

ZONING RESOLUTION

PORTAGE TOWNSHIP
OTTAWA COUNTY, OHIO

ADOPTED: August 21, 1989

LATEST AMENDMENT - EFFECTIVE DATE

July 12, 2016

ASSISTED BY:

Ottawa Regional Planning Commission
315 Madison Street - Room 107
Port Clinton, Ohio 43452

PORTAGE TOWNSHIP
OTTAWA COUNTY, OHIO

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ARTICLE 1

TITLES, AUTHORIZATION, PURPOSE, AND INTERPRETATION

100 LONG TITLE

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

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

WHEREAS the effect of this Resolution shall be that it will be the general plan of zoning for all of the unincorporated areas of Portage 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 Portage 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 Portage Township, Ottawa County, Ohio:

101 SHORT TITLE

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

102 AUTHORIZATION

This Resolution is authorized by Chapter 519 of the Ohio Revised Code.

103 GENERAL PURPOSES

For the purpose of promoting public health, safety, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate but economical provision of public improvements, the Board of Trustees of this Township finds it necessary and advisable to regulate the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins, trailer coaches and the use 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 Portage Township, Ottawa County, Ohio.

104 EFFECTIVE DATE

The Zoning Resolution shall be effective from and after its passage on November 7, 1989 and certification by the County Board of Elections thereafter.

105 INTERPRETATION AND APPLICATION

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

In all districts minimum lot areas and lot width have been established for dwelling lots. It should be noted that in some case, the Board of Health or other agencies such as the Ottawa Regional Planning Commission, may require greater lot areas and lot widths than the minimum herein provided depending upon whether the lots are served by community water and/or community sewage treatment facilities.

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

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

106 VALIDITY AND SEPARABILITY

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

ARTICLE 2

GENERAL REGULATIONS

200 GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS

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

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

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

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

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

200.06 Every 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 residential family dwelling on one lot (excluding multifamily residential development) except as specifically provided hereafter.

200.07 Two or more parcels, lots of record or platted lots, when contiguous and when held in common ownership, may be treated together as a single lot for the purposes of this Resolution provided such lots are located in the same District.

200.08 Uses exempted from provision of this Resolution:

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 at Sections 519.211 (B), 519.211 (C), and 519.21 (B) of the Ohio Revised Code. This zoning

resolution is effective in all of the noted exception areas and they are incorporated herein by reference.

Exceptions, authorized by future amendments to these sections by the Ohio legislature, shall also be effective for purposes of this zoning resolution.

In general, Sections 519.21 and 519.211 prohibit regulations of certain agricultural uses, public utilities, railroads, liquor sales, oil and gas production, and telecommunication towers. (5/5/03)

201 ZONING MAP

201.01 The location and boundaries of the Districts shall be as shown on the map entitled, "Portage Township Zoning Plan, 1989." A copy of this map is on file in the office of the Board of Portage Township Trustees, and said map and all notations, dimensions and designations shown thereon are hereby declared to be a part of this Resolution.

201.02 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 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, water course or other right-of-way, the abutting zoning classification on each side thereof shall automatically be extended to the center line of said vacated street, alley, water course, or right-of-way.

b. All submerged lands below 574 feet USGS elevation are a part of that District to which their abutting natural above water lands are assigned and shall be bounded by extension of the boundary lines of each abutting natural above water property. Two adjacent districts which extend onto submerged lands shall be separated by extension of their above water common boundary line. In the case of leased submerged lands from the State of Ohio, the same requirement shall apply.

ARTICLE 3

ESTABLISHMENT AND PURPOSE OF DISTRICTS

300 ESTABLISHMENT OF DISTRICTS

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

- "A" - Agricultural District
- "R-1" - Low Density Single Family Residential District
- "R-2" - Medium Density Single Family Residential District
- "R-3" - High Density Single Family Residential District
- "R-4" - Multi-Family Residential District
- "R-5" - Manufactured Home Park Residential District
- "C-1" - Neighborhood Commercial District
- "C-2" - General Commercial District
- "C-3" - Recreational-Commercial District
- "A-D" - Airport Development District
- "M-1" - Light Manufacturing District
- "M-2" - Heavy Manufacturing District
- "R-C" - Restricted Commercial District (6/20/96)
- "PUD" - Planned Unit Development District (6/18/98)
- "E-C" - Entertainment Commercial District (11/5/98)

301 PURPOSE OF DISTRICTS

The purpose of the zoning districts established in Section 300 are as follows:

Agricultural District (A)

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

Low Density Single Family Residential District (R-1)

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

Medium Density Single Family Residential District (R-2)

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

High Density Single Family Residential District (R-3)

The purpose of this district is to accommodate high density single family residential uses in areas served by both public water and sewage treatment facilities as determined by Ohio EPA.

Multi-Family Residential District (R-4)

The purpose of this district is to permit two family and multi-family residential uses in areas where public sewer and water services are available or where public water and adequate sewage treatment plants are provided.

Manufactured Home Park Residential District (R-5)

The purpose of this district is to accommodate manufactured home parks or subdivisions in areas served by both public water and sewage treatment facilities as determined by Ohio EPA.

Neighborhood Commercial District (C-1)

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

General Commercial District (C-2)

The purpose of this district is to provide commercial uses which generally require locations on or near major thoroughfares and/or their principal intersections.

Recreational-Commercial District (C-3) (6/20/96)

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

Airport Development District (A-D)

The airport development district is designated to permit selected commercial uses adjacent to an existing airport facility.

Light Manufacturing District (M-1)

The purpose of this district is to provide areas for the development of light industrial uses.

Heavy Manufacturing District (M-2)

The purpose of this district is to provide areas for the development of general and heavy industrial uses.

Planned Unit Development (PUD)

The planned unit development district is designed to promote progressive development of land by allowing and encouraging planned unit developments in the township.

Restricted Commercial District (R-C)

The "R-C" restricted commercial district is designed to serve the needs of a limited number of high density commercial uses by allowing buildings to be constructed to a greater height than would normally be permitted in a commercial district. (6/20/96)

Entertainment-Commercial District (E-C)

The purpose of the entertainment commercial district is to accommodate entertainment uses in specific areas of the township. (11/5/98)

ARTICLE 4

DEFINITIONS

400 DEFINITIONS

For the purposes of this Resolution certain terms and words are described as follows:

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

Accessory Use or Building: A use or structure on the same lot, and of a nature customarily incidental and subordinate to, the principal use or structure. 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. (6/20/96)

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 (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of nudity or sexual or genital areas.(11/5/98)

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. (11/5/98)

Adult Cabaret: A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties. (11/5/98)

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. (11/5/98)

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. (11/5/98)

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. (11/5/98)

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; and 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. (6/20/96)

Airport: Any landing area, runway or other facility designed, used or intended to be used either publicly or by any person or persons 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 and generally less than thirty (30) feet.

Alteration, Structural: Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

Apartment: Same as "Dwelling Unit".

Apartment Hotel: A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

Apartment House: Same as "Dwelling Multiple".

Assembly: The joining of completely fabricated parts to create a product. (5/20/98)

Attorney: The Prosecuting Attorney of Ottawa County or township's legal advisor.

Automobile Service Station: Any premises used for supplying gasoline and oil, at retail direct to the customer, including minor accessories and services for automobiles.

Automobile, Recreational Vehicle and Farm Implement Sales: The sale or rental of new and used motor vehicles, recreational vehicles, or farm implements in an open area, other than a street, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

Automobile, Recreational Vehicle and Farm Implement Repair Shop: Any place where two (2) or more vehicles are repaired or stored awaiting repair. This includes all major repair, replacement, or alteration of mechanical, structural, paint, glass or other parts. All activities must be conducted in an enclosed building.

Automobile Wrecking: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Automobile Wrecking Yard: Any place where two (2) or more motor vehicles not in running condition, or parts thereof, are stored in the open, in a fenced area or in a partially enclosed building, and are not being restored to operation or any land used for wrecking or storing of such motor vehicles or farm machinery or parts thereof stored in the open and not being restored to operating condition.

Bait Store: A retail establishment whose primary products are bait and fishing supplies. (6/20/96)

Balcony: A railing enclosed platform projecting from the outer wall of a building.

Basement: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where more than one-half of its height is above the average level of the adjoining ground.

Bed and Breakfast Inn: An owner-occupied, single-family residential dwelling in which rooms are rented to paying guests on an over-night basis and breakfast only is provided; the entire service to be included in one (1) stated price.

Billboard: Any sign used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from said display.

Board: Shall mean the Board of Zoning Appeals.

Board of Township Trustees: Shall mean the duly elected and/or duly appointed Portage Township Trustees.

Boarding House: A building or portion thereof, other than a hotel, where meals, or lodging and meals for five (5) or more persons are provided for compensation.

Breweries & Wineries: Establishments where beverages containing allowed limits of alcohol are produced and may be offered to the public for consumption on and/or off the site.(7/17/13)

Buffer Strip: Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to virtually shield or block noise, lights, or other nuisances. (08/19/93)

Building: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such buildings shall be deemed a separate building.

Building, Community: A building for social, educational, and recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain.

Building Height: The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves from the finished grade of the front of the structure. (7/17/13)

buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

Building, Main: A building in which is conducted the principal use of the lot on which it 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, General: Retail and service establishments, which in addition to catering to the community residents and workers daily needs for convenience goods and services, also include establishments offering comparative type shopping facilities. General business includes but is not limited to supermarkets, stores for the sale of drugs, hardware, appliances, furniture, apparel, footwear, business and personal services, professional services, offices, and other similar or related activities which can be grouped by design into a unified shopping center.

Business, Highway: Includes commercial uses requiring locations on major thoroughfares and at their principal intersections. Highway uses include motels, gas stations, restaurants, drive-in establishments, auto and farm implement sales and repair, building trades and services, commercial recreation and similar commercial activities.

Business, Neighborhood: Retail and service establishments which cater to and can be located in close proximity to or within residential districts without creating noise or other objectionable influence. To prevent congestion, local retail and service uses include only those enterprises which normally employ less than ten (10) persons. Permitted uses include drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick-up facilities, hardware, and grocery stores if less than 10,000 square feet of floor area. Other small businesses of and equally restricted in local nature may be permitted, based on the discretion of the Board of Zoning Appeals.

Business Services: Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or businesses.

Campsite or Trailer Camp: An area of land on which three (3) or more travel trailers, campers, motor homes, tents, or other similar recreational vehicles are accommodated with or without charge. Such

camp shall include any buildings, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

Child Daycare: 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 place or residence other than the child's own home. The following are child day-care facilities:

Child Daycare Center: Any place in which child day-care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for 7 to 12 children at any other time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

Type A Family Daycare Home: A permanent residence of the administrator in which child day-care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The Term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

Type B Family Daycare Home: See Ohio Revised code Section 5104.054 (Type B family day-care homes are permitted in any district where residential uses are permitted) (7/17/13)

Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together or professionals licensed to practice the healing art.

Club: A building or portion thereof or premises owned or operated by a corporation, association, person, or persons for a social, literary, political, or educational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Collocation: The use of a telecommunication tower by more than one (1) telecommunication provider. (11/5/98)

Commission: The Zoning Commission of Portage Township.

Conditional Use: 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 special exception made in this resolution. A conditional use is not considered to be a nonconforming use and a conditional use permit shall not become invalid upon the transfer of ownership of the land.

Condominium: A dwelling unit which is part of the condominium property consisting of one or more rooms on one 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 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, as amended.

Condominium Unit: A part of the condominium property consisting of one or more rooms on one or more floors of a building and designated as a unit in the declaration and delineated on the required drawings.

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. (12/01/93)

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.

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.

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 shall establish such curb grade for the purpose of this Resolution.

Density: The number of dwelling units per acre of land.

Disabled Vehicle or Disabled Recreational Vehicle: An inoperable vehicle or extensively damaged vehicle, such damage including but not limited to missing wheels, tires, motors, transmission or structural damage by rot or physical force. (6/20/96)

District, Zoning District: Administrative tracts designating the uses to which land can legally be utilized. Boundaries of districts are shown on the Zoning Map.

Dwelling: A building or portion thereof, designed exclusively for permanent residential occupancy, including one-family, multiple-family dwellings, and manufactured homes as defined herein, but not including hotels, motels, boarding and rooming houses, or tents, tent trailers, trailer coaches, automobile trailers, mobile coaches and all other structures designed for and/or constructed with wheels, whether or not said wheels remain attached to the structure or are separated therefrom. (6/20/96)

Dwelling, Multiple-Family: A building, or portion thereof, designed for permanent occupancy by three or more families living independently of each other.

Dwelling, One-Family, Permanent Use: 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. (8/16/05)

Dwelling, Two Family: A building designed exclusively for occupancy by two (2) families living independently of each other, including a duplex, (one dwelling unit above the other) or a semi-detached dwelling, (one dwelling unit beside the other).

Dwelling Unit, Studio: A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities. (12/01/93)

Dwelling Units: One or more rooms in a dwelling or apartment hotel designed for permanent occupancy by one family for living purposes and have cooking facilities.

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

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, guardianship, or marriage to any of the first five (5) above eighteen (18) years of age. (6/20/96)

Fence: A barrier intended to prevent intrusion or escape.

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, excluding basement areas not used for living quarters and other areas not used for permanent occupancy or use.

Frontage: The width of the lot at the street right-of-way line.

Garage, Private: An accessory building or a portion of the main building, designed or used for the storage of not more than three (3) motor driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle, which vehicle shall not exceed a five-ton capacity.

Garage, Public: A building designed or used for the care, repair or equipment of automobiles, commercial vehicles or trucks, or where such vehicles are parked or stored for remuneration or sale.

Guest House: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

Heliport: An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Highway, Major: A street or road of considerable continuity and used primarily as a traffic artery for interconnection between larger areas.

Home Occupation: An occupation conducted in a dwelling unit as a secondary use in connection with which there is no person employed other than members of the family residing on the premises, provided:

- a. such occupation is conducted wholly within the dwelling;
- b. floor area devoted to such use does not exceed 25 percent of the total floor area as defined herein of the main building;
- c. such use is not objectionable due to noise, hours of operation, traffic generated, or hazardous or noxious process; and
- d. adequate parking is assured.

Hotel: Any building, or portion thereof, which contains guest rooms which are designed or intended to be used, let or hired out for occupancy by individuals for compensation, whether the compensation be paid directly or indirectly.

Industrial Unit or Dwelling: As defined in Division (I) of Section 3781.10 of the Revised Code, means an assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient, and when installed constitutes the structure or part of a structure, except for preparations for its placement. 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. A manufactured home may not be an approved industrial unit.

Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.

Institutional Home: A place for the care of babies, children, pensioners, or elderly people, except those for correctional or mental cases.

Junk Yard: See "Automobile Wrecking Yard".

Kennel/Cattery: Any lot or premises on which five (5) or more dogs or cats, more than four (4) months of age are housed, groomed, bred, boarded, trained, bought or sold.

Lattice Tower: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top. (11/5/98)

Lessee: An individual, group of individuals, partnership, corporation, or company who holds, possesses, or occupies, on a temporary or permanent basis, land or property owned by another through a written or verbal contract or agreement. (07/02/97)

Loading Space: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary

parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

Lodging House: A building where room and/or board for five (5) or more persons is provided for compensation.

Lot: A parcel of land of sufficient size to meet the 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 an approved private street and may consist of:

- a. a single lot of record;
- b. a portion of a lot of record; or
- c. a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Area: The total horizontal area within the lot lines of a lot.

Lot Corner: A lot adjacent to two (2) or more streets as their intersection.

Lot Coverage: Percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

Lot of Record: Any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder of Deeds of Ottawa County.

Lot, Interior: A lot other than a corner lot.

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 and exclusive of easements.

Lot, Reversed Corner: A corner lot the side street line of which is substantially a continuation of the front lot line of the lot to its rear.

Lot, Through: An interior lot having frontage on two (2) or more streets.

Lot, Width: The width of a lot at the building setback line measured at right angles to its depth. The width of lots fronting on a cul-de-sac shall be the chord distance between side lot lines for the curve coinciding with the required depth of the front yard.

Major Street: See "Highway, Major".

Manufactured Home: Any non-self-propelled vehicle transportable in one or more sections, which in the traveling mode, is eight body feet or

more in width or forty body feet or more in length or, when erected on site, is three-hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and outer projections containing interior space, but do not include bay windows. A manufactured home shall be construed to remain a manufactured home, subject to all regulations applicable thereto whether or not wheels, axles, hitch, or other appurtenances or mobility are removed and regardless of the nature of the foundation provided if set upon a foundation. Also known as house trailer/mobile home.

Manufactured Home Park: Any tract of land upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three or more manufactured homes are parked thereon if the roadways are dedicated to the local government authority.

Manufacturing: Any production or industrial process including food processing which combines one or more raw materials or components into a product or which changes the nature of the materials entering the process.

Marina: An area having water access, which is used for boat sales, service, docking, mooring, storage and/or including boat rebuilding and repairing.

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. (11/5/98)

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. (11/5/98)

Masseur or Masseur: Any individual who performs massages at a massage establishment. (11/5/98)

Mineral Extraction and Storage: Any mining, quarrying, or storage of coal, limestone, clay, or other mineral resources except sand.

Mineral Processing: The processing of coal, limestone, clay, and other mineral resources except sand and gravel, provided no chemical change in the mineral is involved in the process.

Mobile Home/House Trailer: Same as "Manufactured Home".

Mobile Home Park: Same as "Manufactured Home Park".

Modular Unit or Dwelling: Same as "Industrial Unit or Dwelling".

Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation. (11/5/98)

Motel: A group of attached or detached buildings containing less than three hundred (300) square feet of floor area for each sleeping or living unit and which are provided for transient guests; including auto-courts and motor lodges.

Nightclub: A place of assembly used for the consumption of food and alcoholic beverages and which normally affords entertainment through permitting dancing or through organized entertainment other than music.

Non-Conforming Building: A building or structure or portion thereof lawfully existing at the time this Resolution became effective, which was designed, erected, or structurally altered for use that does not conform to the use regulations of the District in which it is located.

Non-Conforming Uses: A use which lawfully occupied a building or land at the time this Resolution and/or amendments thereto became effective and which does not conform with the use regulations of the District in which it is located.

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. (11/5/98)

Nursing Home: A home for the aged or chronically ill persons in which three (3) or more persons not of the immediate family are received, kept and provided with food, shelter, and care, for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick.

Open Space: Land devoted to conservation or recreational purposes and/or land designated by a township to remain undeveloped. (11/5/98)

Outdoor Wood-Fired Furnaces (OWF's) to include Outdoor Wood-fired Boilers (OWBs) aka Outdoor Hydronic Heaters: Free standing wood burning devices that heat liquid (water or water-antifreeze) which is then pumped to provide heat and/or hot water to one or more structures. (7/12/16)

Parking Area, Public or Customer: An open area, other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasi-public use.

Parking Area, Private: An open area, other than a street or alley, used for the parking of the automobiles of occupants of a dwelling.

Parking Space, Automobile: Space within a building or private or public parking area for the parking of one (1) automobile.

Permanent Sign: Any free standing, non-movable sign not affixed to a building or structure. (7/17/13)

Planned Unit Development: An area of land in which a variety of housing types and subordinate commercial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot size and setbacks, than those restrictions that would normally apply under this Resolution.

Portable Vendor Equipment: Portable vendor equipment requiring a person(s) for delivery of the product and are not considered permanent structure. (7/17/13)

Portable Storage Containers: Containers designed for the temporary storage of property that can be moved by truck or trailer (including intermodal storage units). (7/12/16)

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.

Projecting sign: Any sign or advertising display affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall. (7/17/13)

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 trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path.
Public Roads: see Right of way (7/17/13) open space, wilderness area or similar public land within the township which is under the control, operation, or management of the township, county, or state. (11/5/98)

Public Service Facility: The erection; construction; alteration; operation or maintenance of buildings; power plants or substations; water treatment plants or pumping stations; sewage disposal or pumping plants; and other similar public service structures by a public utility, by a railroad whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water, and sewage services.

Recreational Vehicle: Defined as and including the following:

- a. Travel Trailer (including 5th wheels): A vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation, and vacation use.
- b. Truck Camper: A structure designed primarily to be mounted on a truck and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation uses.
- c. Motor Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle which is more than seven (7) feet high and/or more than sixteen (16) feet long.
- d. Folding Tent Trailer: A canvas folding structure

mounted on wheels and designated for travel and vacation use.

- e. Boat and Boat Trailers: Includes boats, floats, rafts, and the normal equipment to transport the same on the highway.
- f. Park Model: A vehicular unit for recreational purposes that meets the following criteria:
 - 1. Built on a single chassis mounted on wheels.
 - 2. Primarily designed as a temporary living quarters for seasonal or destination camping which may be connected to utilities necessary for operation of installed fixtures and appliances.
 - 3. Having a gross trailer area not exceeding 400 square feet in the set-up mode. (12/16/92)

Restaurant: An establishment where food and drink for sale to the general public is prepared, served, and consumed within the principal building or an attached outside patio/deck area. Entertainment shall only be provided inside the principal building and shall only consist of music at such a volume that normal conversation between individuals can occur. (10/15/08)

Retail Store: A store serving a limited local area or neighborhood selling commodities, not processed on the premises, direct to the public.

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

Right of Way: A strip of land taken or dedicated for use as a public or private way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities and may include special features required by the topography or treatment such as grade separation, landscaping, viaducts, and bridges. (7/17/13)

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.

School: Any public or private educational facility, including, but not limited to, child day care facilities, nursery schools, pre-schools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, colleges, junior colleges, and universities. School includes the school ground. (11/5/98)

Setback Line: A line established on a lot, generally parallel with and measured from the edge of the road right-of-way for the front yard and from the lot lines for the side and rear yards, defining the limits of a yard in which no building, other than accessory building or structure may be located above ground, except as may be provided in said resolution. (12/16/92)

Sexual or Genital Area: Includes the genitalia, pubic area, anus, perineum of any person, and the breasts of a female. (11/5/98)

Sexually Oriented Business: Any of the following: adult arcade, adult bookstore, adult cabaret, adult health club, adult motion picture theater. (11/5/98)

Sign: Any works, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to designate an individual firm, profession, business, or a commodity, and which are visible from any public street.

Sign: Free Standing: A non movable sign not affixed to a building. (08/19/93)

Special Event: An event, not sponsored by the State of Ohio or any of its political subdivisions, that is in existence at a fixed location for not longer than fourteen (14) days, but continuous for at least eighteen (18) hours with the intent to discontinue such event upon the completion of the planned activities.

Special events are limited to outdoor activities or the use of temporary enclosures such as tents or canopies and include carnivals, circuses, revivals, festivals, fairs, tent sales, and other similar events, which in the discretion of the zoning inspector, meet the criteria established herein. (6/20/96) (7/12/16)

Special Use: See Conditional Use.

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. (11/5/98)

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. (11/5/98)

Storage Area: Any area, building, lot, or facility designed, adapted, or used for the storage of four (4) or more boats, trailers, campers, recreational vehicles, boat trailers and/or boat cradles for periods in excess of seven (7) consecutive days.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and the ceiling next above it.

Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

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

Street, Major: See "Highway, Major".

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something

having a permanent location on the ground, including advertising signs, billboards, etc.

Tavern: 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. No dancing or organized entertainment shall be permitted. All activities and music shall be within an enclosed building.

Telecommunication: The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems. (11/5/98)

Telecommunication Antenna: The physical device through which electromagnetic, wireless telecommunication, authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition. (11/5/98)

Telecommunication Equipment Shelter: The structure in which the electronic receiving and relay equipment for a telecommunication facility is housed. (11/5/98)

Telecommunication Facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communication source and transmitting those signals

to a central switching computer which connects the mobile unit with the land based telephone lines. (11/5/98)

Telecommunication Tower: Any free-standing structure or any structure to be attached to a building or other structure, that meets the following criteria:

- a. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunication services;
- b. The free-standing or attached structure is proposed to be located in an area zoned for residential use.
- c. The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures or the maximum height for free-standing structures within that zoned area; or 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 within that zoned area.
- d. The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment. (11/5/98)

Temporary/Portable Sign: Any sign or advertising display designed or intended to be displayed for a short period of time for a specific event (7/17/13)(7/12/16)

Tourist Camp: Same as "Campsite or Trailer Camp".

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. (06/03/04)

Wall Sign: A sign fastened to or painted on the 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. Wall sign shall not project more than twelve (12) inches from such building or structure. (7/17/13)

Warehousing and Wholesale Activities: The receiving, storage, sale and distribution of manufactured products and equipment, such storage to be within wholly enclosed structures of buildings.

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

Windmill, Low Impact Wind Powered Electric Generator: 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. (10/15/08)

Windmill, High Impact Wind Powered Electric Generator: A wind energy conversion system consisting of a wind turbine, a tower, and associated controls or conversion electronics which has a rated capacity of more than 100 kW but less than 5mW. (10/15/08)

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a 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 line; the

depth of the required front yard shall be measured horizontally from the nearest part of a main building towards the nearest point of the street right-of-way line.

Yard, Rear: A yard extending across the full width of the lot between the nearest rear main building and one rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line, to the center of an alley if one is present, to a seawall, or in the absence of a seawall, to the water's edge. (6/20/96)

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

Zoning Certificate/Permit: The document issued by the Zoning Inspector authorizing the use of the land or buildings.

Zoning Inspector: The Zoning Inspector or his authorized representative appointed by the Board of Township Trustees.

Zoning Map of Districts: The Zoning Map or maps of the Township together with all amendments subsequently adopted.

ARTICLE 5

DISTRICTS

500 "A" AGRICULTURAL DISTRICT

The following regulations shall apply in the "A" District:

500.01 Uses Permitted: After obtaining a valid zoning certificate in accordance with Article 12, the following uses are permitted:

- a. Agriculture.
- b. One-family dwellings.
- c. Roadside stands, for sale of agricultural and plant nursery products, provided a minimum of fifty (50) percent of the total value of all products sold are raised on the premises.
- d. Churches or other places of worship.
- e. Schools, public or private, excluding nursery schools and day-care centers.
- f. Public, non-commercial parks and playgrounds.
- g. Clubs, as defined in Article 4.
- h. Home occupations.
- i. Nurseries or greenhouse.
- j. Accessory buildings and uses.
- k. Portable Storage Containers, see section 812 (7/12/16)
- l. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)
 1. The proposed wind powered electric generator/windmill shall be a distance of at least 110% of the total height of the structure away from any property line and from any public or private road right-of-way (06/04/09)
 2. The maximum height including the blades shall not exceed one hundred and fifty (150) feet. (06/04/09)
 3. The structure supporting the electric generator/windmill shall be a free standing pole or tower. Structures requiring guy wires are not permitted. (06/04/09)
 4. The wind generator shall not make noise/sound that

- interferes with normal conversation between individuals at the property line. (06/04/09)
5. The maximum lighting used for or on the structure shall be a low intensity red light as defined by the Federal Aviation Administration. (06/04/09)
 6. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW. (10/15/08)
 7. All necessary permits shall be obtained. (10/15/08)
 8. If a wind powered electric generator/windmill remains inoperable in excess of twelve (12) consecutive months, the generator and supporting structure shall be removed at the owner's expense. (06/04/09)
 9. The only signage permitted on the wind powered generator/windmill is warning signs or operational instructions placed within eight (8) feet of the ground. (06/04/09)

500.02 Uses Conditionally Permitted: After obtaining a conditional zoning certificate in accordance with Articles 7 & 10, the following uses are permitted:

- a. Airport or heliport.
- b. Cemetery.
- c. Hospital or institutional home.
- d. Nursing homes.
- e. Privately operated community building or recreation field and community facilities owned and operated by neighborhood organizations.
- f. Radio, television, and telephone towers. (12/16/92)
- g. Kennels, veterinary clinic, animal hospital.
- h. Child day-care center/Type A family day-care home. (12/16/92)
- i. Hunting, trapping, and fishing areas.
- j. Special event. (12/01/93)

- k. Bed and breakfast inns.
- l. Golf course. (06/03/93)
- m. Development of natural resources, including extraction of top soil, fill dirt, sand, gravel, and stone.
- n. Community or club swimming pool. (12/16/92)
- o. Miniature golf course. (06/03/93)
- p. Golf driving range. (06/03/93)
- q. Special event.
- r. Outdoor Wood-Fired Furnaces (OWFs) (7/12/16)

500.03 Off-Street Parking: Shall be provided as required by Article 6.

500.04 Height Limit: No building, except those for agricultural purposes, shall be erected or enlarged to exceed thirty-five (35) feet in height. (06/03/93)

500.05 Lot Area and Width: Every lot shall have a minimum width of one hundred and fifty (150) feet and a minimum area of not less than forty- three thousand five hundred and sixty (43,560) square feet. However, in no case shall the depth of the lot be less than one hundred and twenty (120) feet. A lot of less area or width which was so recorded at the time of the adoption of this Resolution and the owner thereof, owns no adjoining land, may be occupied by any use permitted in the "A" district.

500.06 Front Yard: There shall be a front yard of not less than fifty (50) feet in depth, except as provided in Article 8.

500.07 Side Yard: There shall be a side yard of not less than twenty (20) feet.

500.08 Rear Yard: There shall be a rear yard of not less than forty (40) feet.

500.09 Dwelling Size: As specified in Article 8.

500.10 Building Width: Each dwelling shall have a minimum building width of twenty (20) feet.

501 "R-1" LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

The following regulations shall apply in the "R-1" District:

501.01 Uses Permitted: After obtaining a valid zoning certificate in accordance with Article 12, the following uses are permitted:

- a. One-family dwellings.
- b. Churches or other places of worship.
- c. Schools, public or private.
- d. Public, non-commercial parks and playgrounds.
- e. Portable Storage Containers. See section 812 (7/12/16)
- f. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)
 1. The proposed wind powered electric generator/windmill shall be a distance of at least 110% of the total height of the structure away from any property line and from any public or private road right-of-way (06/04/09)
 2. The maximum height including the blades shall not exceed one hundred and fifty (150) feet. (06/04/09)
 3. The structure supporting the electric generator/windmill shall be a free standing pole or tower. Structures requiring guy wires are not permitted. (06/04/09)
 4. The wind generator shall not make noise/sound that interferes with normal conversation between individuals at the property line. (06/04/09)
 5. The maximum lighting used for or on the structure shall be a low intensity red light as defined by the Federal Aviation Administration. (06/04/09)
 6. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW. (10/15/08)
 7. All necessary permits shall be obtained. (10/15/08)
 8. If a wind powered electric generator/windmill remains inoperable in excess of twelve (12) consecutive months, the generator and supporting structure shall be removed at the owner's expense. (06/04/09)
 9. The only signage permitted on the wind powered generator/windmill is warning signs or operational

instructions placed within eight (8) feet of the ground.
(06/04/09)

g. Accessory buildings and uses.

501.02 Uses Conditionally Permitted: After obtaining a conditional zoning certificate in accordance with Articles 7 & 10, the following uses are permitted:

- a. Bed and breakfast inns.
- b. Hospital.
- c. Privately operated community building or recreation field and community facilities owned and operated by neighborhood organizations.
- d. Home occupation.
- e. Community swimming pool. (12/16/92)
- f. Telecommunication tower. (11/5/98)

501.03 Off-Street Parking: Shall be provided as required by Article 6.

501.04 Height Limit: No building shall be erected or enlarged to exceed thirty-five (35) feet in height. (06/03/93)

501.05 Lot Area, Width and Depth: Every lot shall have a minimum width of one hundred (100) feet and a minimum area of not less than twenty thousand (20,000) square feet. However, in no case shall the depth of the lot be less than one hundred and twenty (120) feet. A lot of less area or width which was so recorded at the time of the adoption of this Resolution and the owner thereof, owns no adjoining land, may be occupied by any use permitted in the "R-1" district.

501.06 Front Yard: There shall be a front yard of not less than thirty-five (35) feet in depth, except as provided in Article 8.

501.07 Side Yard: There shall be a side yard of not less than fifteen (15) feet on each side.

501.08 Rear Yard: There shall be a rear yard of not less than thirty-five (35) feet.

501.09 Dwelling Size: As specified in Article 8.

501.10 Building Width: Each dwelling shall have a minimum building width of twenty (20) feet.

502 "R-2" MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

The following regulations shall apply in the "R-2" District"

502.01 Uses Permitted: After obtaining a valid zoning certificate in accordance with Article 12, the following uses are permitted:

- a. One-family dwellings.
- b. Churches or other places of worship.
- c. Schools, public or private.
- d. Public, non-commercial parks and playgrounds.
- e. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)
 1. The proposed wind powered electric generator/windmill shall be a distance of at least 110% of the total height of the structure away from any property line and from any public or private road right-of-way (06/04/09)
 2. The maximum height including the blades shall not exceed one hundred and fifty (150) feet. (06/04/09)
 3. The structure supporting the electric generator/windmill shall be a free standing pole or tower. Structures requiring guy wires are not permitted. (06/04/09)
 4. The wind generator shall not make noise/sound that interferes with normal conversation between individuals at the property line. (06/04/09)
 5. The maximum lighting used for or on the structure shall be a low intensity red light as defined by the Federal Aviation Administration. (06/04/09)
 6. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW. (10/15/08)
 7. All necessary permits shall be obtained. (10/15/08)
 8. If a wind powered electric generator/windmill remains inoperable in excess of twelve (12) consecutive months, the generator and supporting structure shall be removed at the owner's expense. (06/04/09)
 9. The only signage permitted on the wind powered generator/windmill is warning signs or operational instructions placed within eight (8) feet of the ground.

(06/04/09)

- f. Accessory buildings and uses.
- g. Portable Storage Containers. See section 812 (7/12/16)

502.02 Uses Conditionally Permitted: After obtaining a conditional zoning certificate in accordance with Articles 7 & 10, the following uses are permitted:

- a. Bed and breakfast inns.
- b. Hospital or institutional home.
- c. Privately operated community buildings or recreation field and community facilities owned and operated by neighborhood organizations.
- d. Home occupation.
- e. Community swimming pool. (12/16/92)
- f. Telecommunication tower. (11/5/98)

502.03 Off-Street Parking: Shall be provided as required by Article 6.

502.04 Height Limit: No buildings shall be erected or enlarged to exceed thirty-five (35) feet in height. (06/03/93)

502.05 Lot Area, Width and Depth: Every lot shall have a minimum width of eighty (80) feet and a minimum area of not less than twelve thousand (12,000) square feet. However, in no case shall the depth of the lot be less than one hundred and twenty (120) feet. A lot of less area or width which was recorded at the time of the adoption of this Resolution and the owner thereof, owns no adjoining land, may be occupied by any use permitted in the "R-2" district.

502.06 Front Yard: There shall be a front yard of not less than thirty-five (35) feet in depth, except as provided in Article 8.

502.07 Side Yard: There shall be a side yard of not less than ten (10) feet.

502.08 Rear Yard: There shall be a rear yard of not less than thirty-five (35) feet.

502.09 Dwelling Size: As specified in Article 8.

502.10 Building Width: Each dwelling shall have a minimum building width of twenty (20) feet.

503 "R-3" HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

The following regulations shall apply in the "R-3" District"

503.01 Uses Permitted: After obtaining a valid zoning certificate in accordance with Article 12, the following uses are permitted:

- a. One-family dwellings.
- b. Churches or other places of worship.
- c. Schools, public or private.
- d. Public, non-commercial parks and playgrounds.
- e. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)
 1. The proposed wind powered electric generator/windmill shall be a distance of at least 110% of the total height of the structure away from any property line and from any public or private road right-of-way (06/04/09)
 2. The maximum height including the blades shall not exceed one hundred and fifty (150) feet. (06/04/09)
 3. The structure supporting the electric generator/windmill shall be a free standing pole or tower. Structures requiring guy wires are not permitted. (06/04/09)
 4. The wind generator shall not make noise/sound that interferes with normal conversation between individuals at the property line. (06/04/09)
 5. The maximum lighting used for or on the structure shall be a low intensity red light as defined by the Federal Aviation Administration. (06/04/09)
 6. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW. (10/15/08)
 7. All necessary permits shall be obtained. (10/15/08)
 8. If a wind powered electric generator/windmill remains inoperable in excess of twelve (12) consecutive months, the generator and supporting structure shall be removed

- at the owner's expense. (06/04/09)
9. The only signage permitted on the wind powered generator/windmill is warning signs or operational instructions placed within eight (8) feet of the ground. (06/04/09)

- f. Accessory buildings and uses.
- g. Portable Storage Containers. See section 812 (7/12/16)

503.02 Uses Conditionally Permitted: After obtaining a conditional zoning certificate in accordance with Articles 7 & 10, the following uses are permitted:

- a. Home occupation.
- b. Hospital.
- c. Privately operated community building or recreation field and community facilities owned and operated by neighborhood organizations.
- d. Two-family dwellings.
- e. Bed and breakfast inns.
- f. Community swimming pool. (12/16/92)
- g. Continuing care retirement community (12/01/93)
- h. Telecommunication tower. (11/5/98)

503.03 Off-Street Parking: Shall be provided as required by Article 6.

503.04 Height Limit: No building shall be erected or enlarged to exceed thirty-five (35) feet in height. (06/03/93)

503.05 Lot Area and Width: Every lot shall have a minimum width of sixty (60) feet, and a minimum area of not less than seven thousand, two hundred (7,200) square feet. However, in no case shall the depth of the lot be less than one hundred twenty (120) feet. A lot of less area or width, which was recorded at the time of the adoption of the Resolution and the owner thereof owns no adjoining land, may be occupied by any use permitted in the "R-3" District.

503.06 Front Yard: There shall be a front yard of not less than twenty-five (25) feet in depth, except as provided in Article 8.

503.07 Side Yard: There shall be a side yard of not less than eight (8) feet.

503.08 Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet.

503.09 Dwelling Size: As specified in Article 8.

503.10 Building Width: Each dwelling shall have a minimum building width of twenty (20) feet.

504 "R-4" MULTI-FAMILY RESIDENTIAL DISTRICT

The following regulations shall apply in the "R-4" District:

504.01 Uses Permitted: After obtaining a valid zoning certificate in accordance with Article 12, the following uses are permitted:

- a. Two-family dwellings.
- b. Multiple-family dwellings.
- c. Condominium development.
- d. Public, non-commercial parks and playgrounds.
- e. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)
 1. The proposed wind powered electric generator/windmill shall be a distance of at least 110% of the total height of the structure away from any property line and from any public or private road right-of-way (06/04/09)
 2. The maximum height including the blades shall not exceed one hundred and fifty (150) feet. (06/04/09)
 3. The structure supporting the electric generator/windmill shall be a free standing pole or tower. Structures requiring guy wires are not permitted. (06/04/09)
 4. The wind generator shall not make noise/sound that interferes with normal conversation between individuals at the property line. (06/04/09)
 5. The maximum lighting used for or on the structure shall be a low intensity red light as defined by the Federal Aviation Administration. (06/04/09)
 6. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW. (10/15/08)
 7. All necessary permits shall be obtained. (10/15/08)
 8. If a wind powered electric generator/windmill remains inoperable in excess of twelve (12) consecutive months, the generator and supporting structure shall be removed

- at the owner's expense. (06/04/09)
9. The only signage permitted on the wind powered generator/windmill is warning signs or operational instructions placed within eight (8) feet of the ground. (06/04/09)

- f. Accessory building and uses.
g. Portable Storage Containers. See section 812 (7/12/16)

504.02 Uses Conditionally Permitted: After obtaining a conditional zoning certificate in accordance with Articles 7 & 10, the following uses are permitted:

- a. Privately operated community building or recreation field and community facilities owned and operated by neighborhood organizations.
b. Community swimming pool. (12/16/92)
c. Continuing care retirement community (12/01/93)
d. Telecommunication tower. (11/5/98)

504.03 Off-Street Parking: Shall be provided as required by Article 6.

504.04 Height Limit: No building shall be erected or enlarged to exceed thirty-five (35) feet in height. (06/03/93)

504.05 Lot Area and Width for Two-Family Dwellings: Lots intended for two-family dwellings shall have a minimum width of eighty (80) feet, and a minimum area of not less than twelve thousand (12,000) square feet. However, in no case shall the depth of the lot be less than one hundred twenty (120) feet. A lot of less area or width, which was recorded at the time of the adoption of the Resolution and the owner thereof owns no adjoining land, may be occupied by a two-family dwelling.

504.06 Lot Area and Width for Multiple-Family & Condominium Developments: Every lot, upon which a multiple-family/condominium development is planned, shall have a minimum width of one hundred and fifty (150) feet and a minimum depth of one hundred and fifty (150) feet. A minimum area of not less than one (1) acre per multiple-family and condominium is required. 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.

504.07 Required Yards: The required yards shall not be less than:

Two Family Dwellings -

Front Yard - 35 feet
Side Yard - 10 feet
Rear Yard - 30 feet

Multiple-Family/Condominium Developments -

Front Yard - 40 feet
Side Yard - 20 feet
Rear Yard - 30 feet

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

| | |
|------------------------|--|
| One Story | 750 square feet/unit |
| Two Story | 550 square feet/unit |
| One and One-Half Story | 720 square feet on the first floor of the unit |
| Multiple-Story | 950 square feet of living area above grade/unit |

504.09 Open Space: A minimum of ten (10) percent of all land included in the multi-family/condominium development shall be set aside for open space. Open space shall consist of natural areas including trees, grass, and the like, but does not include recreational facilities or submerged lands.

504.10 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.

504.11 Parking Requirements: Each dwelling unit shall be provided with two (2) parking spaces. All other requirements of Article 6 shall be met.

504.12 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.

504.13 Submission of Plans: The multi-family & condominium development plans shall be submitted to the zoning inspector for his review and approval. Any plans not meeting all of these requirements will be disapproved. Incomplete plans will not be accepted or reviewed. The zoning inspector will have thirty (30) days in which to review the plans and either authorize or deny the zoning permit. An appeal of the zoning inspector's decision must be made to the Board of Zoning Appeals within twenty (20) days of the zoning inspector's decision. (12/16/92)

505 "R-5" MANUFACTURED HOME PARK RESIDENTIAL DISTRICT

The following regulations shall apply in the "R-5" District:

505.01 Uses Permitted: After obtaining a valid zoning certificate in accordance with Article 12, the following use is permitted:

- a. Manufactured home park.
- b. Portable Storage Containers See section 812 (7/12/16)
- b. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)
 - 1. The proposed wind powered electric generator/windmill shall be a distance of at least 110% of the total height of the structure away from any property line and from any public or private road right-of-way (06/04/09)
 - 2. The maximum height including the blades shall not exceed one hundred and fifty (150) feet. (06/04/09)
 - 3. The structure supporting the electric generator/windmill shall be a free standing pole or tower. Structures requiring guy wires are not permitted. (06/04/09)
 - 4. The wind generator shall not make noise/sound that interferes with normal conversation between individuals at the property line. (06/04/09)
 - 5. The maximum lighting used for or on the structure shall be a low intensity red light as defined by the Federal Aviation Administration. (06/04/09)
 - 6. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW. (10/15/08)
 - 7. All necessary permits shall be obtained. (10/15/08)
 - 8. If a wind powered electric generator/windmill remains inoperable in excess of twelve (12) consecutive months,

- the generator and supporting structure shall be removed at the owner's expense. (06/04/09)
9. The only signage permitted on the wind powered generator/windmill is warning signs or operational instructions placed within eight (8) feet of the ground. (06/04/09)

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

- a. The proposed site shall contain not less than ten (10) acres and it shall have not less than twenty-five (25) manufactured home spaces available at first occupancy.
- b. The minimum width of the manufactured home development shall not be less than two hundred and fifty (250) feet. The ratio of width to depth shall not exceed a one to five (1:5) ratio.
- c. The minimum floor area of each manufactured home shall be at least seven hundred (700) square feet.
- d. The manufactured homes must be completely skirted with materials which prohibit uncontrolled access under the unit. Said skirting must be well maintained and aesthetically similar to the manufactured home in color and material.
- e. The maximum building height shall be thirty (30) feet.
- f. A greenbelt planting strip of not less than fifteen (15) feet shall be placed along the entire perimeter of the manufactured home park. The greenbelt shall be developed with a mixture of deciduous and coniferous plant material not less than four (4) feet in height when planted. In lieu of a greenbelt planting, a solid wall or fence not less than five (5) feet in height may be used.
- g. No commercial sales of any type shall be permitted to occur within the park.
- h. All other requirements established by the Ohio Public Health Council through the Administrative Code.
- i. The plans shall be submitted to the Zoning Inspector for his review and approval. Any plans not meeting all of these requirements will be disapproved. Incomplete plans will not be accepted or reviewed. The zoning inspector will have thirty (30) days in which to review the plans and either authorize or deny the zoning permit. An appeal of the zoning inspector's decision must be made to the Board of Zoning Appeals within twenty (20) days. (12/16/92)
- j. A single identification sign not exceeding sixteen (16) square feet in area identifying the name and/or address of the park shall be permitted. Said sign must be set back a minimum of ten (10) feet from the edge of the road right-of-way.

506 "C-1" NEIGHBORHOOD COMMERCIAL DISTRICT

The following regulations shall apply in the "C-1" District:

506.01 Uses Permitted: After obtaining a valid zoning certificate in accordance with Article 12, the following uses are permitted:

- a. Agriculture.
- b. One-family dwellings.
- c. Public, non-commercial parks and playgrounds.
- d. Schools, public or private.
- e. Churches or other places of worship.
- f. Professional activities.
- g. Neighborhood business.
- h. Shops designed to serve the day-to-day needs of the public including, but not limited to hobby, bicycle, sign painting, plumbing, etc. if conducted within an enclosed building.
- i. Home occupation.
- j. Clubs, as defined in Article 4.
- k. Accessory buildings and uses.
- l. Special event (12/01/93)
- m. Portable Storage Containers
- n. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)
 - 1. The proposed wind powered electric generator/windmill shall be a distance of at least 110% of the total height of the structure away from any property line and from any public or private road right-of-way (06/04/09)
 - 2. The maximum height including the blades shall not exceed one hundred and fifty (150) feet. (06/04/09)

3. The structure supporting the electric generator/windmill shall be a free standing pole or tower. Structures requiring guy wires are not permitted. (06/04/09)
 4. The wind generator shall not make noise/sound that interferes with normal conversation between individuals at the property line. (06/04/09)
 5. The maximum lighting used for or on the structure shall be a low intensity red light as defined by the Federal Aviation Administration. (06/04/09)
 6. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW. (10/15/08)
 7. All necessary permits shall be obtained. (10/15/08)
 8. If a wind powered electric generator/windmill remains inoperable in excess of twelve (12) consecutive months, the generator and supporting structure shall be removed at the owner's expense. (06/04/09)
 9. The only signage permitted on the wind powered generator/windmill is warning signs or operational instructions placed within eight (8) feet of the ground. (06/04/09)
- o. Portable Vendor Equipment subject to the following requirements if they are situated on the same lot for more than four consecutive days:
1. Evidence shall be provided that the Ottawa County Board of Health has been contacted and permits, if any have been obtained
 2. The side and rear yard setbacks for the district the Portable Vendor is located shall be met. The front yard setback shall be a minimum of thirty (30) feet.
 3. A minimum of four (4) parking spaces shall be provided and in the case of existing use(s) on the lot, the parking spaces required shall equal the sum of the parking requirements of the various uses computed separately.
 4. Evidence shall be provided that the property owner has approved the placement of the portable vendor equipment.

506.02 Uses Conditionally Permitted: After obtaining a conditional zoning certificate in accordance with Articles 7 & 10, the following uses are permitted:

- a. Parking area, public.
- b. Cemetery or mausoleum.
- c. Funeral home.
- d. Hospital or institutional home.
- e. Clinic.
- f. Golf driving range, golf course, and miniature golf course.
- g. Automobile service station.
- h. Bank.
- i. Flea market.
- j. Mini-warehousing.
- k. Restaurants and taverns.
- l. Kennels, veterinary clinic, animal hospital.
- m. Child day-care center/Type A family day-care. (12/16/92)
- n. Bed and breakfast inns.
- o. Community or Club swimming pool. (12/16/92)
- p. Warehousing and wholesale activity. (4/15/04)
- q. Retail stores and businesses. (4/15/04)
- r. Printing shop, publishing. (4/15/04)

- s. Carpenter or cabinet shop, if conducted wholly within an enclosed building. (4/15/04)
- t. Radio or television station. (4/15/04)
- u. General business. (4/15/04)
- v. Electrical, plumbing, heating contractor, building contractors, including sales, if conducted wholly within an enclosed building. (4/15/04)
- w. Breweries/Wineries (7/17/13)

506.03 Off-Street Parking: Shall be provided as required by Article 6.

506.04 Height Limit: No building shall be erected or enlarged to exceed thirty-five (35) feet in height. (06/03/93)

506.05 Lot Area and Width: Every lot shall have a minimum width of eighty (80) feet, and a minimum area of not less than ten thousand (10,000) square feet. However, in no case shall the depth of the lot be less than one hundred and twenty (120) feet. Buildings used exclusively for dwelling purposes shall comply with the requirements of the "R-1" District. A lot of less area or width which was recorded at the time of the adoption of the Resolution and the owner thereof, owns no adjoining land, may be occupied by any use permitted in the "C-1" district.

506.06 Front Yard: There shall be a front yard of not less than thirty (30) feet in depth, except as provided in Article 8.

506.07 Side Yard: There shall be a side yard of not less than ten (10) feet.

506.08 Rear Yard: There shall be a rear yard of not less than twenty (20) feet.

506.09 Dwelling Size: As specified in Article 8.

506.10 Non-Residential Building Size: As specified in Article 8.

506.11 Building Width: Each dwelling shall have a minimum building width of twenty (20) feet.

507 "C-2" GENERAL COMMERCIAL DISTRICT

The following regulations shall apply in the "C-2" District"

507.01 Uses Permitted: After obtaining a valid zoning certificate in accordance with Article 12, the following uses are permitted:

- a. Agriculture.
- b. One-family dwelling.
- c. Night Clubs.
- d. Public, non-commercial parks and playgrounds.
- e. Schools, public or private.
- f. Offices, business and professional.
- g. Banks.
- h. Restaurants.
- i. Indoor theatre.
- j. Grocery store.
- k. Retail stores and businesses.
- l. Automobile service station.
- m. Automobile, recreational vehicle and farm implement sales and repair.
- n. Mini-warehousing.
- o. Hotel, motel, lodging house.
- p. Printing shop, publishing.
- q. Bakery.
- r. Barber or beauty shop.
- s. Building materials, including lumber yards.
- t. Carpenter or cabinet shop, if conducted wholly within an enclosed building.
- u. Funeral home or mortuary.

- v. Amusement enterprises, including skating rinks, bowling alleys, and dance halls, if conducted within an enclosed building.
- w. Clubs, as defined in Article 4. (12/16/92)
- x. Radio or television station. (12/16/92)
- y. Parking area, public.
- z. Professional activities.
- aa. Neighborhood business.
- bb. General business.
- cc. Business services.
- dd. Electrical, plumbing, and heating contractor, including sales, if conducted wholly within an enclosed building. (06/03/04)
- ee. Home occupations.
- ff. Accessory buildings and uses.
- gg. Special event. (12/01/93)
- hh. Highway business. (6/20/96)
- ii. Portable Storage Containers. See section 812 (7/12/16)
- jj. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)
 - 1. The proposed wind powered electric generator/windmill shall be a distance of at least 110% of the total height of the structure away from any property line and from any public or private road right-of-way (06/04/09)
 - 2. The maximum height including the blades shall not exceed one hundred and fifty (150) feet. (06/04/09)
 - 3. The structure supporting the electric generator/windmill shall be a free standing pole or tower. Structures requiring guy wires are not permitted. (06/04/09)
 - 4. The wind generator shall not make noise/sound that interferes with normal conversation between individuals at the property line. (06/04/09)
 - 5. The maximum lighting used for or on the structure shall be a low intensity red light as defined by the Federal Aviation Administration. (06/04/09)
 - 6. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW. (10/15/08)
 - 7. All necessary permits shall be obtained. (10/15/08)
 - 8. If a wind powered electric generator/windmill remains inoperable in excess of twelve (12) consecutive months, the generator and supporting structure shall be removed at the owner's expense. (06/04/09)
 - 9. The only signage permitted on the wind powered generator/windmill is warning signs or operational instructions placed within eight (8) feet of the ground. (06/04/09)
- kk. Portable Vendor Equipment subject to the following requirements if they are situated on the same lot for more than four consecutive days:
 - 1. Evidence shall be provided that the Ottawa County Board of Health has been contacted and permits, if any have been obtained.
 - 2. The side and rear yard setbacks for the district the Portable Vendor is located shall be met.
 - 3. A minimum of four (4) parking spaces shall be provided and in the case of existing use(s) on the lot, the parking spaces required shall equal the sum of the parking requirements of the various uses computed separately.

4. Evidence shall be provided that the property owner has approved the placement of the portable vendor equipment. (7/12/16)

507.02 Uses Conditionally Permitted: After obtaining a conditional zoning certificate in accordance with Articles 7 & 10, the following uses are permitted:

- a. Warehousing and wholesale activity.
- b. Tavern.
- c. Kennel, veterinary clinic, animal hospital.
- d. Clinic.
- e. Flea market.
- f. Drive-in theatre.
- g. Golf course, golf driving range and miniature golf course.
- h. Bed and breakfast inn.
- i. Outdoor amusement enterprises. (12/16/92)
- j. Child day-care center/Type A family day-care. (12/16/92)
- k. Community or Club swimming pool.
- l. Boat, trailer and recreation vehicle storage. (08/19/93)
- m. Assembly, Light (5/20/98)
- n. Breweries/wineries (7/17/13)

507.03 Off-Street Parking: Shall be provided as required by Article 6.

507.04 Height Limit: No building shall be erected or enlarged to exceed thirty-five (35) feet in height. (06/03/93)

507.05 Lot Area and Width: Every lot shall have a minimum width of one hundred (100) feet, and a minimum area of not less than twenty thousand (20,000) square feet. However, in no case shall the depth of the lot be less than one hundred and twenty (120) feet. A lot of less area or width which was recorded at the time of the adoption of the Resolution, and the owner thereof, owns no adjoining land, may be occupied by any use permitted in the "C-2" district.

507.06 Front Yard: There shall be a front yard of not less than seventy (70) feet in depth, except as provided in Article 8. (6/20/96)

507.07 Side Yard: There shall be a side yard of not less than twenty (20) feet.

507.08 Rear Yard: There shall be a rear yard of not less than twenty (20) feet.

507.09 Dwelling Size: As specified in Article 8.

507.10 Non-Residential Building Size: As specified in Article 8.

507.11 Building Width: Each dwelling shall have a minimum building width of twenty (20) feet.

508 "C-3" RECREATIONAL - COMMERCIAL DISTRICT

The following regulations shall apply in the "C-3" District:

508.01 Uses Permitted: After obtaining a valid zoning certificate in accordance with Article 12, the following uses are permitted:

- a. Agriculture.
- b. One-family dwellings.
- c. Two-family dwellings.
- d. Public, non-commercial parks and playgrounds.
- e. Golf course. (06/03/93)
- f. Storage areas, repair and services.
- g. Bait stores (6/20/96)
- h. Fish cleaning.
- i. Marinas, docking facilities, boat launching.
- j. Hotels, motels, lodging housing.
- k. Restaurants.
- l. Cabins and cottages at a density not to exceed five units per acre and with a ten (10) foot separation between units.
- m. Recreational vehicles and accessory sales
- n. Mini-warehousing. (06/03/93)
- o. Accessory buildings and uses.
- p. Special event. (12/01/93)
- q. Portable Storage Containers. See section 812 (7/12/16)
- r. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)

1. The proposed wind powered electric generator/windmill shall be a distance of at least 110% of the total height of the structure away from any property line and from any public or private road right-of-way (06/04/09)
 2. The maximum height including the blades shall not exceed one hundred and fifty (150) feet. (06/04/09)
 3. The structure supporting the electric generator/windmill shall be a free standing pole or tower. Structures requiring guy wires are not permitted. (06/04/09)
 4. The wind generator shall not make noise/sound that interferes with normal conversation between individuals at the property line. (06/04/09)
 5. The maximum lighting used for or on the structure shall be a low intensity red light as defined by the Federal Aviation Administration. (06/04/09)
 6. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW. (10/15/08)
 7. All necessary permits shall be obtained. (10/15/08)
 8. If a wind powered electric generator/windmill remains inoperable in excess of twelve (12) consecutive months, the generator and supporting structure shall be removed at the owner's expense. (06/04/09)
 9. The only signage permitted on the wind powered generator/windmill is warning signs or operational instructions placed within eight (8) feet of the ground. (06/04/09)
- s. Portable Vendor Equipment subject to the following requirements if they are situated on the same lot for more than four consecutive days:
1. Evidence shall be provided that the Ottawa County Board of Health has been contacted and permits, if any have been obtained
 2. The side and rear yard setbacks for the district the Portable Vendor is located shall be met. The front yard setback shall be a minimum of thirty (30) feet.
 3. A minimum of four (4) parking spaces shall be provided and in the case of existing use(s) on the lot, the parking spaces required shall equal the sum of the parking requirements of the various uses computed separately.
 4. Evidence shall be provided that the property owner has approved the placement of the portable vendor equipment. (7/12/16)

508.02 Uses Conditionally Permitted: After obtaining a conditional zoning certificate in accordance with Articles 7 & 10, the following uses are permitted:

- a. Camp, trailer camp.
- b. Flea markets.
- c. Clubs, as defined in Article 4.
- d. Commercial amusement enterprises which provide short-term entertainment such as arcades, game rooms and the like.
- e. Bed and breakfast inn.
- f. Outdoor amusement enterprises. (12/16/92)
- g. Community or Club swimming pool. (12/16/92)
- h. Miniature golf course. (06/03/93)
- i. Golf driving range. (06/03/93)

508.03 Off-Street Parking: Shall be provided as required in Article 6.

508.04 Height Limit: No building shall be erected or enlarged to exceed thirty-five (35) feet in height. (06/03/93)

508.05 Lot Area and Width: Every lot shall have a minimum width of one hundred (100) feet, and a minimum area of not less than twenty thousand (20,000) square feet. However, in no case shall the depth of the lot be less than one hundred and twenty (120) feet. A lot of less area or width which was recorded at the time of the adoption of this Resolution, and the owner thereof owns no adjoining land, may be occupied by any use permitted in this Section.

508.06 Front Yard: There shall be a front yard of not less than fifty (50) feet in depth, except as provided in Article 8.

508.07 Side Yard: There shall be a side yard of not less than twenty (20) feet.

508.08 Rear Yard: There shall be a rear yard of not less than thirty (30) feet.

508.09 Dwelling Size: As specified in Article 8.

508.10 Non-Residential Building Size: As specified in Article 8.

508.11 Building Width: Each dwelling shall have a minimum building width of twenty (20) feet.

509 "A-D" AIRPORT DEVELOPMENT DISTRICT

The following regulations shall apply in the "A-D" District:

509.01 Uses Permitted: After obtaining a valid zoning certificate in accordance with Article 12, the following uses are permitted:

- a. Motel and hotels.
- b. Travel services.
- c. Airports, heliports, and necessary appurtenances.
- d. Private hangers and aircraft maintenance necessary to be adjacent to the airport site.
- e. Executive, administrative and sales offices.
- f. Freight facilities exclusively serving the airport zone.
- g. Restaurants.
- h. Car rentals.
- i. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)
 1. The proposed wind powered electric generator/windmill shall be a distance of at least 110% of the total height of the structure away from any property line and from any public or private road right-of-way (06/04/09)
 2. The maximum height including the blades shall not exceed one hundred and fifty (150) feet. (06/04/09)
 3. The structure supporting the electric generator/windmill shall be a free standing pole or tower. Structures requiring guy wires are not permitted. (06/04/09)
 4. The wind generator shall not make noise/sound that interferes with normal conversation between individuals at the property line. (06/04/09)
 5. The maximum lighting used for or on the structure shall be a low intensity red light as defined by the Federal

- Aviation Administration. (06/04/09)
6. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW. (10/15/08)
 7. All necessary permits shall be obtained. (10/15/08)
 8. If a wind powered electric generator/windmill remains inoperable in excess of twelve (12) consecutive months, the generator and supporting structure shall be removed at the owner's expense. (06/04/09)
 9. The only signage permitted on the wind powered generator/windmill is warning signs or operational instructions placed within eight (8) feet of the ground. (06/04/09)
- j. Accessory buildings and uses.
 - k. Portable Storage Containers, see section 812 (7/12/16)
 - l. Portable Vendor Equipment subject to the following requirements if they are situated on the same lot for more than four consecutive days:
 1. Evidence shall be provided that the Ottawa County Board of Health has been contacted and permits, if any have been obtained
 2. The side and rear yard setbacks for the district the Portable Vendor is located shall be met. The front yard setback shall be a minimum of thirty (30) feet.
 3. A minimum of four (4) parking spaces shall be provided and in the case of existing use(s) on the lot, the parking spaces required shall equal the sum of the parking requirements of the various uses computed separately.
 4. Evidence shall be provided that the property owner has approved the placement of the portable vendor equipment.

509.02 Off-Street Parking: Shall be provided as required in Article 6.

509.03 Height Limit: No building shall be erected or exceed thirty-five (35) feet in height. (06/03/93)

509.04 Lot Area and Width: Every lot shall have a minimum width of one hundred (100) feet and a minimum depth of one hundred and twenty (120) feet; however, it shall have a minimum area of not less than twenty thousand (20,000) square feet. A lot of less area or width which was recorded at the time of the adoption of this Resolution, and the owner thereof owns no adjoining land may be occupied by any use permitted in the "A-D" district.

509.05 Front Yard: There shall be a front yard of not less than fifty (50) feet in depth, except as provided in Article 8.

509.06 Side Yard: There shall be a side yard of not less than fifteen (15) feet.

509.07 Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet.

509.08 Building Size: As specified in Article 8.

510 "M-1" LIGHT MANUFACTURING DISTRICT

The following regulations shall apply in the "M-1" District:

510.01 Uses Permitted: Uses permitted in this District may, in some cases, be in close proximity to residential districts and all manufacturing, processing or assembly of materials and products must be carried on in a manner not injurious or offensive to the occupants of adjacent premises by reason of the emission of odors, fumes or gases, dust, smoke, noise, or vibrations. After obtaining a valid zoning certificate in accordance with Article 12, the following uses are permitted:

- a. Agriculture.
- b. Building materials storage yards, sales.
- c. Printing shops, publishing.
- d. Bottling works.
- e. Contractor's establishment including construction firms.
- f. Research laboratories.
- g. Warehousing and wholesaling activity.
- h. Mini-warehousing.
- i. Industrial plants manufacturing or assembling the following: boats, small metal products, clothing, drugs and medicines, electrical equipment, glass products from previously manufactured glass, furniture and wood products, and production of finished equipment.
- j. Other manufacturing plants and uses having performance characteristics similar to those listed in this section.
- k. Accessory buildings and uses.
- l. Executive, administrative and sales offices. (12/16/92)
- m. Portable Storage Containers. See section 812 (7/12/16)
- n. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)

1. The proposed wind powered electric generator/windmill

- shall be a distance of at least 110% of the total height of the structure away from any property line and from any public or private road right-of-way (06/04/09)
2. The maximum height including the blades shall not exceed one hundred and fifty (150) feet. (06/04/09)
 3. The structure supporting the electric generator/windmill shall be a free standing pole or tower. Structures requiring guy wires are not permitted. (06/04/09)
 4. The wind generator shall not make noise/sound that interferes with normal conversation between individuals at the property line. (06/04/09)
 5. The maximum lighting used for or on the structure shall be a low intensity red light as defined by the Federal Aviation Administration. (06/04/09)
 6. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW. (10/15/08)
 7. All necessary permits shall be obtained. (10/15/08)
 8. If a wind powered electric generator/windmill remains inoperable in excess of twelve (12) consecutive months, the generator and supporting structure shall be removed at the owner's expense. (06/04/09)
 9. The only signage permitted on the wind powered generator/windmill is warning signs or operational instructions placed within eight (8) feet of the ground. (06/04/09)
- o. Windmill, High Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)
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, 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 but less than 5mW.
 4. All necessary permits shall be obtained. (10/15/08)

510.02 Uses Conditionally Permitted: After obtaining a conditional zoning certificate in accordance Articles 7 & 10, the following use is permitted:

- a. Trucking yard or terminal. (12/16/92)

510.03 Off-Street Parking: Shall be provided as required by Article 6.

510.04 Height Limit: No building shall be erected or enlarged to exceed six (6) stories or seventy-five feet in height.

510.05 Lot Area and Width: Every lot shall have a minimum width of one hundred fifty (150) feet, and a minimum area of not less than one (1) acre. However, in no case shall the depth of the lot be less than one hundred and twenty (120) feet.

510.06 Front Yard: There shall be a front yard of not less than twenty-five (25) feet, but where such front yard is opposite an "A" or "R" District, it shall be a minimum of fifty (50) feet in depth and shall be used for landscape purposes only.

510.07 Side Yard: There shall be a side yard of not less than fifteen (15) feet, but where such side yard is adjacent to an "A" or "R" District, it shall be used for landscape purposes only.

510.08 Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet, and where such yard abuts an "A" or "R" District, it shall be used for landscape purposes only.

510.09 Building Size: As specified on Article 8.

511 "M-2" HEAVY MANUFACTURING DISTRICT

The following regulations shall apply in the "M-2" District:

511.01 Uses Permitted: After obtaining a valid zoning certificate in accordance with Article 12, the following uses are permitted:

- a. Agriculture.
- b. Acetylene gas manufacture.
- c. Automobile manufacture.
- d. Boiler works.
- e. Brick, tile, terra cotta or clay products manufacture.
- f. Cement or cinder block manufacture.
- g. Emery cloth or sand paper manufacture.
- h. Glass manufacture.
- i. Glucose, dextrin or starch manufacture.
- j. Gas (illuminating or heating) manufacture.
- k. Iron, steel, brass or copper foundry.
- l. Metal stamping.
- m. Nitrating process.
- n. Oilcloth or linoleum manufacture.
- o. Oiled rubber or leather goods manufacture.
- p. Paint, oil, shellac, varnish or turpentine manufacture.
- q. Paper manufacture.
- r. Printing ink manufacture.
- s. Rock crushers.
- t. Rolling mills.
- u. Rubber, caoutchouc or gutta-perch manufacture or treatment from crude or scrap material or the manufacture of articles therefrom.
- v. Salt works.
- w. Soap manufacture.
- x. Soda manufacture.

- y. Stone mill or quarry.
- z. Storage of gasoline, propane, diesel, or other motor vehicle fuels.
- aa. Wood pulling and scouring.
- bb. The processing of agricultural produce.
- cc. Gypsum board manufacture.
- dd. Trucking yard or terminal. (12/16/92)
- ee. Executive, administrative and sales offices. (12/16/92)
- ff. Accessory buildings and uses.
- gg. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)
 - 1. The proposed wind powered electric generator/windmill shall be a distance of at least 110% of the total height of the structure away from any property line and from any public or private road right-of-way (06/04/09)
 - 2. The maximum height including the blades shall not exceed one hundred and fifty (150) feet. (06/04/09)
 - 3. The structure supporting the electric generator/windmill shall be a free standing pole or tower. Structures requiring guy wires are not permitted. (06/04/09)
 - 4. The wind generator shall not make noise/sound that interferes with normal conversation between individuals at the property line. (06/04/09)
 - 5. The maximum lighting used for or on the structure shall be a low intensity red light as defined by the Federal Aviation Administration. (06/04/09)
 - 6. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW. (10/15/08)
 - 7. All necessary permits shall be obtained. (10/15/08)
 - 8. If a wind powered electric generator/windmill remains inoperable in excess of twelve (12) consecutive months, the generator and supporting structure shall be removed at the owner's expense. (06/04/09)
 - 9. The only signage permitted on the wind powered generator/windmill is warning signs or operational instructions placed within eight (8) feet of the ground. (06/04/09)
- hh. Windmill, High Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)
 - 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, 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 but less than 5 mW.
 - 4. All necessary permits shall be obtained. (10/15/08)
- ii. Portable Storage Containers. See section 812 (7/12/16)

511.02 Uses Conditionally Permitted: After obtaining a conditional zoning certificate in accordance with Articles 7 & 10, the following uses are permitted:

- a. Abattoirs or slaughter houses.
- b. Ammonia, bleaching powder or chlorine manufacture.
- c. Automobile wrecking.
- d. Crematory.
- e. Dyestuff manufacture.

- f. Fireworks, or explosive manufacture or storage or the loading of explosives.
- g. Fish smoking or curing.
- h. Gas manufacture or storage (other than illuminating or heating.)
- i. Gunpowder manufacture or storage.
- j. Incineration or reducing of garbage.
- k. Junk yard or the baling of rags or junk.
- l. Match manufacture.
- m. Fertilizer plants.
- n. Pyroxylin or celluloid manufacture or explosive or inflammable cellulose or pyroxylin products manufacture

511.03 Off-Street Parking: Shall be provided as required in Article 6.

511.04 Height Limit: No building shall be erected or enlarged to exceed six (6) stories or seventy-five (75) feet.

511.05 Lot Area and Width: Every lot shall have a minimum width of one hundred fifty (150) feet, and a minimum area of not less than one (1) acre. However, in no case shall the depth of the lot be less than one hundred twenty (120) feet.

511.06 Front Yard: There shall be a front yard of not less than twenty-five (25) feet, but where such front yard is opposite an "A" or "R" District, it shall be a minimum of seventy-five (75) feet in depth and shall be used for landscape purposes only.

511.07 Side Yard: There shall be a side yard of not less than fifteen (15) feet, but where such side yard is adjacent to an "A" or "R" District it shall be a minimum of twenty-five (25) feet and shall be used for landscape purposes only.

511.08 Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet, and where such yard abuts an "A" and "R" District, it shall be used for landscape purposes only.

511.09 Building Size: As specified in Article 8.

512 "PUD" PLANNED UNIT DEVELOPMENT DISTRICT (Revised 8/16/05)

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

512.01 Uses Permitted: After obtaining a valid zoning certificate in accordance with Article 12, the following uses are permitted:

- a. Agriculture.
- b. Planned Unit Development, if applied for by the owner as provided for in Section 512 of this Resolution, and as approved by the Board of Township Trustees.
- c. Portable Storage Containers. See section 812 (7/12/16)
- d. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)
 1. The proposed wind powered electric generator/windmill shall be a distance of at least 110% of the total height of the structure away from any property line and from any public or private road right-of-way (06/04/09)
 2. The maximum height including the blades shall not exceed one hundred and fifty (150) feet. (06/04/09)
 3. The structure supporting the electric generator/windmill shall be a free standing pole or tower. Structures requiring guy wires are not permitted. (06/04/09)
 4. The wind generator shall not make noise/sound that interferes with normal conversation between individuals at the property line. (06/04/09)
 5. The maximum lighting used for or on the structure shall be a low intensity red light as defined by the Federal Aviation Administration. (06/04/09)
 6. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW. (10/15/08)
 7. All necessary permits shall be obtained. (10/15/08)
 8. If a wind powered electric generator/windmill remains

inoperable in excess of twelve (12) consecutive months, the generator and supporting structure shall be removed at the owner's expense. (06/04/09)

9. The only signage permitted on the wind powered generator/windmill is warning signs or operational instructions placed within eight (8) feet of the ground. (06/04/09)
- e. Accessory buildings.

512.02 Purpose

In the "PUD" District, Portage Township will permit development of land using a planned unit development to achieve the following:

- a. A maximum choice of living environments by allowing a variety of housing and building types and a reduction in lot dimensions, yards, building setbacks, and area requirements.
- b. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of desirable neighborhood commercial uses and services.
- c. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, prevents the disruption of natural drainage patterns, and conserves and protects the aquifer and groundwater supplies.
- d. A more efficient use of land than is generally achieved through conventional development, which may result in substantial savings through shorter utilities and streets.
- e. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.
- f. A development which in the opinion of the trustees is advantageous to the community at large, and a better use of the land than other permitted uses of the District.

512.03 Types of Uses Permitted

The following types of uses are permitted after recommendation by the zoning commission and approval by the board of township trustees:

- a. Land and buildings in the planned unit development shall be limited to one or more of the following uses:
 1. Detached single-family dwellings.
 2. Zero lot line, attached twin single, townhouse, condominium, or other innovative form of residential development.
 3. Home occupations as defined in Article 4.
 4. Parks, playgrounds and playfields open to the public without fee.
 5. Public or private golf courses or other similar outdoor recreational facilities and normal accessory buildings and uses, provided all uses and functional characteristics are specifically included in the approved planned unit

- development.
 - 6. Churches and other places of worship.
 - 7. Other residentially-oriented uses, that in the opinion of the township trustees, meet the purpose and intent of the Planned Unit Development District and are adequately designed, located, or otherwise provided for by the development plan and other required documents.
 - 8. Accessory buildings and uses in association with a permitted residential use and the planned unit development as provided for in Article 512.
- b. Residential uses may be combined with compatible, subordinate commercial, public, and quasi-public uses in a planned unit development, provided that the proposed location of the commercial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare.

The amount of land devoted to commercial uses in a residential-commercial development shall be recommended by the Zoning Commission and determined by the Board of Township Trustees, in accordance with these standards.

- c. Only uses designated in the approved planned unit development as a permitted use shall be allowed as a matter of right at each location in a planned unit development, and any use not so designated shall be prohibited.
- d. Open space uses consistent with residential developments, such as golf courses, nature trails, etc.

512.04 Development Standards

a. Lot Area, Width, and Depth

- 1. The gross lot area of the tract to be developed under the planned unit development approach shall conform to the following schedule:

| <u>Type of PUD</u> | <u>Minimum Area (Acres)</u> |
|------------------------|-----------------------------|
| Residential | 5 |
| Residential-Commercial | 5 |

- 2. When the planned unit development is a mixture of uses, no more than ten (10) percent of the tract may be devoted to commercial activities which are listed as uses permitted in the "C-1" Neighborhood Commercial District and which are specifically permitted in the approved planned unit development.
- 3. In addition, commercial uses that provide a visually open area to adjacent residential areas, such as golf course grounds, riding or walking trails, or parklands not permitting camping may be specifically permitted as commercial uses in excess of the ten (10) percent limit, if, but only if, the zoning commission and board of trustees find that this use of additional land creates an enhancement of the adjacent residential areas and of the entire tract.
- 4. The area of a planned unit development must be an integral tract. It cannot be a collection of isolated

pieces of land, except that roads, streets, or waterway may lie between portions of the tract.

5. The minimum lot width for a planned unit development shall be two hundred (200) feet.
6. The minimum lot depth for a planned unit development shall be a minimum of one thousand (1,000) feet.

512.05 Density

- a. The density of development within the planned unit development shall not exceed a total of four (4) dwelling units per acre. For purposes of calculating the maximum density, the gross acreage of the tract of land included as part of the planned unit development shall be multiplied by four (4).
- b. Each phase submitted for approval shall not exceed the density requirements for the acreage included in that phase. If an approved phase is approved with less than the maximum density allowed for that phase, a subsequent phase may be permitted to include the allowed density not incorporated in that previous phase.
- c. Aggregating or clustering of dwelling units is permitted, but there shall be no more than ten (10) dwelling units permitted per aggregation or cluster.

512.06 Common Open Space

- a. Common open space and recreational facilities may be reserved for the residents and users of the area being developed. It shall be so sited that residents will have easy access to it without trespassing on private areas.
- b. At least twenty (20) percent of the gross area included in each phase shall be set aside as common open space. At least one-fifth of the twenty (20) percent common open space for each phase must be dry land not normally covered or inundated by water.
- c. Such common open space land reserved under a planned unit development shall be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development.
- d. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan and shall be included in deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- e. Common open space and recreational facilities shall be of a site, shape, topography, and location to be usable and accessible to the residents of the planned unit development.

512.07 Building Height

- a. The maximum height for all residential and commercial

buildings and structures in the planned unit development shall be thirty-five (35) feet, unless approved at a greater height by the township trustees during the review process.

512.08 Building Yards

- a. All principal buildings shall have a front yard setback of twenty (20) feet, and side yard setback of ten (10) feet and a rear yard setback of twenty (20) feet.
- b. Units with a common wall or contiguous because of zero setback are considered one building. There shall be a twenty (20) foot separation between buildings of this type.

In areas where aggregation or clustering is proposed, the township trustees shall have the flexibility to reduce these setbacks when appropriate.

512.09 Dwelling Size and Accessory Building Standards:

- a. The dwelling size identified in Article 807 of this Resolution shall apply. All floor-space measurements exclude open or enclosed porches, patios, breezeways and garages.
- b. Accessory buildings for each dwelling unit shall have total area no greater than six hundred (600) square feet and a maximum height no greater than fifteen (15) feet.

512.10 Off-Street Parking Requirements

- a. Each dwelling must be provided with two (2) parking spaces.
- b. Approved commercial uses shall provide one (1) parking space for each two hundred (200) square feet of floor area. All other requirements of Article 6 of this Resolution shall apply for to parking for both dwellings and for commercial uses.

512.11 Commercial Uses

- a. When the planned unit development includes commercial uses, commercial buildings and establishments shall be planned as groupings having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares.
- b. Only commercial uses that are listed as uses permitted in the "C-1" Neighborhood Commercial District shall be permitted. Other uses, no more intensive as to traffic of persons or automobiles, or noise, music, odors or light or other effects on adjoining premises may be substituted with permission of the township trustees.
- c. The planned unit development shall provide, where commercial areas abut residential areas, a landscape plan which, in the opinion of the township trustees, provides a sufficient buffer where necessary, for instance, between

commercial parking areas and abutting residential areas.

512.12 Traffic Circulation

- a. The planned unit development shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

512.13 Non-Illuminated Signs Permitted in the PUD District:

- a. The requirements of Article 804 shall apply for all dwellings and commercial uses.
- b. All permanent signs to be erected within the planned unit development must be provided for and approved as a part of the planned unit development.

512.14 Fences

- a. Fences or hedges must be provided for and approved as part of the planned unit development. Fences may not exceed five (5) feet in the front yard and seven (7) feet in all other locations. No barbed wire fence shall be constructed. All other requirements of Article 802 shall be met.
- b. At street and/or highway intersections, no wall, fence, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within the triangular area formed by connecting with a straight line, two (2) points located at the respective right-of-way lines, twenty-five (25) feet distance from their point of intersection.

Approval Process of Each Phase of a Planned Unit Development

Once the property proposed to be included in a planned unit development is approved by the township trustees to the "PUD" Planned Unit Development District, as provided for in Article 11 of this Resolution, the following procedure shall be followed.

512.15 Application to the Zoning Inspector

- a. An application for a planned unit development shall be submitted to zoning inspector. The application shall be executed by or on behalf of all of the owners of all the land to be included in the planned unit development. A filing fee, as determined by the trustees, shall be submitted with the application.

512.16 Data Required with Application

- a. The application for approval of a planned unit development shall include two (2) copies of a development plan, drawn at a scale of 1"= 100' and shall include the following information:
 1. The location and the size of the area involved and the

nature of the landowner's interest in the land proposed to be developed should be identified. A legal description of the area involved in the planned unit development phase is required.

2. The density of land use to be developed, the type of dwelling unit, and the location of the required open space shall be presented in tabular form and also clearly shown on the plans.
3. The location, function, ownership, and manner of maintenance of common open space areas shall be shown.
4. The use, general outline, location, and maximum height of all buildings and other structures shall be identified. The plan shall list and show the exact use, height, floor area, number of each type of dwelling units, and the outline and location of all buildings and structures.
5. The land to be dedicated to each dwelling building or type and the areas of common open space shall be listed and displayed and the exact areas of common open space used to justify the density proposed.
6. Conceptual plans for drainage, landscaping, preservation of vistas, natural features, groundwater supply and aquifer shall be included.
7. Conceptual plans for the disposal of sanitary wastewater and storm water, and for the supply of all other utilities, including water shall be submitted.
8. The proposed schedule of site development, construction of structures, and associated facilities including sketches showing the design principles and concepts to be followed shall be identified.
9. The provisions for parking of vehicles and the location and width of proposed streets and existing streets abutting the property shall be shown.
10. The location and size of walkways, plazas, public areas, fences and signs, and of landscaping and planting shall be identified.
11. The substance of covenants, deed restrictions, grants, or easements or other restrictions to be imposed upon the use of land, buildings and structures, including proposed easements for public utilities, and for maintenance of common open space, common facilities, private streets, drives and other infrastructure of the planned unit development shall be filed.
12. A plan for landscaping or other maintenance of all areas not immediately developed must be identified.
13. Other information, as may be required by the township zoning commission or township trustees, in order to determine compliance with this resolution will be provided.

512.17 Basis of Approval

- a. The township zoning commission shall review and hold public hearings on the application. It shall base its appraisal of the planned unit development on the following considerations:
 1. The proposed development will be initiated within two (2) years from the date of approval.
 2. Each individual unit of the development, as well as the total development, can exist as a independent unit capable of creating an environment of sustained desirability and stability, and that adequate assurance is provided that such objective will be

- attained.
3. The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect.
 4. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic in such amounts as not to overload the street network outside the planned unit development.
 5. Any proposed commercial development can be justified at the locations proposed.
 6. Any exception from standard district requirements is warranted by the design and other amenities to be incorporated in the planned unit development and is in accord with the adopted policy of the zoning commission and the board of township trustees.
 7. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
 8. The planned unit development is compatible with the comprehensive plan of the township and can be reasonably integrated into the comprehensive plan.
 9. The existing and proposed utility services are adequate for the population density and the nonresidential uses proposed.
 10. That the benefits, improved arrangements, and the design of the proposed planned unit development justify the deviation from standard residential development requirements included in this resolution.
 11. The zoning commission may require such changes or modifications in the planned unit development, as are needed to achieve conformity to the standards as herein specified.
- b. Upon the finding by the zoning commission that all of the standards as herein specified have been met, it may recommend approval of the planned unit development to the township trustees. It shall also, where it deems appropriate and necessary, recommend those conditions to be imposed upon the project, its operation, or both, that are needed to assure adherence to the aforesaid standards.
 - c. A public hearing by board of township trustees shall be held within thirty (30) days after receipt of the recommendation of the zoning commission. The board of township trustees shall review the application. It shall base its approval of a phase of a planned unit development on the same criteria as listed for the zoning commission.
 - d. Within twenty (20) days after such hearing is concluded, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission, or adopt some modification thereof.
 - e. The planned unit development approved as a result of the application is to be a binding plan, not subject to change by the owner or developer after its approval and acceptance.
 - f. Unless a deviation from a regulation in the township's zoning resolution, otherwise applicable to the property, is shown in the approved planned unit development, such regulation shall not be assumed to be waived.

512.16 Election by Property Owner

- a. The property owner shall elect, and shall so notify the township trustees within forty-five (45) days after approval of the planned unit development by the board of trustees, to have the planned unit development regulations and plan that was approved apply to the property included in the planned unit development.
- b. Limitations and restrictions on uses of some lands and buildings as compared to others in this or another planned unit development are accepted and are not a basis for appeals for variances.
- c. Such election shall be irrevocable and binding on the property owner, his successors and assigns. Failure to so elect and notify the township trustees in the timeframe noted shall revoke the planned unit development approval, and all the land contained in it shall be governed by the zoning regulations of its zoning district.

512.17 Other Approvals

- a. For such parts of the planned unit development that are proposed to be subdivisions, the Ottawa County requirements must also be met, including specifications and performance bonds or escrow funds for construction of water, sewer, streets, roads, and drainage.
- b. The approval of the planned unit development by the township trustees does not imply approval by any other agency with jurisdiction over the development of the property. Approvals by county, state, and federal agencies must be obtained before proceeding with the planned unit development.

512.18 Minor Deviations

- a. Minor changes in the location or siting of buildings, structures, streets, or parking areas, or in the areas of open space after approval of a planned unit development by the board of township trustees shall not be made without approval by the board of township trustees.
- b. The board of township trustees may hear and may approve by majority vote such change at any public meeting if such change is made necessary by engineering or other circumstances not foreseen at the time the planned unit development was approved. No change approved by the board of township trustees or cumulative change resulting from a series of changes may cause any of the following:
 - 1. A change in the use or character of the development.
 - 2. An increase in density of dwelling units.
 - 3. A reduction of more than five (5%) percent in common open space or in visual open space.
 - 4. An increase in problems of vehicular or pedestrian traffic circulation or safety, or of utilities.
 - 5. A reduction of off-street parking or loading space.
 - 6. A reduction in approved pavement widths.
 - 7. A reduction of more than five (5%) percent in structural setbacks from the planned unit development's boundary.
- c. All other changes or cumulative changes not meeting the above

standard shall require a public hearing with notification to the adjoining property owners. The changes must be requested through the submission of a formal written request identifying the area affected.

512.19 Default

- a. If no significant construction has begun within two (2) years after approval of a planned unit development, it shall be void, unless an extension of the time limit of the approved planned unit development is approved by the board of township trustees, after submission of a written request identifying the basis for the time extension, and a finding by the board of township trustees that such extension is not in conflict with the public interest.
- b. If construction is started but amenities, roads and drives, sewer, water, drainage, utilities, and landscaping are not done in accord with the approved planned unit development, the board of township trustees may require of the owner that it be done forthwith.

The following regulations shall apply in the "R-C" District:

513.01 Intent: The "R-C" Restricted Commercial District is designed to serve the needs of a limited number of high density commercial uses by allowing buildings to be constructed to a greater height than would normally be permitted in a commercial district

513.02 Uses Permitted: After obtaining a valid zoning certificate, in accordance with Section 12, the following uses are permitted:

- a. Hotels, motels, and transient lodging facilities, but not including tent sites or recreation vehicle camps.
- b. Professional office buildings.
- c. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)
 1. The proposed wind powered electric generator/windmill shall be a distance of at least 110% of the total height of the structure away from any property line and from any public or private road right-of-way (06/04/09)
 2. The maximum height including the blades shall not exceed one hundred and fifty (150) feet. (06/04/09)
 3. The structure supporting the electric generator/windmill shall be a free standing pole or tower. Structures requiring guy wires are not permitted. (06/04/09)
 4. The wind generator shall not make noise/sound that interferes with normal conversation between individuals at the property line. (06/04/09)
 5. The maximum lighting used for or on the structure shall be a low intensity red light as defined by the Federal Aviation Administration. (06/04/09)
 6. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW. (10/15/08)
 7. All necessary permits shall be obtained. (10/15/08)
 8. If a wind powered electric generator/windmill remains inoperable in excess of twelve (12) consecutive months, the generator and supporting structure shall be removed at the owner's expense. (06/04/09)
 9. The only signage permitted on the wind powered generator/windmill is warning signs or operational instructions placed within eight (8) feet of the ground. (06/04/09)
- d. Accessory structures and uses customarily incidental to the above permitted uses.
- e. Portable Storage Containers. See section 812 (7/12/16)

513.03 Off-Street Parking: Shall be provided as required by Section 6.

513.04 Height Limit: No structure shall exceed seventy-five (75) feet in height or six (6) stories.

513.05 Lot Area and Width: Every lot shall have a minimum width of one hundred and twenty-five (125) feet and a minimum area of not less than thirty thousand (30,000) square feet. However, in no case, shall the depth of a lot be less than one hundred and twenty (120) feet. A lot of less area or width which was recorded at the time of the adoption of this Resolution, and the owner thereof owns no adjoining land, may be occupied by any use

permitted in the "R-C" District.

513.06 Front Yard: There shall be a front yard of not less than seventy (70) feet in depth. (6/20/96)

513.07 Side Yard: There shall be a side yard of not less than thirty (30) feet.

513.08 Rear Yard: There shall be a rear yard of not less than thirty (30) feet.

The following regulations shall apply in the "E-C" District:

514.01 Uses Permitted: After obtaining a valid zoning certificate in accordance with Article 12, the following uses are permitted:

- a. Amusement enterprises including skating rinks, bowling alleys, dance halls, games of skill, etc. if conducted wholly within an enclosed building.
- b. Theaters.
- c. Privately operated community buildings or recreational fields and swimming pools, and community facilities owned and operated by neighborhood organizations.
- d. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions: (10/15/08)
 1. The proposed wind powered electric generator/windmill shall be a distance of at least 110% of the total height of the structure away from any property line and from any public or private road right-of-way (06/04/09)
 2. The maximum height including the blades shall not exceed one hundred and fifty (150) feet. (06/04/09)
 3. The structure supporting the electric generator/windmill shall be a free standing pole or tower. Structures requiring guy wires are not permitted. (06/04/09)
 4. The wind generator shall not make noise/sound that interferes with normal conversation between individuals at the property line. (06/04/09)
 5. The maximum lighting used for or on the structure shall be a low intensity red light as defined by the Federal Aviation Administration. (06/04/09)
 6. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW. (10/15/08)
 7. All necessary permits shall be obtained. (10/15/08)
 8. If a wind powered electric generator/windmill remains inoperable in excess of twelve (12) consecutive months, the generator and supporting structure shall be removed at the owner's expense. (06/04/09)
 9. The only signage permitted on the wind powered generator/windmill is warning signs or operational instructions placed within eight (8) feet of the ground. (06/04/09)
- e. Accessory buildings, structures, and uses.
- f. Portable Storage Containers. See section 812 (7/12/16)

514.02 Uses Conditionally Permitted: After obtaining a conditional zoning certificate in accordance with Articles 7 & 10, the following uses are permitted.

- a. Adult oriented sexual businesses as regulated in Article 7.
- b. Special events as regulated in Article 7.

514.03 Off-Street Parking: Shall be provided as required in Article 6.

514.04 Height Limit: No building shall be erected or exceed thirty-five (35) feet in height.

514.05 Lot Area and Width: Every lot shall have a minimum width of one hundred (100) feet and a minimum depth of one hundred and

twenty-five feet (125); however, it shall have a minimum area of not less than thirty thousand (30,000) square feet.

514.05 Front Yard: There shall be a front yard of not less than fifty (50) feet in depth.

514.06 Side Yard: There shall be a side yard of not less than fifteen (15) feet.

514.07 Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet.

514.08 Building Size: As specified in Article 8.

ARTICLE 6

PARKING AND LOADING REQUIREMENTS

600 Automobile Parking Requirements

600.01 Quantity: There shall be provided at the time of the erection or enlargement of any main building or structure the following off-street parking spaces, with a minimum area of one hundred eighty (180) square feet per parking space exclusive of driveways, or alleys, and with adequate provision made for ingress and egress to the parking spaces:

- a. Dwelling: Two parking spaces per individual dwelling unit.
- b. Auditorium, theaters, churches, schools, and other similar places of assembly: One parking space for each four (4) seats in the main auditorium.
- c. Hospitals, and institutions: One parking space for each eight hundred (800) square feet of floor area.
- d. Clubs and lodges: One parking space for every four (4) members.
- e. Commercial buildings: One parking space for every two hundred (200) square feet of floor area.
- f. Industrial buildings: One parking space for every two (2) employed in the largest working shift.
- g. Hotels, apartment hotels, motels, and lodging houses: One parking space for every room or suite, plus one parking space for every two employees.
- h. Boat storage/dockage: One parking space for every one boat stored or docked except for winter storage where one parking space for every ten boats stored will be required.

600.02 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 addition in floor area unless there shall be provided the total number of off-street parking spaces required for the original use and its enlargement.
- c. All parking spaces required herein shall be located on the same lot with the building or use served except that spaces may be located within three hundred (300) feet of the lot on which the main building is located or within six hundred (600) feet in the case of required spaces for the use of employees. This area must be zoned the same as the use it serves.

601 Off-Street Truck Loading Berths:

601.01 Quantity: Every building of the type described below which is hereafter built, relocated, or expanded more than fifty (50) percent in floor area, shall provide an off-street loading berth or berths in accordance with the following schedule: Each berth shall have a minimum size of seven hundred fifty (750) square feet.

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

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

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

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

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

601.02 Rules:

- a. Each space shall be easily accessible from a street or alley without substantial interference with traffic.
- b. All required loading berths shall be on the same lot as the use served, and if such berth abut an "A" or "R" District, they shall be suitably screened or fenced from view.

602 Improvements to Parking and Loading Areas:

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

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

602.03 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.

602.04 Bumper guards shall be provided for proper operation of The parking areas and to protect any fence, screen, or planting from damage.

602.05 When a parking area is located wholly or partly in an "A" or "R" District, the following regulations shall apply in addition to the above:

- a. No commercial enterprise of any kind shall be established on the area.
- b. No fee shall be charged for parking thereon.

- c. No signs of any kind shall be erected, except those necessary for the orderly parking thereon.

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

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

ARTICLE 7

CONDITIONAL USE REGULATIONS

700 Purpose

700.01 In addition to uses specifically classified and permitted in various Districts in this Resolution, there are certain additional uses which may be necessary to allow because of their unusual characteristics or the services they provide the public. These "Conditional Uses" require particular consideration as to their proper location in relation to adjacent established or intended uses, or the planned development of the community. The "Conditional Uses" fall into two (2) categories as follows:

- a. Uses either municipally operated, or uses traditionally affected by public interest.
- b. Uses entirely private in character, which because of their peculiar locational needs or the nature of the service they offer to the public, may have to be established in a District or Districts in which they cannot reasonably be allowed as a permitted use under the zoning regulations.

701 Procedure

701.01 The procedure for notices, public hearings, passage, etc. for conditional uses is described in Article 10.

702 Vacancy

702.01 In the event that a conditional use authorized for any building, structure, or land is voluntarily discontinued for a period of two years, the use of the same shall thereafter conform to the uses permitted in the District in which it is located.

703 Existing Conditional Uses

703.01 Conditional Uses existing at the time of adoption of this Resolution may be continued and shall be considered as uses conforming to the Resolution.

704 Additions

704.01 Additions to existing conditional uses shall go through the regular conditional use procedure.

705 General Requirements

705.01 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 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.

- b. Will not be hazardous or disturbing to existing or future neighboring uses.
- c. Will not be detrimental to property in the immediate vicinity or to the community as a whole.
- d. Will be served adequately by essential public facilities and services.
- e. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

706 Specific Requirements

In addition to satisfying the requirements of Section 705, the following conditions shall be met for the listed uses:

706.01 Trailer Camps

- a. Trailer Camp Requirements: All trailer camps shall meet the following requirements:

- 1. Size - A trailer camp shall contain a minimum of 10 acres and provide a minimum of 50 camp sites upon opening.
- 2. Density - The maximum density shall not exceed ten (10) individual camp sites per gross acre nor more than thirty-five (35) persons per gross acre.
- 3. Width and Depth - The minimum width of a trailer camp shall not be less than 300 feet. The ratio of width to depth shall not exceed one to five (1:5).
- 4. Yards - All individual camp sites or accessory buildings shall be located no closer than fifty (50) feet from the front property lines, nor closer than thirty-five (35) feet from the side or rear property lines. If the side or rear property line abuts a public or private right-of-way, the minimum side or rear yard shall be fifty (50) feet.
- 5. Access - All trailer camps shall have access to adequate collector streets with a right-of-way not less than fifty (50) feet in width. Marginal access roads may be required if deemed necessary for trailer camps that have direct access onto an arterial street.
- 6. Streets - The design and construction of the interior streets shall be sufficient to adequately serve the size and density of the development. All interior streets shall be all-weather roads with a right-of-way not less than twenty-five (25) feet and a road surface of not less than twenty (20) feet. Parking on the interior streets shall not be permitted.
- 7. Walkways - All trailer camps shall have pedestrian walkways at least four (4) feet in width. The location of necessary walkways shall be decided by the Board and may vary relative to location, intensity of use, and location of recreational areas and service facilities.
- 8. Recreation and Open Space - At least thirty-five (35) percent of the gross land area of the trailer camp shall be reserved for recreation and open space. This

figure is in addition to any other open areas required by yard dimensions or any other sections of this resolution. Individual camp sites shall not be included in this recreation and open space area.

9. Buffering and Screening - The outer boundaries of the trailer camp shall contain a buffer zone. This buffer zone shall be composed of a green strip, not less than twenty (20) feet in width, located along all camp boundaries. In addition, all trailers, campers, tents, and camp sites shall be located no closer than one hundred (100) feet from any property zoned for residences. Proper buffering shall be determined by the Board and may include fencing, screening, and/or the planting of trees and bushes.
- b. Individual Camp Site Requirements: Individual camp sites within trailer camps shall meet the following requirements:
1. Camp Site Area - Each individual camp site shall be at least 2,500 square feet in area.
 2. Camp Site Width - Each individual camp site shall be at least forty (40) feet in width.
 3. Camp Site Setbacks - There shall be a minimum of eight (8) feet open space between the vehicle, trailer, tent or structure used for camping purposes and any such camp site boundary line. The width and/or length of the vehicle, trailer, tent, or structure shall include all projections, awnings, porches, tip outs, flip outs, slip outs, etc.
 4. Corner Markers - The four (4) corners of each individual camp site shall be marked in a manner acceptable to the Board.
 5. Streets - All individual camp sites shall front on an all-weather road with a right-of-way not less than twenty-five (25) feet and a pavement surface of not less than twenty (20) feet.
- c. Trailer Camp Utilities and Other Services: All trailer camps shall conform to the requirements for utilities and other services as follows:
1. Storm Drainage - Within each trailer camp, storm drainage shall be provided in accordance with the following requirements:
 - a. All areas of a trailer camp shall be graded in a manner so that there will be no poorly drained areas. Grading shall not obstruct the natural drainage of surrounding properties.
 - b. Open drainage ditches are prohibited. All drainage systems shall be designed in accordance with, and approved by, the County Engineer.
 2. Water Supply - Within each trailer camp, the requirements of Section 3701-25-37 of the Ohio Administrative Code shall be met.
 3. Sewage - Within each trailer camp, the requirements of Section 3701-25-57 of the Ohio Administrative Code shall be met.
 4. Toilet Facilities - Within each trailer camp, the

requirements of Section 3701-25-61 of the Administrative Code shall be met.

5. Other Requirements - Within each trailer camp, the requirements of Sections 3701-25-51 through 3701-25-75 inclusive (Ohio Administrative Code) shall be met.
- d. Supplementary Regulations: All trailer camps shall conform to the following supplementary regulations:
1. No vehicle shall be used and maintained as a permanent residence.
 2. Inspection - The County Board of Health and the Zoning Inspector shall have the right of entry and access to trailer camps at any reasonable time for the purpose of inspecting and investigating conditions relating to the administration and enforcement of the regulations and requirements of the resolution.
 3. Permission to Operate - No person shall operate or maintain a camp unless written authorization for the operation of the camp has been obtained from the Board of Zoning Appeals and the provision of this resolution are met. Such written authorization may be required if deemed necessary for each calendar year prior to opening the camp for the calendar year for which the application is made.
 4. Sales of Camp Sites - The sale of individual camp sites shall be prohibited.
 5. Campfires - If campfires are permitted, suitable facilities shall be provided and necessary precautions taken.
- e. Penalty for Violation: Violation of the conditions and safeguards, when made part of the conditional zoning permit, shall be deemed a violation of this Resolution and punishable under Article 12, Section 1201.
- f. Existing Park Expansion: The expansion of any existing trailer camp will be required to meet these requirements for the expanded portion.
- g. Building Height: No building shall be erected or enlarged to exceed two and one-half (2-1/2) stories, or thirty-five (35) feet in height.

706.02 Special Event

- a. Requirements: All special events shall meet the following requirements:
1. The special event shall not last longer than fourteen (14) days.
 2. The special event will not create a level of noise which will interfere with the normal living conditions of adjoining property owners.
 3. The required and necessary facilities for the special event such as restrooms, parking and the like are available in adequate amounts for the type of special event planned.

4. The special event will not interfere with the traffic flow and public's safety.
5. Signs for a special event shall not be installed any earlier than thirty (30) days prior to the special event and signs shall be removed within a period of seven (7) days after the special event is completed or concluded.
6. Other conditions which the Board of Zoning Appeals feels are necessary to protect the public's health, safety and welfare shall be imposed.

706.03 Bed and Breakfast Inn

- a. Requirements: All bed and breakfast inns shall meet the following requirements in addition to those identified in its definition in Article 4.
 1. The Inn must be owner occupied, it must be the principal residence of the owner, and 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 shall contain a minimum of one hundred (100) square feet. No rented room shall have independent outside entrance (but emergency fire exits are permitted).
 5. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure.
 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 as a result of the operation of the bed and breakfast facility, including any additions thereto. (9/20/01)
 9. One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a Bed and Breakfast Inn.
 10. Any other condition or safeguard deemed appropriate by the Board of Zoning Appeals.

706.04 Child Daycare Center/Type A Family Day-Care Home - (12/16/92)

- a. Requirements: A child day-care center/Type A family day-care home shall meet the following requirements:
 1. Outdoor playgrounds, tot lots, and exercise areas shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals.

2. 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 areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for children that will not impede other traffic.
3. One sign, meeting the requirements of the district.
(9/20/01)

706.05 Community or Club Swimming Pool (12/16/92)

A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

1. The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than seventy-five (75) feet to any property line or easement.
3. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than 6 feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition.
4. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.
5. Such pool facilities shall not be operated prior to 9:00 a.m. in the morning or after 10:00 p.m. in the evening.

706.06 Miniature Golf Course and Golf Driving Range (06/03/93)

- a. Requirements: A miniature golf course and/or a golf driving range shall meet the following requirements.
 1. A thirty (30) foot deep buffer strip shall be provided next to the right-of-way if residential uses exist across the street from the site. Parking in this strip shall be prohibited. A ten (10) foot buffer strip shall be required in the side and rear yards if adjacent to a residential use.

2. Exterior lighting shall be shielded from adjacent properties to prevent possible glare.
3. Hours of operation shall be between 10:00 A.M. to 9:00 P.M. weekdays and Sunday, 9:00 A.M. to 11:00 P.M. on Friday and Saturday.
4. No other form of outside entertainment, including electrically amplified music, shall be permitted.
5. Twenty-five (25) parking spaces shall be provided for each 18 holes of miniature golf. One (1) parking space per practice tee shall be provided for the driving range.
6. All other requirements of the District in which it is located shall be met.

706.07 Boat, Boat Trailer, Boat Cradle, and Recreational Vehicle and Motor Vehicle Storage (08/19/93) (9/20/01)

a. Requirements: Boat, Boat Trailer, Boat Cradle, and Recreational Vehicle and Motor Vehicle Storage areas shall meet the following minimum requirements and any other special requirements that the Board of Zoning Appeals feels proper. (9/20/01)

1. Such areas shall be properly maintained in an orderly fashion -- weeds and grass shall be kept mowed.
2. Such uses, if not confined to a building or like structure, shall be kept properly screened from adjacent residential areas. Such screening shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of not less than four (4) feet in height at the time of planting with a mature height of at least eight (8) feet.
3. Outdoor storage in all districts must have a security chain link fence with a minimum height of five (5) feet. (9/20/01)
4. No storage buildings shall be erected or enlarged to exceed thirty-five (35) feet in height.
5. No storage building shall be closer than seventy-five (75) feet to any public right-of-way, closer than forty (40) feet to any other lot line, nor closer than twenty (20) feet to any other building.
6. Such storage uses shall not be in conflict with existing residential areas and shall not create any unreasonable nuisance, hazard, or traffic problem.

706.08 Continuing Care Retirement Community. (12/01/93)

All continuing care retirement communities shall meet the following requirements:

1. Setbacks: There shall be a front yard setback of fifty (50) feet, a side yard setback of forty (40) feet, and a rear yard setback of forty (40) feet;

2. Parking: A minimum of 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.
3. Density: The maximum number of dwelling units for the complete development shall not exceed eight per acre.
4. 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.
5. Minimum Acreage: A minimum of five (5) acres shall be included in each continuing care retirement community.
6. Development: The continuing care retirement community may be developed using a variety of building types including attached and detached dwellings and apartments. Dwelling units shall have a minimum floor area of:

350 square feet for Studio Dwelling
500 square feet for 1 Bedroom Dwelling
700 square feet for 2 Bedroom Dwelling

Studio dwelling units shall not comprise more than 25% of the total number of dwelling units included within the entire project.

7. Maximum Building Height: Shall be thirty-five (35) feet.
8. 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.
9. 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.
10. 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.
11. 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.

12. 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.
13. Emergency Access: All dwelling units shall be so positioned as to allow access of emergency and fire vehicles.
14. Commercial Vehicle Storage: No commercial vehicles, to include commercial tractors, automobiles, trucks, buses, recreational vehicles, semi-trailers, snowmobiles, watercraft, watercraft trailers, shall be 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.
15. Refuse Collection: The refuse collection areas provided for the collection of trash, garbage and other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provision shall be made for regular and adequate vehicular access to such areas for refuse collection purposes.

706.09 Adult Oriented Sexual Business (11/5/98)

1. This requirement establishes reasonable and uniform regulations to prevent any deleterious location and concentration of adult 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 as well as those addressed in Section 6.
 - a. The applicant shall file in writing a report containing the following information:
 1. The address where the adult sexually oriented business is operated or is to be operated.

2. 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. 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. 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 (2) percent of the applicant's stock. 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.
 3. The application must contain the address where the adult 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 (6) inches.
 4. 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.
 5. Any other information determined by the Board of Zoning Appeals to be necessary.
3. Adult sexually oriented business uses shall be located at

least one thousand five hundred (1,500) feet from any church, child day care center, library, public park, public or private school, social service facility, neighborhood center, or amusement arcade.

4. Adult sexually oriented business uses shall be located at least one thousand (1,000) feet from any boundary of any residential district including those in an abutting local unit of government.
5. Adult sexually oriented business uses shall be located at least one thousand five hundred (1,500) feet from any other adult entertainment uses.
6. Adult sexually oriented business uses shall be located at least one thousand (1,000) feet from a bar, tavern, or other business serving or selling liquor, beer, wine, or other alcoholic beverages.
7. A permit or license issued under this section to an adult sexually oriented business shall expire one (1) 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 thirty (30) days of receipt of the application. The information contained with the initial application for a permit and supplementary information required by Item B.1.d. above shall be used to determine whether or not to renew a permit. Each permit for an adult sexually oriented business shall contain the name of the applicant, the address of the adult sexually oriented business and the expiration of the permit.

706.10 Telecommunication Tower (11/5/98)

a. Requirements:

Any person who plans to construct a telecommunication facility, as defined herein, within a residential district shall provide all of the following by certified mail.

1. 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 the street from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
 - a. The person's intent to construct the tower;
 - b. A description of the property that is sufficient to identify the proposed location.
 - c. That no later than fifteen (15) days after the date of the mailing of the notice, any such property owner may give written notice to the board of township trustees requesting the standards identified herein shall apply to said 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.

2. Written notice to the board of trustees of this information including verification that all of the requirements listed above have been met.

If a board member of the township trustees or any of the notified property owners does not submit a letter, within fifteen (15) days after the date of mailing of the notice by the person planning to construct the telecommunication tower, objecting to the proposed location of the tower, the construction of said tower may occur without restriction.

If within fifteen (15) days after the date of mailing of the notice by the person planning to construct the telecommunication tower, a board member of the township trustees objects, or if a letter of objection is received from a property owner, who has been notified of the proposed telecommunication tower construction, the clerk of the township shall send the person proposing to construct the tower written notice of the requirements of Portage Township relating to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of the telecommunication tower.

b. Standards

The following standards shall apply to all telecommunication facilities. No telecommunication tower shall exceed two hundred (200) feet in height.

1. When the proposed telecommunication facility is to include new towers, a plot plan at a scale of not less than one (1) inch to one hundred (100) feet shall be submitted. This plot plan shall indicate all building uses within three hundred (300) feet of the proposed facility. Aerial photos and or renderings may augment the plot plans.
2. The location of the tower and equipment shelter shall comply with all natural resource protection standards including those for floodplains, wetlands, and steep slopes.
3. Security fencing eight (8) feet in height shall surround the tower, equipment shelter, and any guy wires either completely or individually as determined by the Board of Zoning Appeals.
4. A buffer planting may be located around the perimeter of the security fence, if deemed appropriate by the Board of Zoning Appeals. This buffer planting shall consist of evergreen plant materials planted three (3) feet on center if in the form of a hedge or five (5) feet on center if in the form of evergreen trees. A landscaping plan shall be submitted and approved in advance by the Board of Zoning Appeals. Existing trees and shrubs shall be preserved, if possible.

5. Any applicant requesting permission to install a new telecommunication tower shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within thirty (30) days. The applicant's letter as well as any responses shall be presented to the Board of Zoning Appeals as a means of demonstrating the need for the new tower.
6. The applicant must also demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why the tower and the proposed site are technically necessary.
7. The telecommunication tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
8. No advertising is permitted anywhere on the facility or tower with the exception of identification signage, which must be approved by the Board of Zoning Appeals.
9. No tower less than one hundred and fifty (150) feet in height shall be artificially lighted except to assure safety or as required by the FAA. Any tower between one hundred and fifty (150) and two hundred (200) feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA. Security lighting around the equipment shelter is permitted.
10. "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in case of an emergency.
11. The applicant shall provide evidence of legal access to the tower site thereby maintaining this access regardless of other developments that may take place on the site.
12. Underground equipment shelters are encouraged and may be requested by the Board of Zoning Appeals, if appropriate.
13. The telecommunication facility shall be fully automated and unattended on a daily basis except for periodic and necessary maintenance.

b. Specific Standards

In addition to the standards listed above, the following specific standards shall also be met.

1. If an antenna is attached to a residential building or to a non-residential building or a structure that presently exists on the site, the following standards shall be met:
 - a. The maximum height of the telecommunication antenna shall not exceed the height of the existing building by more than twenty (20) feet.

- b. If the applicant proposes to locate the telecommunication equipment in a separate shelter, the shelter shall meet the following:
 1. The equipment shelter shall meet the minimum setback requirements for the zoning district in which it is located, shall not exceed seven hundred and fifty (750) square feet of total floor area for all buildings, and shall not exceed thirty-five (35) feet in height.
 2. The vehicular access to the shelter shall not interfere with the parking or vehicular circulation for the principal use on the site.
2. A telecommunication tower to support an antenna may be constructed on a parcel that is presently used agriculturally, on a parcel established as permanent open space or operated as a park, or with a non-residential building or structure that presently exists on the site if the following conditions are met.
 - a. The tower shall be set back from any property line abutting a residential lot by three hundred (300) feet.
 - b. The maximum height of the telecommunication tower including the antenna shall be two hundred (200) feet.
 - c. The equipment shelter shall meet the minimum setback requirements for the zoning district in which it is located, shall not exceed seven hundred and fifty (750) square feet of total floor area for all buildings, and shall not exceed thirty-five (35) feet in height.
 - d. The vehicular access to the telecommunication tower and the equipment shelter shall be provided along the circulation driveways of the existing non-residential use, where possible.
 - e. The site contains a minimum of two and one-half (2 ½) acres.

ARTICLE 8

SUPPLEMENTAL REGULATIONS

800 Yard Requirements

800.01 Front Yard: The following shall apply to front yards in all Districts:

- a. Interior lots having a frontage on two (2) streets shall provide the required front yard on both streets.
- b. For residential uses on corner lots, only one front yard shall be required to meet the requirements of the District in which the property is located with the other front yard established at twenty-five (25) feet.
- c. For commercial uses on corner lots, both front yards shall be required to meet the requirements of the District in which the property is located. (6/21/99)
- d. Where a vacant lot is situated between two (2) lots, each of which has a main building which projects beyond the established front yard line and has been so maintained since this Resolution became effective, the front yard requirement of such lot may be the average of the front yards of said existing buildings. (6/18/98)
- e. Where a vacant lot adjoins one lot having the conditions described above, the front yard requirement of such lot may be the average of the front yard of the existing building and the established front yard requirement of the District in which it is located. (6/18/98)
- f. Where a lot is situated between two (2) undeveloped lots, the average front yard established by the other existing buildings on the same side of the street between the nearest intersecting streets may be used as the front yard requirement of the lot.

800.02 Side Yard: The following shall apply to side yards of existing lots of record prior to the adoption of the Resolution, which does not meet the minimum lot width requirement of the district in which it is located: (12/16/92)

| <u>Existing Lot Width</u> | <u>Minimum Side Yard Requirement</u> |
|---------------------------|--------------------------------------|
| 50' or less | 5' |
| 50.01' - 60' | 6' |
| 60.01' - 70' | 7' |
| 70.01' - 80' | 8' |
| 80.01' - 90' | 10' |

800.03 Building Projections Into Required Yards:

- a. Every part of a required yard shall be open to the sky, unobstructed by a building, except for accessory buildings in a rear yard, and except for the ordinary projections of sills, cornices, eaves, ornamental features and other such items.
- b. Terraces, uncovered porches, and ornamental features which do not extend more than three (3) feet above the ground may project into a required yard, provided these projections shall be at least two (2) feet from the adjacent side of lot lines.
- c. Balconies, fire escapes, porches, or awning may project into a required rear yard for a distance not exceeding ten (10) feet.

800.04 Parking In Required Yards: Parking shall be permitted in all required yards except as follows:

- a. Whenever any "C" or "M" District adjoins an "A" or "R" District, the off-street parking for the commercial or industrial development shall not be located within the required front yard for a distance of not less than fifty (50) feet from the boundary of the "A" or "R" Districts, nor shall the off-street parking be located within seven (7) feet of the boundary of the side yard of the District.
- b. Only one (1) automotive vehicle or recreational vehicle of any type without current license plates shall be parked or stored on any land used for residential purposes other than in a completely enclosed building. Parking or storage must be in the rear yard. (6/20/96)

801 Accessory Building and Uses

801.01 Accessory buildings in a "R" District shall be permitted in the rear or side yards. Accessory buildings shall not exceed twenty (20) feet in height or occupy not more than thirty (30) percent of the actual rear yard. No accessory building shall be closer to a road right-of-way than the main building, closer than five (5) feet to the main building, nor closer than five (5) feet to the side or rear lot line. (12/16/92 & 6/18/98)

801.02 Accessory buildings in any other District shall be permitted in the rear or side yards. Accessory buildings shall not exceed twenty (20) feet in height or occupy not more than thirty (30) percent of a actual rear yard. No accessory building shall be closer to a road right-of-way than the main building, closer than five (5) feet to the main building, nor closer than five (5) feet to the side or rear lot line. (12/16/92 & 6/18/98)

801.03 An accessory building may be placed in the front yard of a lot which has frontage on the waters of Lake Erie, Sandusky Bay, or West Harbor. The minimum front yard setback shall be ten (10) feet for lots which front a private street and a minimum front yard setback of twenty (20) feet for lots which front a public street. For a corner lot, the front yard setback shall be met for both streets. The accessory building shall be no closer than five (5) feet to the main building and the minimum side yard setback of the district in which the lot is located shall be met. The accessory structure shall not exceed fifteen (15) feet in height or occupy not more than thirty (30) percent of the required front yard. If the accessory structure is not to be placed in the front yard, then the requirements of Section 801.01 or 801.02 shall apply. (12/16/92)

801.04 An accessory building may be placed on a lot not containing a main dwelling that is adjacent to or across a street or road from a lot under the same ownership containing a main dwelling. This building shall not exceed fifteen (15) feet in height, be closer to the front lot line than that required for a main dwelling in that district, nor closer than fifteen (15) feet to the rear lot line, and shall meet the side lot line requirements for the District. The accessory building may not be larger than thirty (30) percent of the lot size. The structure shall not be used as a dwelling or for lodging. (08/19/93)

802 Fence and Hedges

802.01 Fences or hedges shall not be required to meet the setback requirements, however, fences or hedges shall not exceed the following height in the specified yard unless otherwise restricted: (6/20/96)(11/5/98)

| <u>District</u> | <u>Front Yard</u> | <u>Other Location</u> |
|----------------------------|-------------------|-----------------------|
| "A" | 7 | 7 |
| "R-1", "R-2", "R-3", "R-4" | 5 | 7 |
| "C-1", "C-2", "C-3", "A-D" | | |
| "R-C", "E-C" | 5 | 7 |
| "M-1", "M-2" | 10 | 10 |

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

802.03 No fence shall be erected without first securing a permit from the zoning inspector.

803 Swimming Pool

803.01 Private swimming pools greater than twelve (12) feet in diameter, greater than one hundred (100) square feet in size, and capable of holding more than one and one-half (1-1/2) feet of water shall be permitted with any residential use but subject to the following requirements:

- a. Private swimming pools shall be permitted only as accessory uses.
- b. Private swimming pools shall be intended for the use and enjoyment of the owner and guests of the property on which it is located.
- c. Private swimming pools and accessory structures associated with the pool shall be located no closer than ten (10) feet to any property line.
- d. The private swimming pool, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access from the street or from adjacent properties. Said fence or wall shall not be less than five (5) feet in height and maintained in good condition.

803.02 No private swimming pool shall be constructed or erected without first securing a zoning permit from the zoning inspector.

804 Signs

804.01 Intent: The purpose of this section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space and curb the deterioration of the natural environment and enhance community development.

The following sign types or categories shall be regulated by this Resolution, as amended (6/21/99)

- a) Permanent Sign: any free standing, non-movable sign not affixed to a building or structure
- b) Temporary/Portable Sign: Any sign or advertising display designed or intended to be displayed for a short period of time for a specific event. (6/21/99) (7/12/16)
- c) Wall Sign: A sign fastened to or painted on the 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. Wall signs shall not project more than twelve (12) inches from such building or structure. (6/21/99)
- d) Projecting Sign: Any sign or advertising display affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall. (6/21/99)

804.02 Temporary Signs: Signs of a temporary nature such as garage sale signs, for sale or rent signs and the like shall be removed within a period of seven (7) days after the identified event is completed or concluded. For a special event, the sign

shall not be displayed any earlier than thirty (30) days prior to the special event. Temporary signs shall not require a zoning permit, however, such signs shall not exceed twelve (12) square feet in area, except in residential districts, where the sign area shall not exceed six (6) square feet. (7/12/16)

804.03 Excluded Signs: Traffic, governmental, legal, railroad and danger signs are not restricted. In addition, signs such as memorial tablets and names of buildings built into the walls of the building as an integral part of the building and signs erected within buildings, whether visible to the public or not are also not included.

804.04 General Regulations:

- a. No sign shall be erected or maintained at any location where it may obstruct or impair traffic in any manner.
- b. No illuminated signs shall be permitted in the residential 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. Any sign which shall be illuminated or contain flashing, intermittent, rotating, or moving light or lights shall require the approval of a variance by the Board of Zoning Appeals prior to its erection. The exception to this requirement is for illuminated computer controlled electronic message centers. They will be approved by the zoning inspector providing the cabinet area of the message centers meet the requirements of Section 804.10 b, c, & d. Electronic message centers shall be permanent on-site signs. (11/5/98) (06/03/04)
- d. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code or the local electric code in effect.
- e. No projecting signs shall be erected or maintained from the front or face of a building a distance of more than forty-two (42) inches, including those projecting from the face of any theatre, hotel, or motel marquee. The bottom of such sign shall be not less than nine (9) feet above the finished grade.
- f. No sign shall be placed on the roof of any building.
- g. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided herein;
- h. Any banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices attached to a sign, lamppost or building to attract attention shall be kept in good repair and not allowed to deteriorate or become unsightly.
- i. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;
- j. All signs hung and erected shall be plainly marked with the name of the person, firm or corporation hanging or erecting the sign;
- k. Should any sign be or become unsafe or be in danger of collapse, the owner thereof or the person maintaining the

same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign;

- l. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property;
- m. No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.
- n. Existing non-conforming signs will be considered non-conforming structures subject to Article 9. (6/18/98)

804.05 Measurement of Sign Area: The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area. The calculation of a double-faced sign shall be the area of one face only. 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.

804.06 Setback Requirements: (12/16/92)

- a. Signs shall be set back a minimum of ten (10) feet from the established right-of-way line of any street or highway, except for the modification in b and c below.
- b. For every square foot by which sign area exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.
- c. At the intersection of any state or federal highway with an arterial or collector street, the setback of any sign shall not be less than fifty (50) feet from the established right-of-way of each highway or street.
- d. Signs shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except that no sign shall be erected or placed closer than fifty (50) feet of a side or rear lot line in any residential district.
- e. There shall be a minimum distance of 250 feet between off-premise advertising signs. Existing signs located closer together will be considered non-conforming structures subject to Article 9.
- f. The setback shall be the distance from the edge of the road right-of-way line to the nearest part of the sign, measured perpendicularly to the edge of the road right-of-way line.

804.07 Signs Permitted in Any District

- a. For churches, libraries, museums or social clubs, one (1) bulletin board not exceeding fifteen (15) square feet in area and one (1) identification sign not exceeding forty-eight (48) square feet in area, including the supporting structure.
- b. For one-family dwellings, one (1) name plate not exceeding one and one-half (1-1/2) square feet in area, indicating the

name and address of the occupant and one (1) unlighted sign not exceeding two and one-half (2 ½) square feet in area indicating the name of the permitted home occupation of the occupant. (11/5/98)

- c. Multiple-family dwellings and for buildings other than dwellings, a single identification sign not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the name of the management thereof.
- d. Temporary signs.
- e. Signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, a proposed subdivision or development, or a projects architect, builder or contractor. Once the event or project is completed, the sign shall be removed.
- f. For required parking areas, signs identifying such areas shall be permitted not to exceed nine (9) square feet.

804.08 Agricultural District Sign Requirements

- a. For the advertising of roadside stands or directory signs indicating services, commodities or facilities available within a distance of ten (10) miles, not to exceed seventy-two (72) square feet in area.
- b. Signs identified in Section 804.07.

804.09 Residential District Sign Requirements

- a. Signs identified in Section 804.07.

804.10 Commercial District Sign Requirements (6/21/99)

- a. Permanent, wall, and/or projecting signs must be located at the place of business for which the sign advertisement is intended. (6/21/99)
- b. For businesses located in the "C-1" District, the total square footage of all sign advertising area shall not exceed two (2) square feet for each lineal foot of frontage occupied by the business for which the sign is erected. The maximum square footage for all signs shall not exceed one hundred (100) square feet. The maximum square foot area for electronic message center cabinets shall not exceed twenty-five (25) square feet. (6/21/99) (06/03/04)
- c. For businesses located in the "C-2" District, the total square footage of all sign advertising area shall not exceed the following:
 - 1. For a single tenant building which contains twenty-thousand (20,000) square feet or less, the total sign advertising area may not exceed two hundred (200) square feet. The maximum square foot area for electronic message center cabinets shall not exceed fifty (50) square feet. (06/03/04)
 - 2. For a single tenant building which contains more than twenty-thousand (20,000) square feet but less than fifty thousand (50,000) square feet, the total sign advertising area may not exceed three hundred

(300) square feet. The maximum square foot area for electronic message center cabinets shall not exceed fifty (50) square feet. (06/03/04)

3. For a single tenant building which contains fifty thousand (50,000) square feet or more, the total sign advertising area may not exceed four hundred (400) square feet. The maximum square foot area for electronic message center cabinets shall not exceed fifty (50) square feet. (6/21/99) (06/03/04)
- d. For businesses located in the "C-3" District, the total square footage of all sign advertising area shall not exceed two (2) square feet for each lineal foot of frontage occupied by the business for which the sign is erected. The maximum square footage for all signs shall not exceed one hundred and fifty (150) square feet. The maximum square foot area for electronic message center cabinets shall not exceed thirty-six (36) square feet. (6/21/99) (06/04)
- e. In all commercial districts where two (2) or more businesses occupy a single parcel (multi-tenant building) and where each business does not have an individual exterior entrance/exit to the outdoors, one (1) permanent sign, which identifies all of the individual businesses by name/logo and which contains a total of three hundred (300) square feet or less of area, may be erected on the property. The maximum square foot area for electronic message center cabinets shall not exceed fifty (50) square feet. (6/21/99) (9/20/01) (06/03/04)
- f. In all commercial districts where two (2) or more businesses occupy a single parcel (multi-tenant building and multi-buildings) and where each business has its own individual exterior entrance/exit to the outdoors, one (1) permanent sign which identifies all of the individual businesses by name/logo and which contains a total of three hundred (300) square feet or less of area may be erected on the property. The maximum square foot area for electronic message center cabinets shall not exceed fifty (50) square feet. (06/03/04) In addition, each individual business shall be allowed wall or projecting signs based upon the following criteria: (9/20/01)
 1. An individual business whose square footage in the multi-tenant building is one thousand (1000) square feet or less shall be entitled to wall and projecting signs not to exceed forty (40) square feet in cumulative area.
 2. An individual business whose square footage in the multi-tenant building is more than one thousand (1000) but less than five thousand (5,000) square feet shall be entitled to wall and projecting signs not to exceed eighty (80) square feet in cumulative area.
 3. An individual business whose square footage in the multi-tenant building is more than five thousand (5,000) square feet shall be entitled to wall and projecting signs not to exceed one hundred and

twenty (120) square feet in cumulative area.
(6/21/99)

- g. In all commercial districts where two or more lots, for commercial uses only, are created through the subdivision process, a permanent sign at the entrance to the subdivision shall be permitted. Said permanent entrance sign may be used to identify all of the individual businesses located within the subdivision.

Each business located on a lot within the subdivision shall not exceed thirty-two (32) square feet of space on the entrance sign. The total square footage of the permanent entrance sign will be determined by the number of businesses established. However, in no case shall the permanent entrance sign exceed three hundred (300) square feet. The permanent sign shall be placed no closer than ten (10) feet from the established road rights-of-way.

The individual businesses within the subdivision may also have on-site signage as regulated by the sign requirements for the district in which their lot and business is located.
(4/20/06)

- h. Projecting signs suspended from any building shall not project more than forty-two (42) inches from the building and the bottom of such sign shall not be less than nine (9) feet above the finished grade. (6/21/99)
- i. Signs identified in Section 804.07. (6/21/99)
- j. No sign may exceed thirty-five (35) feet in height.
(6/21/99)

804.11 Manufacturing District Sign Requirements (6/21/99)

- a. Permanent, wall, and projecting signs must be located at the place of the business for which the sign advertisement is intended.(6/21/99)
- b. The total square footage of all sign advertising area shall not exceed two (2) square feet for each lineal foot of frontage occupied by the business for which the sign is erected. The maximum square footage for all signs shall not exceed two hundred (200) square feet. (6/21/99)
- c. No sign may exceed thirty-five (35) feet in height.
6/21/99)
- d. Projecting signs suspended from any building shall not project more than forty-two (42) inches from the building and the bottom of such sign shall not be less than nine (9) feet above the finished grade.(6/21/99)

804.12 Airport Development District Sign Requirements (9/20/01)

- a. All signs must be located at the place of business for which the sign advertisement is intended. (7/17/13)
- b. For businesses located in the "A-D" District, the total

square footage of all sign advertising area shall not exceed the following:

1. For a single tenant building which contains twenty-thousand (20,000) square feet or less, the total sign advertising area may not exceed one hundred and fifty (150) square feet.
 2. For a single tenant building which contains more than twenty-thousand (20,000) square feet but less than fifty thousand (50,000) square feet, the total sign advertising area may not exceed two hundred (200) square feet.
 3. For a single tenant building which contains fifty thousand (50,000) square feet or more, the total sign advertising area may not exceed three hundred (300) square feet.
- c. Where two (2) or more businesses occupy a single parcel (multi-tenant building) and where each business does not have an individual exterior entrance/exit to the outdoors, one (1) permanent sign, which identifies all of the individual businesses by name/logo and which contains a total of three hundred (300) square feet or less of area, may be erected on the property.
- d. Where two (2) or more businesses occupy a single parcel (multi-tenant building and multi-buildings) and where each business has its own individual exterior entrance/exit to the outdoors, one (1) permanent sign which identifies all of the individual businesses by name/logo and which contains a total of three hundred (300) square feet or less of area may be erected on the property. In addition, each individual business shall be allowed wall or projecting signs based upon the following criteria:
1. An individual business whose square footage in the multi-tenant building is one thousand (1000) square feet or less shall be entitled to wall and projecting signs not to exceed forty (40) square feet in cumulative area.
 2. An individual business whose square footage in the multi-tenant building is more than one thousand (1000) but less than five thousand (5,000) square feet shall be entitled to wall and projecting signs not to exceed eighty (80) square feet in cumulative area.
 3. An individual business whose square footage in the multi-tenant building is more than five thousand (5,000) square feet shall be entitled to wall and projecting signs not to exceed one hundred and twenty (120) square feet in cumulative area.
- k. Projecting signs suspended from any building shall not project more than forty-two (42) inches from the building and the bottom of such sign shall not be less than nine (9) feet above the finished grade.

l. Signs identified in Section 804.07.

m. No sign may exceed thirty-five (35) feet in height.

804.13 No sign shall be erected without first obtaining a zoning permit. (08/19/93) (9/20/01)

805 Storage Areas

- a. Requirements: The storage of boats, boat trailers, boat cradles, trailers, campers, and/or recreational vehicles shall meet the following conditions:
1. Such areas shall be properly maintained in an orderly fashion, weeds and grass shall be kept mowed.
 2. Such use, if not confined to a building or like structure, shall be kept properly screened from adjacent residential areas. Such screening shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting with a mature height of at least eight (8) feet.
 3. No such storage building shall be erected or enlarged to exceed thirty-five (35) feet in height.
 4. No such storage building shall be closer than seventy-five (75) feet to any public right-of-way, closer than forty (40) feet to any other lot line, nor closer than twenty (20) feet to any other building.
 5. Such storage uses shall not be in conflict with existing residential areas and shall not create any unreasonable nuisance, hazard, or traffic problem.

806 Manufactured Homes

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

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

feet for a minimum depth of one-half of its length.
(6/20/96)

807 Dwelling Size

807.01 The following table establishes the minimum floor area for dwellings:

| <u>District</u> | <u>One Story Sq. Ft.</u> | <u>1-1/2 Story Sq. Ft.</u> | <u>Two Story Sq. Ft.</u> | <u>Multi-Story Sq. Ft.</u> |
|-----------------|------------------------------|--------------------------------|------------------------------|--------------------------------|
| A | 1,400 | 1,000 | 950 | 950 |
| R-1 | 1,200 | 1,000 | 750 | 1,200 |
| R-2 | 1,200 | 1,000 | 750 | 1,200 |
| R-3 | 1,200 | 1,000 | 750 | 1,200 |
| R-4 | See Article 5, Section 504 | | | |
| R-5 | See Article 5, Section 505 | | | |
| C-1 | 1,000 | 800 | 500 | 1,000 |
| C-2 | 1,000 | 800 | 500 | 1,000 |
| C-3 | 1,000 | 800 | 500 | 1,000 |
| PUD | 1,200 | 1,000 | 750 | 1,200 |
| | | First Floor | Per Floor | Per Floor |

The minimum floor area shall be exclusive of garages, open or enclosed porches, patios, breezeways, basements or areas not used for permanent occupancy or use. (6/20/96)

808 Non-Residential Building Size

808.01 The following table establishes minimum non-residential building sizes:

| | |
|-----|--------------------------|
| C-1 | 1,000 sq. ft. |
| C-2 | 1,000 sq. ft. |
| C-3 | 500 sq. ft. |
| R-C | 1,000 sq. ft. (6/20/96) |
| A-D | 2,000 sq. ft. |
| M-1 | 5,000 sq. ft. |
| M-2 | 5,000 sq. ft. |
| E-C | 1,000 sq. ft. (11/05/98) |

809 Guest House

809.01 A guest house shall be permitted within a detached accessory building located on the same premises with the main building. A guest house shall meet the requirements of the definition located in Article 4.

809.02 No detached accessory building shall be used as a guest house without first securing a permit from the zoning inspector.

810 Land Under Water

810.01 All submerged lands below 574 feet USGS elevation are a part of that District to which their abutting natural above water lands are assigned and shall be bounded by extension of the boundary lines of each abutting natural above water property. Two adjacent Districts which extend onto submerged lands shall be separated by extension of their above water common boundary line.

In the case of leased submerged lands from the State of Ohio, the same requirement shall apply.

811 Temporary Structures, Trailers, Etc. for Project Development

811.01 Requirements: Temporary buildings, structures, manufactured offices, or trailers for transport, storage, or conversion of materials may be specifically permitted in a District where they would not normally be permitted, but only if all of the following conditions are met:

- a. The land is already zoned to permit the project development.
- b. The structure is necessary and is used only for the project development on the same parcel of land.
- c. No structure shall be placed closer to property lines than an accessory building could be in that District.
- d. Each structure shall be in active use for its permitted purpose. If inactive, it shall be removed promptly. No mere storage of such structures is permitted.
- e. No structure shall be used as a dwelling.

811.02 A zoning certificate shall be issued for each project location and shall be valid for one year. The boundaries of the project and the number and character of temporary structures shall be designated on the application for the zoning certificate. A new certificate may be applied for annually and issued if restrictions are still met.

812 Portable Storage Containers (7/12/16)

- a. Requirements: Portable Storage Containers shall meet the following requirements
 1. One portable storage container shall be permitted on a lot.
 2. The portable storage container shall be located in the side or rear yard or located on a driveway or other hard surface.
 3. Storage of hazardous materials is prohibited.
 4. 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.
 5. A portable storage unit situated on a lot shall not exceed thirty (30) consecutive days.
 6. A portable storage unit situated on a non-residential shall not exceed thirty (30) consecutive days, up to two (2) times per calendar year.
 7. A portable storage unit necessary to facilitate clean up and/or restoration activities from a natural disaster shall be situated on a lot not to exceed six (6) months.

813 Outdoor Wood-Fired Furnaces (OWF's) (7/12/16)

- a. Requirements: Outdoor Wood-Fired Furnaces (OWF's) shall meet the following requirements:

1. One Outdoor Wood-Fired Furnaces (OWF's) shall be permitted on a lot.
2. The Outdoor Wood-Fired Furnaces shall meet or exceed the current EPA particulate matter emission limit as of the date of the OWF installation.
3. Only clean wood or wood pellets made from clean wood may be used as fuel; trash, refuse, painted, stained treated wood, or otherwise "dirty fuel" shall not be burned in the unit.
4. Outdoor Wood-Fired Furnaces must be located in the side or rear yard of the property on which it is located and shall not be placed on the water front.
5. All Outdoor Wood-Fired Furnaces must be a minimum of 100' from the nearest property line. The minimum lot size is One (1) acre.
6. All Outdoor Wood-Fired Furnaces must have a permanently attached stack that is a minimum of ten (10) feet above the ground. The stack must be higher than the peak of all residences that are located within two-hundred (200) feet of the OWF.

ARTICLE 9

NON-CONFORMING BUILDINGS, STRUCTURES, AND USES (6/18/98)

900 Non-Conforming Buildings and Uses

900.01 Continuance of Uses: Any lawfully established use of a building or land established prior to the effective date of the Resolution, as amended, that does not conform to the use regulations for the District in which it is located shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.

900.02 Repairs and Alterations: Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs which do not tend to prolong the life of the supporting members of the building or structure, such as bearing walls, columns, beams, or girders. Incidental alterations are permitted which do not extend or intensify the non-conforming use.

900.03 Buildings Under Construction: Any non-conforming structure that is under construction whenever this Resolution was adopted or amended may be completed and occupied.

900.04 Change of Use: If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or a more restrictive classification, but shall not thereafter be changed back to a less restrictive use.

900.05 Vacancy: In the event that a non-conforming use of any building, structure, or land is voluntarily discontinued for a period of two (2) years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

900.06 Enlargement of Buildings: Where a lawful structure existed at the effective date of adoption or amendment to this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. Such structure may be altered or enlarged in a way that does not increase its nonconformity.
- b. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

The addition to or enlargement of a building occupied by a non-conforming use may be permitted, provided such addition or enlargement complies with the height and area regulations of the District in which it is located and that the total aggregate floor area included in all such separate enlargements does not exceed twenty (20) percent of the floor area contained in said building on the effective date of this Resolution, as amended. (6/21/99)

900.07 Restoration of Damaged Buildings: A non-conforming building or structure which is damaged by explosion, fire, Act of God, or the public enemy to the extent of not more than seventy-five (75) percent of its value at the time of its damage, may be restored and the same use or occupancy continued, provided that such restoration is started within a period of six (6) months. In the event that such damage exceeds seventy-five (75) percent of the value at the time of the damage, no repairs or construction shall be made unless every portion of the building is made to conform to all regulations for new buildings in the District in which it is located.

900.08 Uses of Land: A non-conforming use of land, where no permanent main building is involved, shall not be extended or expanded into any other portion of a lot or adjoining property, nor shall the use be changed except to a conforming use.

ARTICLE 10

BOARD OF ZONING APPEALS

1000 Membership

1000.01 The Board of Zoning Appeals, hereinafter called the Board, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Township Zoning Commission) who are residents of the unincorporated area of the Township.

1000.02 The members of the Board shall serve the same length terms, and appointments should be staggered in the same manner as provided for the Township Zoning Commission in Article 11. The Board of Township Trustees may remove any member for cause, after public hearing, in accordance with the provisions of Section 519.04, Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

1000.03 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. 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. An alternate member of the board of zoning appeals may not simultaneously serve as an alternate member to the zoning commission. (10/15/08)

1001 Rules Of The Board

1001.01 The Board shall by majority vote of its members elect a Chairman, a Vice Chairman, and a Secretary who shall occupy such offices until their successors are duly elected at the next meeting of the Board, which shall be held during the month of January of each year.

1001.02 If any member of the Board is absent for four (4) consecutive meetings, he may be considered, at the option of the Chairman, to have resigned, and the Chairman may request the Board of Township Trustees to appoint a replacement.

1001.03 A quorum shall consist of three (3) members of the Board which shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, the Board shall postpone or cancel items requiring a vote and may proceed with items presented for information only. (10/15/08)

1002 Jurisdiction

1002.01 Appeals: To hear and decide appeals where it is alleged there is an error in any interpretation, order, requirement, decision or determination by the enforcement officer in the administration and enforcement of the provisions of this Resolution.

1002.02 Variances: The factors or standards to be considered and weighed for an area variance include, but are not limited to the following: (07/02/97)

- 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. (07/02/97)
- b. Whether the variance is substantial. (07/02/97)
- 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. (07/02/97)

- d. Whether the variance would adversely affect the delivery of governmental services (for example, water, sewer, garbage.) (07/02/97)
- e. Whether the property owner purchased the property with knowledge of the zoning restriction. (07/02/97)
- f. Whether the property owner's predicament feasible can be obviated through some method other than a variance. (07/02/97)
- g. Whether the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variance. (07/02/97)

The variance as granted shall be the minimum variance necessary to accomplish the reasonable use of the land or building.(07/02/97)

1002.03 Conditional Use Permits: As provided in Article 7 of this Resolution.

1002.04 Exceptions: To authorize, upon application, the following exception:

- a. Permit in districts limiting the heights to thirty-five (35) feet or under, schools, hospitals, sanitariums, institutions, churches, and other similar uses allowed under the use regulations of this Resolution, to be erected to a height not exceeding six (6) stories or seventy-five (75) feet, provided that the front and side yard requirements for such buildings are complied with and fire-fighting equipment is available.
- b. Permit a manufactured home on a lot which is owned by the manufactured home occupant, and upon which the occupant is constructing a dwelling, for a period of one year. The manufactured home shall be removed once construction of the dwelling is completed. A six (6) month extension may be granted by the Board. The requirements of Section 806.01 shall not apply in this situation.
- c. Permit two (2) main buildings on one (1) lot for reasons of health, disability, or natural disaster; such permit to be issued for a period of not more than one year, however, the permit may be renewed annually subject to the review of the Board.

1003 Procedures

1003.01 Meetings: Meetings of the Board shall be at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action. Every rule or regulation, each amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall be filed in the office of the Board of Township Trustees, and shall be a public record.

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 the 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 proceed with items presented for information only. (07/02/97)

1003.02 Appeals: Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or affected, or by any officer of the Township, regarding any decision of the zoning administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken, and with the Board, a notice of appeal specifying the grounds. If the twentieth day after the decision of the zoning administrative officer falls on a Saturday, Sunday, or holiday, the appeal may be taken on the next business day following. A fee as established by the Board of Township Trustees shall be paid upon the filing of the appeal. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such a manner as prescribed by law. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. (6/18/98)

1003.03 Public Hearing and Decision: The Board shall fix a date for a public hearing of an appeal, variance, conditional use, or special exception application within thirty (30) days from the date of filing, and shall give at least ten (10) days notice in writing, by first-class mail, to the parties in interest, and to all owners of property within, contiguous to and directly across the street from the property involved in the application; this notice shall be mailed to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The applicant shall supply the necessary names and addresses to the Township Zoning Inspector. The failure of delivery of such notice shall not invalidate any action taken by the Board of Zoning Appeals. The Board shall also give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing. Upon the hearing, any individual may appear in person or by attorney or authorized agent.(4/20/95) The Board shall decide the appeal, variance, conditional use, or special exception within thirty (30)days after the date of the public hearing. Every decision of the Board shall be based upon a finding of fact. In addition, the Board shall forthwith transmit a copy of its decision to the applicant. (06/03/93)

1003.04 Application Requirements: Every appeal, variance, conditional use, special exception application(s) shall be accompanied by a plot plan and such other plans as may be necessary to show the location and type of buildings to be erected or to be made.

- a. Each plan shall show:
 1. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
 2. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.

3. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
 4. The location and size of the proposed structure(s) and/or the proposed enlargement of the existing structure(s).
- b. Where complete and accurate information is not readily available from existing records, the Board may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
 - c. Each property owner or authorized agent may be required to attest to the correctness of the statements and data furnished with the application.
 - d. Any other information or documents required by the Board.
(07/02/97)

1003.05 Fees: A fee as established by the Board of Township Trustees shall be paid upon the filing of an appeal, variance, conditional use, or special exception application. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such a manner as prescribed by law.

ARTICLE 11

ZONING COMMISSION

1100 Membership

1100.01 The Zoning Commission, hereafter called the Commission, shall be appointed by Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Board of Zoning Appeals) who are residents of the unincorporated area of the Township.

1100.02 Of the five (5) members of the Commission, one (1) shall serve until the first Monday of the second January following the appointment; one (1) until the first Monday of the third January

thereafter; one (1) until the first Monday of the fourth January thereafter; one (1) until the first Monday of the sixth January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve five (5) years. Each member shall serve until his successor is appointed and qualified. The Board of Township Trustees may remove any member for cause, after public hearing, in accordance with the provisions of Section 519.04, Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

1100.03 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. 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. An alternate member of the Zoning Commission may not simultaneously serve as an alternate member to the Board of Zoning Appeals. (10/15/08)

1101 Rules Of The Commission

1101.01 The Commission shall by majority vote of its members elect a Chairperson, a Vice Chairperson and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Commission, which shall be held during the month of January of each year.

1101.02 Meeting of the Commission shall be at the call of the Chairperson and at such other times as the Commission may determine. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Commission shall be filed in the office of the Commission and shall be a public record.

1101.03 If any member of the Commission is absent for four (4) consecutive meetings he may be considered, at the option of the Chairperson, to have resigned and the Chairperson may request the Board of Township Trustees to appoint a replacement. (10/15/08)

1101.04 A quorum shall consist of three (3) members of the Board which shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, the Board shall postpone or cancel items requiring a vote and may proceed with items presented for information only. (10/15/08)

1102 Power And Duties Of The Commission

1102.01 Prepare the Zoning Resolution recommended for the unincorporated area of the Township and hold the required public hearings as required by Section 519.06.

1102.02 Changes and Amendments:

- a. Authority: All provisions of current State Laws pertaining to Township Zoning shall be complied with. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Trustees may, by resolution, after report thereon by the Commission and subject to the procedure provided in this article, and/or current State Law, amend, supplement or change the regulations, district boundaries, or classification of property, now or hereafter established by the Resolution.
- b. Initiation: Amendments or supplements to the Zoning Resolution may be initiated as follows:
 1. By motion of the Township Zoning Commission.
 2. By passage of a resolution therefore by the Board of Township Trustees, and certification of same to the Commission.
 3. By the 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 amendment or supplement with the Township Zoning Commission.
- c. Application: Applications initiated by private owners or lessees for any change of district boundaries or reclassification of districts as shown on the zoning map shall be filed with the Zoning Commission upon forms and accompanied by such data and information prescribed for that purpose by the Commission.
- d. Fee: A fee as determined by the Board of Township Trustees shall be paid upon the filing of each application. A written receipt shall be issued to the person making such payment, and records thereof, shall be kept in such manner as prescribed by law. No fee shall be charged for actions initiated by the Board of Trustees or the Commission.
- e. Transmittal to Regional Planning Commission: Within five (5) days after the adoption of such motion, or the certification of such resolution, or the filing of such applications, the Commission shall transmit a copy thereof, together with text and map, to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and shall submit such recommendation to the Commission. Such recommendation shall be considered at the public hearing held by the Commission on such proposed amendment or supplement.
- f. Hearing and Notice by Zoning Commission: Upon the adoption of such motion, or the certification of such resolution, or the filing of such application, the Township Zoning Commission shall hold a public hearing thereon. The Commission shall set a date for the public hearing not less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution, or the date of the

filing of such application. Notice of such hearing shall be given as follows:

1. A notice shall be published in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.
2. If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within, contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The applicant shall supply the necessary names and addresses to the Township Zoning Inspector. The failure of delivery of such notice shall not invalidate any such amendment or supplement.

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land listed on the County Auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include all the following:

1. The name of the zoning commission that will be conducting the public hearing.
2. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution.
3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of the owners of these properties, as they appear on the County Auditor's current tax list.
4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.
5. The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing.
6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
7. Any other information requested by the zoning commission.
8. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing, and shall include all of the following:

1. The name of the zoning commission that will be conducting the public hearing on the proposed amendment.
2. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.

4. The name of the person responsible for giving notice of the public hearing by publication.
5. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
6. Any other information requested by the zoning commission.
- g. Records: the Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examination and other official action, all of which shall be filed in the office of the Board of Township Trustees and shall be a public record.
- h. Decision by Commission and Submittal to Board of Township Trustees: The Commission shall study the proposed change in the terms of public necessity, convenience, general welfare and good zoning practice. The Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and submit recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Regional Planning Commission thereon, to the Board of Township Trustees.
- i. Hearing and Notice by Board of Township Trustees: The Board of Township Trustees, upon receipt of such recommendation from the Township Zoning Commission, shall hold a public hearing thereon. The Board of Trustees shall set a time for the public hearing on the proposed amendment or supplement not more than thirty (30) days from the date of the receipt of such recommendation from the Commission. Notice of such public hearing shall be given by the Board of Township Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:

1. The name of the board that will be conducting the public hearing.
2. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list.
4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.
5. The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing.

6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
7. Any other information requested by the Board.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, place of the public hearing, and shall include all of the following:

1. The name of the board that will be conducting the public hearing on the proposed amendment.
 2. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
 3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
 4. The name of the person responsible for giving notice of the hearing by publication.
 5. Any other information requested by the board.
- j. Action by Board of Township Trustees: Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Commission, or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, a majority vote of the Board of Township Trustees shall be required to override the recommendation of the Commission. The action by the Board of Trustees shall be sent to the Ottawa Regional Planning Commission. (10/15/08)
- k. Effect and Referendum: Such amendment or supplement adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township, or part thereof included in the zoning plan, equal to and not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

ARTICLE 12

ADMINISTRATION

1200 Zoning Inspector

The Board of Township Trustees shall appoint a Township Zoning Inspector, provide him with a job description, and affix his

compensation. It shall be the duty of the Township Zoning Inspector to:

- a. Enforce the provisions of this Resolution. (6/20/96)
- b. Issue certificates as provided by the Resolution, and keep a record of all certificates issued with a notation of any special conditions involved.
- c. File and safely keep copies of all plans submitted, and the same shall form a part of the records of the office.
- d. Make such records available for the use of the Board of Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public.

1201 Zoning Certificates

The Board of Township Trustees shall adopt a system of Zoning Certificates, and may establish and collect reasonable fees therefore, and may amend such fees or adopt new fees, from time to time when necessary.

- a. Requirements: No person shall locate, erect, construct, convert, add to, move or structurally alter any building or structure within the Township, or use any building or land, or make any change of a non-conforming use, without obtaining a zoning certificate. No zoning certificate shall be issued unless the plans and use of the proposed building or structure fully comply with the zoning regulations. (12/19/92)
- b. Applications: Written application for a zoning certificate shall be made to the Township Zoning Inspector. Accurate information shall be supplied by the applicant, with regard to size and location of the lot, the size and location of the buildings and structures proposed or existing on the lot, the dimensions of all yards and open spaces; also, other information necessary for the enforcement of this Resolution, as requested. Any Zoning Certificate issued upon a false statement shall be void. (6/18/98)
- c. Certificate: Every zoning certificate shall state the building, or the proposed use of a building or of land, complies with all provisions of this Resolution. If all of these provisions are met, the Zoning Certificate shall be issued within ten (10) days of the date of application. A zoning certificate shall be valid for eighteen (18) months from the date of issue. An extension may be granted if due cause is shown.
- d. No zoning certificate shall be required for any accessory building containing less than forty-eight (48) square feet of floor area. Setback requirements shall apply, however.
- e. Alterations that do not change the use or increase the height or foundation size of the building shall be exempt, providing the change does not violate the permitted use.

1202 Enforcement and Penalties

- a. Enforcement: This Resolution shall be enforced by the Zoning Inspector. In no case shall a Zoning Certificate be issued if the building or use would be in violation of any of the provisions of this Resolution. (6/20/96)

- b. Revocation of Zoning Certificate: Any Zoning Certificate issued upon a false statement shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Zoning Inspector, the Zoning 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 Zoning Certificate, in accordance with this Resolution, shall be deemed guilty of violation thereof. (6/20/96)
- c. Violation: In case any building is, or is proposed to be located, erected, constructed, converted, added to, moved, changed, maintained or used, or any land is, or is proposed to be used in violation of this Resolution, the Board of Township Trustees, the County Prosecuting Attorney, the Township Zoning Inspector, or any neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, or use.
- d. Fine: Any person, firm, or corporation violating any provision of this Resolution shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.