dwellings and two-family dwellings (duplexes) are exempt from these requirements.
  - A. Any development of a nonresidential use in a residential zoning district shall also be subject to the provisions of this section.
  - B. All landscaping shall be subject to the sight clearance requirements of [Section 5.4](#) Corner Clearance and shall be installed in locations that when mature, do not interfere with traffic signs, lights, fire hydrants or overhead utility lines, restrict pedestrian or vehicular access.
  - C. Landscaped areas shall contain ornamental trees, shrubs, fences, hedges, earth mounds, or similar features designed as foundation plantings, or similar landscape features designed to complement the architecture of the building.
  - D. The required landscaping area may include earth mounding or fencing , but not exclusively. Fences shall meet the requirements of [Section .5.5](#) Fences.
  - E. Artificial plants, gravel and dirt shall not be used to meet landscaping requirements.
  - F. The use of depressed landscaping island, bioswales, and rain gardens are encouraged as a method of complying with these standards.
3. **Streetscape.**
  - A. The streetscape landscaping shall be provided along the full width of the lot, within the required front yard setback area parallel to the street and shall be unoccupied, except for landscape treatments such as trees, plantings, earth mounds, grass, shrubs, permitted signs, sidewalks, fences and driveways.
  - B. Corner lots shall have a streetscape-buffer on both street frontages.
4. **Perimeter Buffering between Uses.**
  - A. Landscaped buffer areas shall be located along the full length of the proposed structure, outdoor storage area(s), parking lot(s) and service structures such as, but not limited to, loading docks, propane tanks, dumpsters, electrical transformers when adjacent to residentially zoned property.
  - B. Such buffer shall be placed along the item intended to be screened or within the required setback of the property being developed.

5. **Maintenance.**

- A. All landscaping materials shall be installed in a sound, workmanship-like manner, and according to accepted, good construction and planting procedures.
- B. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a relatively weed-free condition, clear of undesirable undergrowth, and free from refuse and debris at all times.
- C. All unhealthy or dead plant material shall be replaced within one year or by the next planting period, whichever comes first, while other defective landscape material shall be replaced or repaired within three months. Replacement plants shall conform to the standards that govern original installation.

**SECTION 5.9 LOT AREA, LOT WIDTH AND BUILDING SETBACKS FOR DWELLINGS IN THE C-1, C-2 AND R-C COMMERCIAL DISTRICTS**

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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.

**SECTION 5.10 PARKING AND OFF-STREET LOADING REQUIREMENTS**

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1. **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 fifty (50) percent of the 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.

2. **Specific Parking Requirements for the Lakeside (L) District and the Lakeside Business Overlay (LBO) District:**

- A. 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.
- B. Exceptions: Non-residential uses within the LBO zoning district are excluded from the parking requirements of this section herein.
- C. Residential uses within the L and LBO zoning districts shall only be required to provide one (1) parking space per dwelling in accordance with Section 5.10.2.A. above.

3. **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.

Use		Minimum Number of Parking Spaces per Unit of Measure
<b>A. Residential</b>		
i.	Residential Dwelling	Two (2) for each dwelling and unit ( <i>inclusive of driveways</i> )
<b>B. Institutional</b>		
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
iv.	Athletic Fields	30 spaces per field
<b>C. Business and Industrial</b>		
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

4. **Improvement to Parking Areas for Non-Residential Uses:**

- A. All parking areas shall be surfaced with gravel or crushed stone with adequate dust treatment, or with permanent surfacing.
  - i. The edge of the parking areas shall be a minimum of 5' from all property lines.
- 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 in accordance with [Section 5.8](#).
- C. Any lights used to illuminate parking areas shall be so arranged as to reflect the light away from adjoining premises in an A or R district.
- D. When a parking area is located wholly or partly in an A or R district, as required for a permitted or conditionally permitted use, the following regulations shall apply in addition to the above:
  - i. No commercial enterprise of any kind shall be established on the area;
  - ii. No fee shall be charged for parking thereon;
  - iii. No signs of any kind shall be erected, except those necessary for the orderly parking thereon.
  - iv. No parking shall occur within fifteen (15) feet of any lot line.
- E. When a parking area will be used for purposes of commercial gain, the following standards will be required:
  - i. The parking area shall be surfaced with gravel or crushed stone with adequate dust treatment or with permanent surfacing;
  - ii. Where the parking area adjoins lots in an A or R district, such lots shall be protected by the erection and maintenance of a permanent fence, screen, or planting in accordance with [Section 5.8](#). Any lighting used to illuminate the parking area shall be so arranged to reflect light away from the adjoining premises in an A or R district;
  - iii. The area shall be kept clean and orderly;
  - iv. The owner or operator will be responsible for the orderly control and parking of vehicles within the area;
  - v. No parking shall occur within fifteen (15) feet of any lot line.

**5. Off-Street Truck Loading:**

- A. All loading areas shall be surfaced with gravel or crushed stone with adequate dust treatment, or with permanent surfacing.
- B. 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:
  - i. A building whose dominant use is handling and selling goods at retail shall provide berths in relation to the floor area used for retail purposes as follows:

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

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

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

- iii. 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.

- C. 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.
- D. Each space shall be easily accessible from a street or alley without substantial interference with traffic.
- E. 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.
- F. No loading berth shall be located in a required front or side yard.

**SECTION 5.11 STORAGE OF RECREATIONAL VEHICLES**

Any combination of up to and no more than three (3) boats, campers, jet skis (PWC), travel trailers, utility trailers and the like, only owned by the property owner, may be stored on residential property in the A, R-1, R-2, R-3 and R-C districts, provided that no use shall be made and no living quarters shall be maintained, or any business practiced in such a unit. Campers may not be occupied on private property by the owner or their guests and are required to be located in a licensed recreational camp/campground.

## **SECTION 5.12 SWIMMING POOLS**

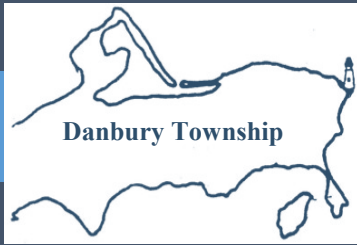
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1. Swimming pools which are private, shall be permitted with any residential use but subject to the following requirements:
  - A. The pool shall be only for the use of the occupants of the principal building and their guests.
  - B. The pool, including decking or steps, shall be located in the side or rear of the lot and shall be located no closer than 5' feet from any lot line.
2. Access to residential pools below 48" shall be restricted by one (1) of the following means:
  - A. A 48" high fence that 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, or
  - B. A power safety cover that shall:
    - i. Provide a continuous connection between the cover and the pool deck, so as to prohibit access to the pool when the cover is completely drawn over the pool; and
    - ii. Shall be mechanically operated so that the cover cannot be drawn open or retracted without the use of a key, key and switch, or touch pad with a personal access code; and
    - iii. Is installed with a track, rollers, rails, guides, or other accessories necessary to accomplish items (i) and (ii), in accordance with the manufacturer's instructions and shall bear an identification tag indicating that the cover satisfies the requirements of ASTM F1346-91, Standards Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas, and Hot Tubs.
  - C. A manual safety cover that shall:
    - i. Provide a continuous connection between the cover and the pool deck, so as to prohibit access to the pool when the cover is completely drawn over the pool; and
    - ii. Shall be secured with a locking mechanism; and
    - iii. Is installed in accordance with the manufacturer's instructions; and shall bear an identification tag indicating that the cover satisfies the requirements of ASTM F1346-91, Standards Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas, and Hot Tubs.
  - D. It is the responsibility of the property owner that all pools secured by a fence or safety cover shall be closed, secured and locked when the pool is not in use.
3. In the C-1, C-2 and R-C districts, commercial pools shall meet the setback requirements for an accessory building or structure.



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# Article 6: Signs

## **ARTICLE 6: SIGN REGULATIONS**

- 6.1 Purpose & Intent
- 6.2 Applicability
- 6.3 General Regulations Applicable to All Signs & Districts
- 6.4 Permanent On-Site Signs
- 6.5 Permanent Off-Site Signs
- 6.6 Signs in the “L” & “LBO” Lakeside Districts
- 6.7 Temporary Signs
- 6.8 Nonconforming Signs

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# Article 6: Sign Regulations

## **SECTION 6.1**                      **PURPOSE & INTENT**

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It is the intent of these regulations to establish reasonable regulations governing the size, character, location, type, design, motion, illumination, and maintenance of signs to:

1. Promote the creation of an attractive visual environment that promotes a healthy economy by:
  - A. Permitting businesses to inform, identify, and communicate effectively;
  - B. Balancing the public and private interests by acknowledging that signs and their messages must be visible and comprehensible to communicate effectively; and
  - C. Directing the general public through the use of signs while maintaining attractive and harmonious application of signs on the buildings and sites.
2. Protect and enhance the physical appearance of the community that recognizes the rights of property owners by:
  - A. Encouraging the appropriate design, scale, and placement of signs.
  - B. Encouraging the orderly placement of signs while avoiding regulations that are rigid and inflexible.
  - C. Assuring that the information displayed on a sign is clearly visible and legible so that the sign achieves the intended purpose.
3. Foster public safety along public and private streets by assuring that all signs are in safe and appropriate locations.
  - A. Reduce clutter and to improve corridor visibility;
  - B. To minimize the possibility that signs will create hazards; and
  - C. Eliminate any conflict between traffic control signs and other signs which would be hazardous to the safety of or pedestrians.
4. To have administrative review procedures that:
  - A. Balance the community's objectives and regulatory requirements with the reasonable advertising and way finding needs of businesses.
  - B. Allow for consistent enforcement of the Sign Resolution.
  - C. Minimize the time required to review a sign application.
  - D. Provide flexibility as to the number and placement of signs so the regulations are more responsive to business needs while maintaining the community's standards.
5. These regulations do not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and [Article I, §11](#) of the Ohio Constitution.

## **SECTION 6.2**                      **APPLICABILITY**

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These regulations apply to all signs and to all zoning districts as specified in [Section 3.3](#). In the event that the provisions of this Article conflict, the more stringent requirement shall prevail.

1. **Exemptions:**
  - A. Any public purpose/safety sign and any other notice or warning required by federal, state or local law, including:
    - a. Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message;
    - b. Maritime and navigational markers and buoys as required by the Ohio Administrative Code, Ohio Department of Natural Resources (ODNR) or other regulating authority of navigable waterways, for marinas, channels and harbors on Lake Erie, West Harbor, and Sandusky Bay.
  - B. Religious and other holiday lights and decorations containing no commercial message.
  - C. Address numerals, memorial tablets, historical markers and names of buildings built into the walls of the building as an integral part of the building.
  - D. Flags of the United States, the State of Ohio, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, any organization, whether for-profit or not-for-profit bearing no commercial message other than the name and/or symbol/logo of the organization.

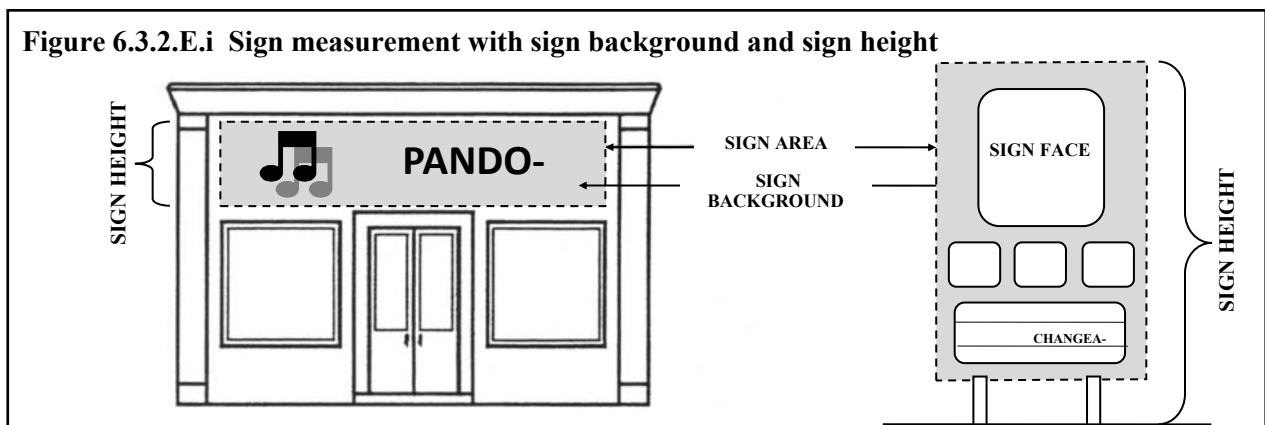
## **SECTION 6.3 GENERAL REGULATIONS APPLICABLE TO ALL SIGNS & DISTRICTS**

### **1. Location:**

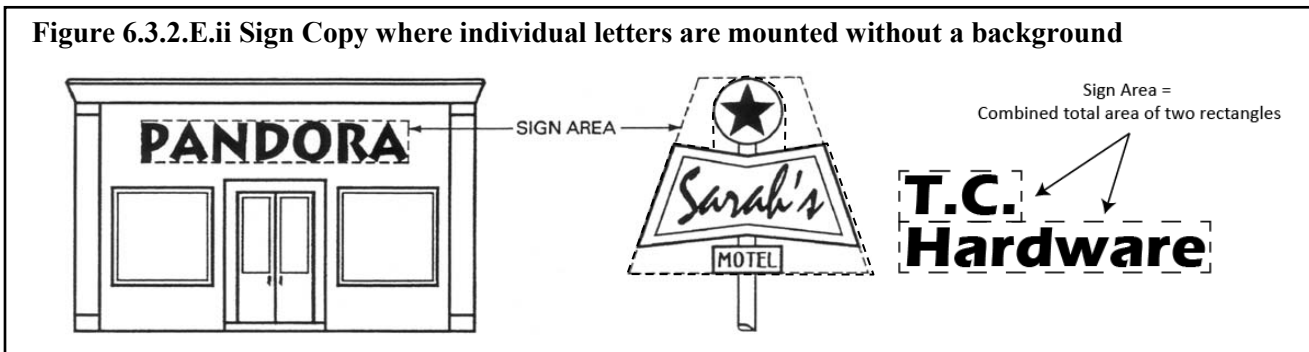
- A. No sign shall be erected or maintained where it may obstruct or impair traffic.
- B. No portion of any sign shall be placed within the clear vision triangle as defined in [Section 5.4](#) Corner Clearance.
- C. No sign shall be erected, maintained or placed in any public street right-of-way except publicly owned signs, such as traffic control signs.
- D. No sign shall be installed, erected, or attached to a fire escape or any door or window giving access to any fire escape.

### **2. Computation:**

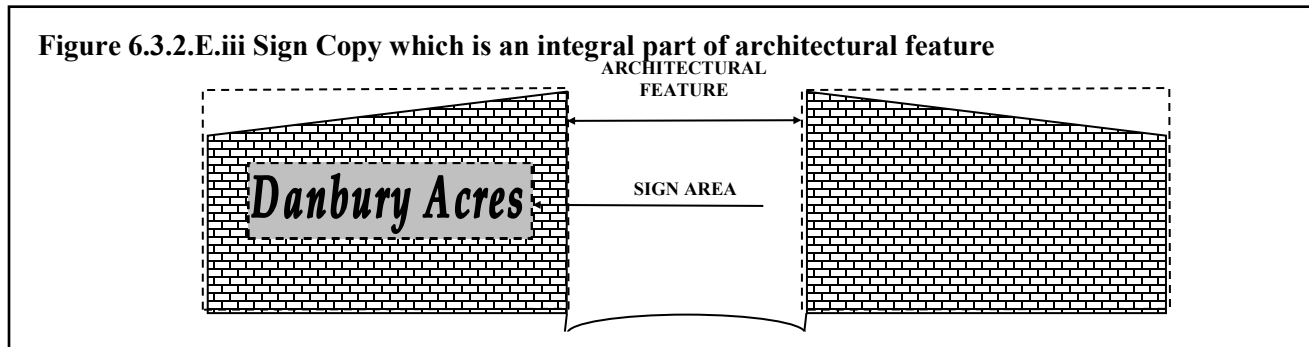
- A. For purposes of determining the number of signs, a sign with two (2) facades (double-faced sign) used for display shall be counted as one sign.
  - i. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart.
- B. When computation is based on the street or lot frontage; the longest street or lot frontage, and not the total street frontage, fronting on a public street, shall be used.
  - i. This includes all permanent on-premises, off-premises and temporary signage for the development site unless otherwise specified herein.
- C. When computation is based on building frontage, measurement shall be based on the portion of the building that is parallel to the public street. In multi-tenant structures, or structures that are not parallel to the street, each tenant shall calculate the allowable wall signage based on the frontage (length) of their building space on the first floor where their front door is located and that the public generally enters.
- D. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.
- E. The area of a sign shall be calculated as follows:
  - i. For a sign mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface. See Figure 6.3.2.E.i below.



- ii. For sign copy where individual letters or elements are mounted or painted on a building façade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the combination of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign. See Figure 6.3.2.E.ii below.



- iii. The calculation of sign area may include any supporting framework, bracing, or decorative fence, wall or other architectural feature and material which is determined to constitute an integral part of the sign design, as determined by the Zoning Administrator. See Figure 6.3.2.E.iii below.



3. **Height:**
  - A. The height of a sign shall be computed as the distance from the base of the sign at natural or finished grade, whichever is lower, to the top of the highest attached component of the sign, including any decorative features.
  - B. The maximum height of any wall sign shall be measured from the bottom of the sign to the top of the sign, including the background if a background is included. [See Figure 6.3.2.E.i.](#)
4. **Setbacks:** The minimum setback shall be the distance from the street right-of-way line to the nearest part of the sign, measured perpendicularly to the edge of the road right-of-way.
5. **Illumination:**
  - A. Any permitted illuminated sign shall employ only a source which emits a light of constant intensity; no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights.
  - B. No illuminated signs, other than permanent on-premises signs, are permitted in the A, R-1, R-2, R-3 and L districts.
  - C. Any illuminated signs or lighting devices shall employ only a source which emits lighting which does not cause glare or reflection that may constitute a traffic hazard or nuisance.

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

6. **Maintenance:**

- A. The structural integrity of all signs shall be maintained.
- B. If the corresponding service, commodity, or facility ceases to exist, its sign shall be removed, or replaced with a blank sign face within ninety (90) days.
- C. All signs shall comply with the Ottawa County Building Code.
- D. Signs shall be free from rust, dust, dirt, and other such debris. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced.
- E. Maintenance may include upgrading of materials or parts only if such upgrades do not take the sign out of conformance with this Resolution or, in the case of a legal nonconforming sign, if such upgrades do not increase the degree of nonconformity.
- F. The Zoning Inspector may order the repair or removal of any sign that is defective, damaged, or substantially deteriorated.
- G. Should any sign be or become unsafe or be in danger of falling, the owner, tenant, or occupant shall, upon receipt of written notice from the Zoning Inspector, proceed at once to correct the unsafe condition and/or remove the sign in question.

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

- A. Air activated (inflatable) graphics or balloons used for commercial or advertising purpose.
- B. Animated, flashing, rotating, revolving, streamers, pennants, spinners, ribbons, searchlights or other device similar to those listed above, unless otherwise expressly permitted under this Article;
- C. Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying such sign to attract attention or provide advertising in addition to that permitted for legal signage on the site. This provision does not apply to lettering on buses, taxis, trailers or company vehicles used by an operating business where such vehicles are consistently on the road in the normal course of trade or business;
- D. Signs imitating or resembling official traffic or governmental signs or signals;
- E. Snipe Signs.
- F. Abandoned signs.

8. **Permitting:**

- A. Unless otherwise provided by this Article, it is unlawful for any person to erect, place, repair or replace a sign in the Township without first obtaining a Zoning Certificate.
- B. No Zoning Certificate is required for the general maintenance of a sign (i.e. painting, repair or replacement of defective parts in accordance with 6.E. above; replacement of lights, billboard sign copy changes, changeable copy signs, message changes or panel replacements within an existing sign cabinet).
- C. A Zoning Certificate is required for all new signs and sign structures including, when a sign is relocated, when the sign casing is modified to fit a new sign face, new or replacement wall signage (unless replacing a panel within a permanent cabinet), there is an increase or reduction in sign area or to the height of the sign.



**SECTION 6.4 PERMANENT ON-PREMISES SIGNS**

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

	Number Permitted	Type	Max. Sign Area Sq. Ft.	Max. Height	Max. Width	Setbacks			Illumination	Other
						Front	Side	Rear		
<b>Permanent On-Premises Residential (A, R-1, R-2, R-3, MHP &amp; R-C when such uses apply)</b>										
SF or Multi-Family Res. Developments	2 per entrance	Ground	24 s.f. each	2' Lettering 6' Total	12'	5'	See Sec. <a href="#">6.4.2.A</a>	See Sec. <a href="#">6.4.2.A</a>	External	See Sec. <a href="#">6.4.2.A</a>
Public/ Institutional or Commercial Enterprise in Res. District	1 of each per dev. site	Ground &	32 s.f.	2' Lettering 6' Total	12'	5'	See Sec. <a href="#">6.4.2.B</a>	See Sec. <a href="#">6.4.2.B</a>	External	See Sec. <a href="#">6.4.2.B</a>
		Wall	2s.f. per lineal footage	4'	Same as Bldg. Setback					
Home Occupation	1	Ground or Wall	20 s.f.	4'	5'	5'	10'	10'	Natural	
Ag Exempt	1	Ground or Pole	48 s.f.	10'	12'	5'	10'	10'	Natural	See Sec. <a href="#">6.4.2.D</a>
<b>Permanent On-Premises Commercial &amp; Industrial (C-1, C-2, C-3, R-C commercial uses, M-1 &amp; M-2)</b>										
Ground or Pole	1	Ground or Pole	48 s.f. See Sec. <a href="#">6.4.3.A</a>	10'	12'	5'	10'	10'	External or Internal	
Wall or Awning	2 per tenant	Wall or Awning	2s.f. per lineal footage	4'		Same as Bldg. Setback			External or Internal	See Sec. <a href="#">6.4.3.B</a>
Roof	1	In-Lieu of Wall	See Sec. <a href="#">6.4.3.C</a>	4'		Same as Bldg. Setback			External or Internal	See Sec. <a href="#">6.4.3.C</a>
Projecting	1	In-Lieu of Wall	See Sec. <a href="#">6.4.3.D</a>	6' See Sec. <a href="#">6.4.3.D</a>	4' from bldg.	Same as Bldg. Setback			External or Internal	See Sec. <a href="#">6.4.3.D</a>
Directional	2 per entrance	Ground, Pole or Wall	6 s.f.	4' (2' Wall)		1'			External or Internal	See Sec. <a href="#">6.4.3.E</a>
Directory	No Limit	Ground	24 s.f.	6'		20'	10'	10'	External or Internal	See Sec. <a href="#">6.4.3.F</a>
Bench	10 per dev. site	Bench	16 s.f.	1.25'	8'	Same as Bldg. Setback			Natural	See Sec. <a href="#">6.4.3.G</a>
Maritime/ Navigational	1 per jetty	Ground or Pole	48 s.f.	10'					External or Internal	See Sec. <a href="#">6.4.3.H</a>
Electronic	1	Ground or Wall	24 s.f.	4'	6'	5'	10'	10'	Internal	See Sec. <a href="#">6.4.3.I</a>

**2. Residential Zoning Districts (A, R-1, R-2, R-3 and MHP Zoning Districts including the R-C Zoning District when such use described below is applicable).**

- A. Subdivision, Residential Development, Multi-Family Development Signs, are permitted as follows:
- i. Setback: 5’\* from right-of-way of State, County and Township Roads, not including Private Street right-of-way(s) and 10’ from adjacent property lines of parcels that are not part of the subdivision or development.
  - ii. Other:
    - a. For signs integrated in or on wall-like structures ([See Figure 6.3.2.E.iii](#)), the wall structure shall be setback 10’ from the right-of-way of State, County and Township Roads.
    - b. Any landscaping in front or around the sign structures, including wall-type structures, described in this section shall not impair the vision of vehicles attempting pull out from the development site onto a State, County and Township Roads and shall be subject to [Section 5.4](#) Corner Clearance of this Resolution.
- B. Public/Institutional Use, or Commercial Enterprise Signs are permitted in a residential zoning district (church, kennel, riding stable, etc.) provided the sign meets the following requirements:
- i. Other:
    - a. Directional and Directory signs are permitted in accordance with [Section 6.4.3.E and 6.4.3.F](#).
    - b. Electronic Message Centers for these uses in a residential zoning district are prohibited.
- C. Home Occupations. See Table on [previous page](#).
- D. Agriculturally Exempt Properties. For an agricultural use that is exempt from township zoning regulations pursuant to the ORC the following is permitted:
- i. Other:
    - a. Such sign may bear a commercial message related to products or services available on the premises or a message other than a commercial message.
    - b. Wall Signs may be permitted in accordance with [Section 6.4.3.B](#) below.

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

- A. Ground Mounted & Pole Signs:
- i. Square Footage: 48sq.ft maximum for the sign area. No portion of the sign structure or architectural features containing the sign shall exceed 2 times the square footage of the sign area (i.e. the entire sign structure cannot exceed 96 s.f. including the 48 s.f. sign).
- B. Wall & Awning
- i. Square Footage: A ratio of 2 square feet for each lineal foot of building/tenant space frontage for the total of all wall signage, not each sign.
  - ii. Maximum Height: 4’
    - a. If the average front setback of the structure is less than 100 feet, then the sign may be no more than 4 feet tall. If the average front setback of the structure is 100 feet or greater then a sign may be no taller than the average front setback of the structure multiplied by 0.04, but in no case taller than 12 feet.
  - iii. Other:
    - a. If there are multiple structures for a single tenant, the sign area calculation shall be based on the structure on which the sign will be located.
    - b. Buildings located on a corner lot, including alleyways and private streets, may have one additional sign on the additional building façade facing a public street. The area of such additional sign shall be 0.5 square feet per lineal foot of the structural wall in which it will be located on.
    - c. Except where a projecting sign is allowed, wall signs shall be mounted on or flush with, a wall; a wall sign may be painted directly onto the building structures wall.
    - d. Wall signs shall not protrude more than 12 inches, regardless of whether a raceway is used, as measured from the wall or face of the building to which it is attached or extend beyond the façade of the structure.
    - e. Any awnings or canopies containing a sign shall be included as part of the wall sign area calculation.

- C. Roof Signs:
- i. A roof sign may be used in-lieu of one or both wall signs. The allowable square footage of the roof sign is the same as a wall sign.
  - ii. A roof sign on top of a structure is subject to meeting the structural building height restriction of the district in which it is located. (i.e. If the maximum building height is 35 feet, the existing building is 33 feet tall, the roof sign may only be 2 feet tall). No roof sign shall exceed four (4') feet in height.
- D. Projecting Signs: There are two types of projecting signs:
- i. A projecting sign may be used in-lieu of one or both wall signs. The allowable square footage of the projecting sign is the same as a wall sign.
  - ii. A projecting sign used in the same capacity as a wall sign as a primary identification sign for the business;
    - a. Minimum Height: The bottom of the sign shall be a minimum of 8' above grade.
    - b. Maximum Height: 6' and shall not extend beyond the roofline of the building structure it is attached to.
    - c. Maximum Projection: The sign shall not project more than 4' from the wall of the building on which the sign is placed.
  - iii. A projecting sign designed and placed for the purpose of identifying the businesses for pedestrian walking along the same side of the street as the business they seek or under a continuous veranda, portico or canopy projecting from the building.
    - a. Square Footage: 6 sq.ft. Maximum
    - b. Minimum Height: The bottom of the sign shall be a minimum of 8' above the sidewalk.
    - c. Maximum Height: 2'
    - d. Maximum Projection: The sign shall not project more than 3' from the wall of the building on which the sign is placed if this is the selected method of attachment.
- E. Directional:
- i. Contains no commercial message other than to direct traffic and pedestrian flow within a development site and from a public roadway into the property. Directional signs may contain a company logo, name or insignia.
  - ii. Other:
    - a. Directional wall signs shall not exceed 2' in height. There shall be no limit on the number of directional wall signs and such signs shall not count towards the allowable wall signage.
- F. Directory:
- i. Index or "way-finding" signs consisting of the names of occupants of an office building, shopping center, or other multi-tenant business complex that guides vehicular and pedestrians intended travel to a business or tenant within the development site and bears no commercial message.
  - ii. Other:
    - a. Directory signs shall be located wholly within the development site.
- G. Bench:
- i. Location:
    - a. All benches must be located near or around the principal building located on the property but not in a way to obstruct any required parking spaces or impede pedestrian traffic into the building.
  - ii. Other:
    - a. Bench signs may advertise for the on-premises business or for an off-premises business and is not subject to the 250' off-premises spacing requirement in [Section 6.5.1.A.iii](#).
    - b. Only the back of such bench shall be used for advertising and the size of such sign shall not exceed the typical dimensions (16" x 8') of the back of a bench.
    - c. No permits are required for the installation of bench signs, bench structures or changing the sign face.

- d. Legally established, occupied and active nonconforming uses or structures that encroach into the required setbacks of the district in which they are located may be permitted to have bench signs in accordance with this section.
- H. Maritime/Navigational: Maritime and navigational markers and buoys are permitted as required by the Ohio Administrative Code, Ohio Department of Natural Resources (ODNR) or other regulating authority of navigable waterways, for marinas, channels and harbors on Lake Erie, West Harbor, and Sandusky Bay.
- i. Other:
    - a. Directional signs within a harbor area directing boaters to gas pumps, restaurants, public docks and other marina amenities shall follow the Directional Sign Standards as contained in [Section 6.4.3.E](#).
- I. Electronic Message Centers. Signage that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means for permanent, on-premises advertising.
- i. Message Hold Time: 8 static seconds minimum
  - ii. Transition Method: Instant. No fading, scrolling, sliding, flashing or other forms of transition animation are permitted.
  - iii. Transition Duration: 1 second
  - iv. Other:
    - a. No electronic message center shall display video or animation.
    - b. All electronic message centers shall be equipped with automatic dimming capabilities, which automatically adjust the brightness of the light emitted from the sign to the ambient light.
    - c. Such message center may be used in combination with a permanent on-premises identification sign in accordance with [Section 6.4.3.A and B](#), or as a stand-alone sign, but in no case shall the electronic message board exceed 24 square feet in size.
    - d. Gas stations that typically utilize electronic means to display gas prices are permitted to have one ground or pole sign in accordance with [Section 6.4.3.A](#), but may provide one (1) electronic price display in addition to the wall signage requirements of [Section 6.4.3.B](#), as a wall sign on the canopy over the pumping stations. The cumulative square footage of all gas prices displayed electronically may exceed 24 square feet but shall be no more than 36 cumulative sq.ft.. Should the electronic gas prices be less than 24 square feet, any square footage available after configuring the total square footage used for the price displays may be used as an electronic message center in accordance with these regulations.
    - e. Electronic Message Centers are specifically prohibited in the “L” & “LBO” Lakeside Districts.

**SECTION 6.5 PERMANENT OFF-PREMISES SIGNS**

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

	Number Permitted	Type	Min. -Max. Sign Area Sq. Ft.	Max. Height	Max. Width	Setbacks			Illumination	Other
						Front	Side	Rear		
<b>Permanent Off-Premises</b>										
Private, Twp., County Roads	2 per parcel <i>(See Sec. 6.5)</i>	Ground, Pole or Wall	32-52	15'		40'	<i>See Sec. 6.5.1.A</i>	External	<i>See Sec. 6.5.1.A</i>	
			53-72			55'	<i>See Sec. 6.5.1.A</i>			
SR 163 & 269	2 per parcel <i>(See Sec. 6.5)</i>	Ground, Pole or Wall	32-52	15'		40'	<i>See Sec. 6.5.1.A</i>	External	<i>See Sec. 6.5.1.A</i>	
			53-72			55'	<i>See Sec. 6.5.1.A</i>			
SR 2	2 per parcel <i>(See Sec. 6.5)</i>	Ground, Pole or Wall	72-500	35'		ODOT Requirements	<i>See Sec. 6.5.1.A</i>	External	<i>See Sec. 6.5.1.A</i>	

- A. Other:
  - i. Such Off-Premises Sign must be effectively shielded to prevent light from being directly, or indirectly, cast on any portion of the street or highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle.
  - ii. On State Route 2, spacing shall be in accordance with regulations enacted by the Ohio Division of Highways, but also subject to the spacing requirements below.
  - iii. There shall be a minimum distance of 250 feet between any permanent off-premises sign(s), permanent on-premises sign(s), recorded subdivision or any residential lot less than 1 acre in all districts, unless otherwise specified herein. Existing signs located closer together will be considered nonconforming and subject to [Section 6.8](#).
  - iv. Off-Premises signs shall not be permitted as roof signs.
  - v. Electronically Activated Off-Premises Signs (Digital Billboards). These billboards are only permitted along State Route 2 as regulated by the Ohio Division of Highways, and are also subject to the requirements above in regards to height, size and spacing.

**SECTION 6.6                      SIGNS IN THE “L” & “LBO” LAKESIDE DISTRICTS**

1. **Residential Uses.**
  - A. Property owners may display signs on their homes giving their family names or the name they have given to their home without obtaining a zoning permit from the township. Such signs shall not exceed 12 sq.ft.
  - B. Illumination:                      Natural or External.
2. **Commercial Uses.**
  - A. Number Permitted: One (1) per tenant
  - B. Type:                                      Wall or Projecting
  - C. Square Footage:                      12 sq.ft maximum for the sign area
  - D. Height:                                      Such sign may not be located any higher from natural or finished grade which ever is lower, than 12’ to the top of such sign.
  - E. Illumination:                      External.
3. **Other.**
  - A. Electronic Message Centers are specifically prohibited in the “L” & “LBO” Lakeside Districts.
  - B. Off-Premises, billboard type signs are specifically prohibited in the “L” or “LBO” Lakeside Districts.
  - C. Only one (1) temporary yard sign containing a commercial message is permitted per address in the Lakeside District and shall be a maximum of 12 square feet and 4 feet in height. Such sign shall be removed within 14 days following the event, work or service being performed transfer of the property, or completion of such special or long-term event or other message the commercial message is advertising.

**SECTION 6.7                      TEMPORARY SIGNS**

1. **General.**
  - A. No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roof of a structure.
  - B. No temporary sign shall be mounted, attached, affixed, installed or otherwise secured by any permanent means to any building, permanent sign, other structure or improvement, or to the ground upon which it is erected.
  - C. No temporary sign shall be mounted, attached, or affixed to a telephone or power pole or any federal, state or local government issued public purpose/safety sign.
  - D. No temporary sign shall be illuminated internally or externally except by the natural daylight.
  - E. All restrictions as listed under [Section 6.3](#) General Regulations Applicable to All Signs and Districts are also applicable to all Temporary Signs.
  - F. Use of temporary sign displays on days without approval by Zoning Certificate, when required, or beyond the stated date of approval, when applicable, shall be deducted from the allotted number of days.

Permit Required	Number Permitted	Type	Max. Sign Area Sq. Ft.	Max. Height	Duration	Setbacks			Illumination	Other
						Front	Side	Rear		
<b>Temporary Signs without Commercial Messages</b>										
No	No limit	Yard, Sandwich Board, Flutter Flags, Portable, Changeable Copy		4’	14 days (See Sec. <a href="#">6.7.2</a> )	5’	10’	5’	Natural	See Sec. <a href="#">6.7.3</a>
<b>Temporary Signs with Commercial Messages</b>										
No	3 per tenant (See Sec. <a href="#">6.7.3.A</a> )	Yard, Sandwich Board, Flutter Flags, Portable, Changeable Copy	8 s.f. (See Sec. <a href="#">6.7.3</a> )	4’	14 days (See Sec. <a href="#">6.7.2</a> )	5’	10’	5’	Natural	See Sec. <a href="#">6.7.3</a>

2. **Duration.**

- A. 14 days (consecutive or non-consecutive) per month.
- B. Temporary sign(s) with an off-premises commercial message advertising for a special or long-term event such as, but not limited to, a festival, the sale or lease of land, a construction or development project or for work or service being provided on-premises is permitted until completion of construction or development, transfer of the property, or completion of such special or long-term event.
- C. It shall be the responsibility of the sign owner or organization who installs such temporary sign(s) to ensure all temporary signs are removed and gathered within 14 days following the event which is being advertised.

3. **Other.**

- A. A tenant may use any combination of temporary signage (i.e. Yard, banner, Sandwich Board, Flutter Flags, Portable, Changeable Copy) but the limit is 3, not 3 of each kind.
- B. Temporary signs 8 sq.ft. or less shall not require a Zoning Certificate or a payment of a fee, unless otherwise specified herein.
- C. A temporary sign greater than 8 sq.ft., but no more than 32 square feet in size are permitted on lots larger than one (1) acre on agricultural, residential, commercial and industrial zoned property, provided:
  - i. The owner of the property or sign applies for, and receives a Zoning Certificate (but no fee) for the sign.
  - ii. There shall be a limit of one (1) sign of this extended size per development site and such sign may have a maximum of two sides with no more than a 24" separation space between sign panels; and
  - iii. Such sign shall not exceed 6' in height
  - iv. Such sign shall be removed within 14 days following the event, work or service being performed transfer of the property, or completion of such special or long-term event or other message the commercial message is advertising.



4. **Sign Type Regulations, Regardless of Message.** The following types of temporary signage are regulated as follows in all zoning districts regardless if it contains a commercial or noncommercial message.
- i. **Window Signs (No permit required)**
    - a. No window sign or combination of window signs shall occupy more than 50% of the window pane in which it is located.
    - b. There is no time limit or number permitted limitation on temporary window signage.
  - ii. **Banners (Permit required if over 8 sq.ft. – See [Section 6.7.3.C](#)).**
    - a. Banners shall be securely fastened, in a non-permanent manner to the permanent sign structure on the property, light post fixture, the façade of a structure or tenant space, or between two supporting posts freestanding in a yard.
  - iii. **Flutter Flags (No Permit Required).**
  - iv. **Portable, Changeable Copy Signs (Permit Required).**
    - a. Portable, Changeable Copy Signs, may be on or off wheels.
    - b. There shall be a maximum of one (1) Portable, Changeable Copy Signs per development site, subdivision development or residential parcel.
    - c. Portable, Changeable Copy Signs are not intended by this resolution to be used as a permanent, on-premises identification sign. A changeable copy sign used for permanent means of advertising shall meet the on-premises sign requirements or off-premises sign requirements, whichever is applicable.
  - v. **Sandwich Board Sign**  
Sandwich Board Signs are not intended by this resolution to be used as a permanent, on-premises identification sign. A Sandwich Board sign used for permanent means of advertising shall meet the on-premises sign requirements or off-premises sign requirements, whichever is applicable.

Type	Number Permitted	Min.-Max. Sign Area Sq. Ft.	Max. Length	Max. Height	Duration	Setbacks			Illumination	Other
						Front	Side	Rear		
Window Signs	<i>See Sec. <a href="#">6.7.3.A</a></i>	50% of window pane		No Limit	No Limit	Same as Bldg. Setback			Natural	<i>(See Sec. 6.7.4.i)</i>
Banners	<i>See Sec. <a href="#">6.7.3.A</a></i>	8s.f. -24s.f.	10'	4'	14 days <i>(See Sec. <a href="#">6.7.2</a>)</i>	5'	10'	5'	Natural	<i>(See Sec. 6.7.4.ii)</i>
Flutter Flags	<i>See Sec. <a href="#">6.7.3.A</a></i>			10'	14 days <i>(See Sec. <a href="#">6.7.2</a>)</i>	5'	10'	5'	Natural	<i>(See Sec. 6.7.4.iii)</i>
Portable Changeable Copy	<i>1</i>	32s.f.	8'	5'	14 days <i>(See Sec. <a href="#">6.7.2</a>)</i>	5'	10'	5'	Natural	<i>(See Sec. 6.7.4.iv)</i>
Sandwich Board	<i>See Sec. <a href="#">6.7.3.A</a></i>	16s.f.	4'	4'	14 days <i>(See Sec. <a href="#">6.7.2</a>)</i>	5'	10'	5'	Natural	<i>(See Sec. 6.7.4.iv)</i>



## **SECTION 6.8 NONCONFORMING SIGNS**

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### **1. General Provisions.**

- A. Except as otherwise specifically provided, nothing in this section shall require the removal or discontinuance of a legal nonconforming signs.
- B. A nonconforming sign shall not be altered, modified, rebuilt, enlarged, extended, or relocated, or reconstructed except:
  - i. When such alteration, modification or reconstruction would bring such sign into conformity with these regulations;
  - ii. When the existing use has new ownership which results in a change in the name or logo of the use or business on the property, and such change complies with subsection “iv” below;
  - iii. When the space is reoccupied by a similar use and the new occupant requires no external building or site renovation, and such change complies with subsection “iv” below;
  - iv. Any alteration, modification or reconstruction permitted in this section shall be limited to the replacement of a sign panel, replacing individual letters and logos within the same structural casing or frame, or repainting a sign face, and does not permit changes to the structure, framing, erection or relocation of the sign unless such changes conform to subsection “i” above.
- C. Temporary or portable signs shall not be designated a legal nonconforming sign. Portable signs altered to be made non-portable shall still be considered to be portable unless such sign receives a permit in accordance with the permanent, on-premises identification sign regulations.

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

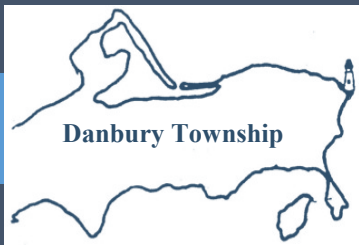
### **3. Loss of Legal Nonconforming Status.**

- A. A legal nonconforming sign loses the legal nonconforming designation if:
  - i. The sign is relocated;
  - ii. The sign is replaced;
  - iii. The structure or size of the sign is altered in any way except towards compliance with this Article. This provision does not refer to general maintenance, changeable marquees, or face and copy changes.
  - iv. The sign is part of an establishment that discontinues its operation or has been abandoned for a period of 2 years.
  - v. A legally established nonconforming sign which has been damaged by fire, explosion, act of God, the public enemy or voluntarily, that severs all or part of the supporting structure(s), or posts in the ground, the sign structure shall not be restored except in conformity with the setback regulations herein. The sign case or panels containing the sign face may be reused or repaired if damaged by less than 75% of the sign area as calculated in [Section 6.3.2.E.ii](#). If the sign case or panels containing the sign face are damaged or destroyed by 75% or more of the sign area, then the sign and its supporting structure(s) or posts shall lose its nonconformity status and comply with all requirements contained herein.

### **4. Maintenance and Repair of Nonconforming Signs.**

- A. All existing nonconforming signs shall be kept in a state of good repair, good working order, and in a safe condition, free from fading, peeling paint, broken, cracked or missing faces, rotting/decaying supporting structures or frames, improperly or partially functioning lighting fixtures, or other aesthetically displeasing characteristics.
- B. The Zoning Inspector shall be authorized to make a determination of whether a legally nonconforming sign is properly maintained and does not endanger the public or constitute a nuisance.

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# Article 7: Administration

## **ARTICLE 7: ADMINISTRATION, APPEALS & ENFORCEMENT**

- 7.1 Duties of the Zoning Inspector
- 7.2 Ordinance of Interpretation
- 7.3 Violations
- 7.4 Penalties
- 7.5 Zoning Certificate/ Permit Approval
- 7.6 Zoning Commission
- 7.7 Procedure for Change in Zoning Districts
- 7.8 Application Fees
- 7.9 Board of Zoning Appeals
- 7.10 Board of Zoning Appeals Review & Approval Procedures
- 7.11 Conditional Zoning Certificate
- 7.12 Nonconforming Uses

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# Article 7: Administration

## **SECTION 7.1 DUTIES OF THE ZONING INSPECTOR**

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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 the Zoning Inspector of any 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.

## **SECTION 7.2 ORDINANCE OF INTERPRETATION**

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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.

## **SECTION 7.3 VIOLATIONS**

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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.

## **SECTION 7.4 PENALTIES**

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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.

## **SECTION 7.5                      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 the Zoning Inspector 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.
- H. Permanent, portable and identification signs as defined in [Article 6](#).

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

- A. Written application shall be made for a zoning certificate/permit for the construction of a new building or the enlargement of an existing building. Said certificate/permit shall be issued within ten (10) days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this Resolution.
- B. Written application for a zoning certificate/ permit for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this Resolution, the certificate/permit therefore shall be issued within sixteen (16) days after the application for same has been made.
- C. Every application for a zoning certificate/ permit shall be accompanied by a plot plan and such other plans as may be necessary to show the location and type of buildings to be erected or to be made.
  - i. Each plan shall show:
    - a. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
    - b. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.

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

## **SECTION 7.6 ZONING COMMISSION**

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1. Whenever the public necessity, convenience, general welfare or good zoning practices require, the Board of Trustees may, by resolution after receipt of recommendations thereof from the Zoning Commission, and subject to the procedures provided by law, amend, supplement or change the regulations, district boundaries or classification of property, now or hereafter established by this Resolution or amendments thereof. It shall be the duty of the Zoning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Board of Trustees.
2. **Appointment.** There is hereby established a Zoning Commission which shall consist of five (5) individuals who reside in the unincorporated area of the township appointed by the Board of Trustees. The Board of Trustees shall choose a successor to fill any vacancy. The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Trustees and shall be for the respective unexpired term. The members of the Zoning Commission may receive such compensation as the Board of Trustees provides.

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

3. **Hearings and Rules.** The hearings of the Zoning Commission shall be public and held monthly. 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. The Zoning Commission shall organize annually and elect a President, Vice-President and Secretary. Elected officers are permitted to hold the same elected position for a maximum of three (3) consecutive years and must abstain for one (1) full year before being re-elected to that position. Commission Members are subject to Ohio Ethics Commission code of ethics as it applies to individuals serving on local government boards and commissions and shall recuse themselves from participating in a hearing if they are an adjoining or abutting property owner or lease of a Map Amendment request as follows:
  - A. The property they own or lease is zoned A, R-1, C-1, C-2, C-3, M-1 or M-2, the member shall recuse themselves from any case within a 500' radii of the property they own or lease.
  - B. The property they own or lease is zoned R- 2 or R-C, the member shall recuse themselves from any case within a 300' radii of the property they own or lease.
  - C. The property they own or lease is zoned R-3, L or LBO, the member shall recuse themselves from any case within a 200' radii of the property they own or lease.
4. **Quorum & Decisions.** 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. Should the vote of the Commission result in a tie vote, the application shall be placed on the next agenda.

## **SECTION 7.7                      PROCEDURE FOR CHANGE IN ZONING DISTRICTS**

1. **Amendments to the zoning resolution.** Amendments to the zoning resolution or map must follow the procedures stipulated in ORC [Section 519.12](#) and any amendments thereof, are adopted herein. The Danbury Zoning Resolution provides a summary of those steps. Amendments may be initiated by motion of the Township Zoning Commission, by the passage of a resolution by the Board of Township Trustees or by filing of an application 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 with the Township Zoning Commission.
2. **Applications.** Applications for amendments to the zoning resolution or 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.
  - A. 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.
  - B. 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.
3. **Process.**
  - A. 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.
  - B. The Zoning Commission shall forward the 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, for a recommendation of approval, denial, or approval with modifications. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

- C. Notification. Prior to the public hearings held before the Zoning Commission or Board of Trustees, notice shall be given by publication in a newspaper of general circulation in the Township at least ten (10) days before the date of the hearing. Additional requirements of what the notice shall include and when neighbors are required to receive personal notice are outlined in ORC [Section 519.12](#).
  - D. 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.
  - E. Action by Zoning Commission. The Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to the Board of Trustees within thirty (30) days after the hearing. A proposed amendment may be approved if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.
    - i. **Text Amendments:**
      - a. The proposed amendment will make the Resolution conform more closely with the Land Use Plan.
      - b. The proposed amendment will improve the public health, safety, or general welfare of Danbury Township.
      - c. The proposed amendment will clarify the intent of the Resolution.
      - d. The proposed amendment will better implement the intent of the Resolution.
      - e. The proposed amendment will improve enforcement of the Resolution.
    - ii. **Map Amendments:**
      - a. There is an error on the Official Zoning Map or in the delineations between districts thereon.
      - b. The proposed amendment will make the map conform more closely with the Land Use Plan.
      - c. There has been a substantial change in area conditions that necessitates the amendment.
      - d. There is a legitimate need for additional land area in the zoning district that will be expanded
  - F. 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.
  - G. 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.
4. An amendment 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 and in accordance with O.R.C. 519.12.

## **SECTION 7.8 APPLICATION FEES**

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

## **SECTION 7.9 BOARD OF ZONING APPEALS**

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

A. Appointment. There is hereby established a Board of Zoning Appeals which shall consist of five (5) individuals who reside in the unincorporated area of the township appointed by the Board of Trustees. The Board of Trustees shall choose a successor to fill any vacancy. The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Trustees and shall be for the respective unexpired term. The members of the Board of Zoning Appeals may receive such compensation as the Board of Trustees provides.

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

B. Hearings & Rules. The hearings of the Board of Zoning Appeals shall be public and held monthly. The Board shall organize annually and elect a President, Vice- President and Secretary. Elected officers are permitted to hold the same elected position for a maximum of two (2) consecutive years and must abstain for one (1) full year before being re-elected to that position. 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. Board Members are subject to Ohio Ethics Commission code of ethics as it applies to individuals serving on local government boards and commissions and shall recuse themselves from participating in a hearing if they are an adjoining or abutting property owner or leasee of any case as follows:

- i. The property they own or lease is zoned A, R-1, C-1, C-2, C-3, M-1 or M-2, the member shall recuse themselves from any case within a 500' radii of the property they own or lease.
- ii. The property they own or lease is zoned R-2 or R-C, the member shall recuse themselves from any case within a 300' radii of the property they own or lease.
- iii. The property they own or lease is zoned R-3, L or LBO, the member shall recuse themselves from any case within a 200' radii of the property they own or lease.

C. Quorum & Decision. 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. Should the vote of the Board result in a tie vote, the application shall be placed on the next agenda.

### **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 their 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. In exercising their duties to hear an appeal, the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from, and may 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.

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

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

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

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

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

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
  - b. Whether the variance is substantial.
  - c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
  - d. Whether the variance would adversely affect the delivery of governmental services (for example, water, sewer, garbage).
  - e. Whether the property owner purchased the property with knowledge of the zoning restriction.
  - f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
  - g. Whether the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variance.
- ii. **Use Variance**. A use variance involves the development or conversion of land for a use not permitted in the specific zoning district. The factors or standards applied to a use variance are those related to the concept of "unnecessary hardship"

A use variance must not be contrary to the public interest and the board of zoning appeals must insure that the spirit of the zoning resolution is observed. In other words, the use requested is consistent and harmonious to the existing uses. In addition, all of the following conditions must also be found to exist:

- a. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity and were not created by the applicant.
- b. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve a convenience to the applicant.

- c. The authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any way impair the health, safety, convenience, or general welfare of the inhabitants of the Township.

D. Conditional Uses. The Board shall have the power to hear and decide Conditional Uses as outlined in [Section 7.11](#) of this Resolution.

- 3. **Burden of Proof**. The applicant shall be required to present by preponderance of reliable, probative and substantial testimony and evidence that supports the applicants' request for a variance or Conditional Use Permit.
- 4. **Summary**. In either type of variance request, the variance as granted shall be the minimum variance necessary to accomplish the reasonable use of the land or building. The granting of a variance is valid for a period of one (1) year, and upon the expiration of such period shall automatically be deemed revoked, unless a building permit for such erection or alterations is obtained and the work is started within such period, or, where no erection or alteration is necessary, the permitted use is established within such period, or an extension is requested in writing and granted by the Board.

The Board may attach conditions and require such guarantees or bonds as it may deem necessary to assure compliance with the objectives of this Resolution. Failure to comply with the conditions of a decision shall be deemed a violation of this Zoning Resolution.

- 5. Procedures for approval for all Board of Zoning Appeals functions including Appeals, Variances, Special Exceptions and Conditional Use are outlined in [Section 7.10](#).

## SECTION 7.10                      **BOARD OF ZONING APPEALS REVIEW & APPROVAL PROCEDURES**

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- 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.

- 2. The Board shall hold a 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 application within 30 days 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 obtain additional information, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be substantially interested in the appeal, variance, conditional use, or special exception. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

The Board shall finalize the decision on all appeals, variances, conditional uses, or special exceptions at their next regularly scheduled monthly meeting. If such meeting has been cancelled, then a special meeting shall be called for the purpose of approving meeting minutes and signing the Decision sheets. A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decision shall be binding upon and observed by the Zoning Inspector, and Zoning Inspector 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.

In exercising their duties to hear an appeal, variance, conditional use, or special exception, the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from, and may make such order, requirement, decision or determination as in its opinion ought to be made on the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.

4. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Trustees and shall be a public record.
5. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas as permitted by law.
6. No new application for a variance or Conditional Use that has once been denied in whole or in part by the BZA shall be submitted again to the BZA for a decision, unless new facts, material issues or substantial changes have been made in the proposal that formed the basis of the case.

## **SECTION 7.11                      CONDITIONAL ZONING CERTIFICATE**

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The Board of Zoning Appeals shall have the duty to hear and decide applications for conditional zoning certificates where they listed in Subsection "C" of the respective zoning district in [Article 3](#) of this resolution.

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

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

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



- G. In considering an application for conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structure.

**3. Approval, Expiration & Revocation.**

- A. An approved conditional use will be for a period of one year provided substantial progress and completion is made, unless an extension has been granted by the Board. A maximum of two (2), six (6) months extensions are allowed if the scope of the approval has not changed and the proposed use and site plan still satisfy the decision standards.
- B. Failure to complete or make substantial progress on the approved use shall result in the expiration of its authorization and require a new application.
- C. Zoning permits shall not be issued unless the plans substantially conform to those approved by the Board of Zoning Appeals, including conditions.
- D. A Conditional Use permit shall be valid and run with the land, provided substantial progress and completion is made, only for the specific use and location approved and in accordance with any conditions approved.
- E. A Conditional Use Permit shall automatically expire if the Conditional Use ceases operation for more than one year.
- F. A Conditional Use Permit may be revoked by the Board of Zoning Appeals if the existing Conditional Use Permit fails to meet one of the following requirements:
- i. The conditions of approval are not met or maintained.
  - ii. The continuance of the conditional use would pose a substantial risk to the public health, safety and welfare. Notification will be provided to all who are entitled to such notice.

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

A. Minor Modification:

- i. Does not change the use or density to a more intense use or density than permitted by the approved plan; and
- ii. Does not change the location or amount of land designated for a specific land use; and
- iii. Are of a magnitude that will not substantially alter the appearance of the use from off of the site; and
- iv. Will not substantially or detrimentally affect the provision of public services to the site or general vicinity; and
- v. Will not substantially or detrimentally increase potential demand on public or private utilities; and
- vi. Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties and neighborhood; and
- vii. Are not contrary to and in no way diminish the intent of the originally approved permit.

B. Major Modification:

- i. An increase in density or intensity; or
- ii. Changes to the property or project boundaries; or
- iii. Anything not classified as a minor modification above.
- iv. A major modification requires an entirely new Conditional Use application (including the fee), according to the provisions of this section.

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

## SECTION 7.12 NONCONFORMING 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.
  - A. It is not the intention herein to classify as nonconforming, a use allowed in a district as a conditional use under the regulations of this Resolution.
  - B. Regulations pertaining to nonconforming signs can be found in [Article 6, Section 6.8](#).
2. **Continuation of Use.**
  - A. 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, except as otherwise provided herein.
  - B. Whenever the use of a building and/or land becomes nonconforming through a change in the amended Zoning Resolution or in the District boundaries, such use may be continued, except as otherwise provided herein.
  - C. 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.
3. **Modifications.**
  - A. The addition to or enlargement of a nonconforming building or structure shall be permitted provided it contains a permitted use and 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.
  - B. Any structure moved or relocated on a lot, in whole or in part, shall thereafter conform to the setback requirements of the zoning district in which it is located, unless a variance is obtained. A structure may be lifted in place and set back down in the exact same location.
  - C. A nonconforming use or structure which has been damaged by fire, explosion, act of God, or the public enemy or demolished, removed, or structurally altered voluntarily, to the extent of seventy-five (75) percent or more of the floor area contained in the building or structure at the time of damage shall not be restored, rebuilt or enlarged except in conformity with the regulations of the district in which it is located.
  - D. When damaged by less than seventy-five (75) percent of the floor area contained in the building or structure at the time of damage, 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.
  - E. A nonconforming use of land shall not be expanded or extended into any other portion of the lot or adjoining property.
4. **Discontinuance.**
  - A. 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.
  - B. A nonconforming use may be changed to any use that is a permitted use in the zoning district in which it is located, or approved Conditional Use, subject to all standards and requirements applicable to the new use. Once a nonconforming use is converted to a conforming use it may not be changed back to a nonconforming use.
5. **Burden of Proof.**
  - A. An applicant for any development review procedure that deals with a nonconformity shall bear the burden of proof in demonstrating that the nonconformity of the property was a legal nonconformity on the effective date of this Resolution or at the time an amendment to the Zoning Resolution caused it to become a legal nonconformity.

