

Section 1

General Provisions

I. Authority and Purpose for Zoning Resolution.

- A. **Authority:** This Zoning Resolution adopted under authority granted to Ohio townships by the Legislature of the State of Ohio in Chapter 519, Ohio Revised Code. This Resolution and all provisions contained herein shall be known as the Put-in-Bay Township Zoning Resolution.
- B. **Purpose of Zoning:** The purpose of this Zoning Resolution is as prescribed by Section 519.02, Ohio Revised Code.

II. Scope of Zoning Resolution.

- A. **Territorial Limits:** The provisions of this Zoning Resolution shall apply to all land in the unincorporated territory of South Bass, Middle Bass and North Bass Islands. 4/00

III. Application of Zoning Resolution.

- A. **Exempt from Regulation:** The regulations set forth in this Zoning Resolution shall affect all land, every structure and every use of land or structure, except other uses as are now specifically exempt by law.
- B. **New Development:** New development including the subdivision of land, construction and the use of land or structures shall conform with the regulations for the Zoning District in which such development is located.
 - 1. **New Subdivision:** The subdivision or re-subdivision of land shall not create lots less than the minimum size required for the Zoning District in which such land is located nor shall lots be provided or intended for uses not allowed in the Zoning District.
 - 2. **New Structures:** New structures and/or developments shall be permitted only on lots subdivided to meet the minimum requirements of this Zoning Resolution and shall conform with the development standards of the Zoning Districts in which such construction is permitted, except as is otherwise provided for in paragraph Sec. 1-III-D. (1)
 - 3. **New Uses:** Any new use of land or a structure must be a permitted use or a conditional use for the Zoning District in which it is to be located.
- C. **Existing Conforming Lots, Structures or Uses:** Lots, structures, or the use of lots and/or structures which conform with the regulations of the Zoning District in which they are located may be continued: and may be altered, extended, or changed in accordance with the following:
 - 1. **Conforming Lots:** A conforming lot may be changed, altered, enlarged or reduced in dimension, provided, however, that the remaining lot and/or resulting lots shall conform to the

development standards for the Zoning District in which the lot is located.

2. **Conforming Structure:** A conforming structure may be altered, reconstructed, or extended only in such manner as will comply with the development standards of the Zoning District in which the structure is located.
3. **Conforming Use:** A conforming use may be expanded, modified or changed only in such a manner as will comply with the permitted use, or conditional use regulations and with the development standards of the Zoning District in which the conforming use is located.
4. A conforming structure that is made non-conforming by the actions of an adjoining property owner shall be allowed to continue to be used in the same fashion as it was used prior to the action of the adjoining property owner and shall not be considered non-conforming for purposes of this Resolution. In the case of an owner proposing an addition to the conforming structure affected by the adjoining property owner's action, the new setback requirement shall not be less than the setback required by the zoning district or ten (10) feet, whichever is greater. (Rv.7/02)

- D. **Non-Conforming Lots, Structures, Uses or Uses of land:** Existing lots, structures and accessory development or the use of lots and/or structures which would be prohibited under the regulations for the Zoning District in which they are located shall be considered as nonconforming.

It is the intent of this Zoning Resolution to permit these nonconforming situations to continue until they are removed, but not to encourage their continued use or expansion, except as follows:

1. **Non-Conforming Lots:** The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on any lot of record which has an area and/or lot width less than that required for such structure or permitted use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of Section 13.
2. **Non-Conforming Structures and Development:** Structures and/or accessory development, which by reason of size, type, location on the lot, or otherwise in conflict with the regulations of the Zoning District in which they are located may be altered, reconstructed or extended only in such manner that the alteration, reconstruction or extension will comply with the development standards of the Zoning District in which the structure and/or accessory development is located.

Non-conforming structures damaged by fire, flood, riot, or act of God may be continued and used as before any such calamity provided the building or structure has not been destroyed to an extent of more than one-half of its fair market value, and provided such reconstruction is started within twelve (12) months and is completed within twenty-four (24) months of such calamity. 3/93

Such alteration, reconstruction, or extension shall include such additional development and compliance with the development standards of the Zoning District as would be required of a new structure and/or accessory development to the extent practicable

and so that the spirit and intent of the development standards are accomplished.

Normal maintenance of a non-conforming dwelling is permitted, including necessary structural repairs. Incidental alterations are permitted which do not extend or intensify the non-conforming structure or use. 3/93

3. **Non-Conforming Uses:** The non-conforming use of a lot and/or structure may be continued, expanded or changed subject to the following:
 - a. Change of a non-conforming use shall be allowed to a permitted use of the Zoning District in which the non-conforming use is located.
 - b. On approval of an appeal to the Board of Zoning Appeals, a non-conforming use may be:
 1. Changed to a use found to be more nearly in character with the Zoning District in which the non-conforming use is located.
 2. Expanded within an existing structure arranged or developed for such purpose.
 3. Expanded to occupy one or more new or existing structures to be erected or modified for the purpose of accommodating the extension of such non-conforming use, where such structures to be erected or modified are in accordance with the development standards (other than as such standards relate to use) of the Zoning District in which such use is located.
 - c. No non-conforming use may be re-established where such non-conforming use has been discontinued for a period of at least two (2) years. 3/93
4. **Non-Conforming Uses of Land:** If voluntarily discontinued for a period of two (2) years, the use of the land must conform to the district in which it is located.

Section 2

Zoning District Map

I. Zoning District Maps Adopted.

A. **Division of Land:** All land on South Bass Island, Middle Bass Island and North Bass Islands within the scope of this Zoning Resolution is placed into Zoning Districts as is shown on the Zoning District Maps of South Bass Island, Middle Bass Island and North Bass Island, Ohio, which are hereby adopted and declared to be a part of this Zoning Resolution.

1. **Final Authority:** The Zoning District Maps, as amended from time to time, shall be the final authority for the current Zoning District status of land under the jurisdiction of this Zoning Resolution.

B. **Identification of the Zoning District Map:** The Zoning District Map, with any amendments made thereon, shall be identified by the signatures of the Board of Trustees of Put-in-Bay Township, Ohio under the words "Zoning Map." 4/00

II. Designation of Zoning Districts.

A. **Standard Zoning Districts:** The names of the Zoning Districts as shown on the Zoning District maps are as follows:

NAME

Agricultural	"A"
Special Residential	"R-1"
Restricted Residential	"R-2"
Limited Residential	"R-3"
Recreational Commercial	"R-C"
Neighborhood Commercial	"C-1"
Central Commercial	"C-2"
Entertainment Commercial	"C-3" 4/00
Industrial	"I-1"
Institutional	"I-2"
Government	"G-1"

B. **Planned Development Zoning Districts:** The name for the Planned Development Zoning District as shown on the Zoning District Map or as prescribed by this Zoning Resolution is as follows:

NAME

Planned Development	"PD"
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C. **Legend:** There shall be provided on the Zoning District Map a legend which shall list the pattern/symbol for each Zoning District.

1. **Use of Pattern/Symbol:** A black and white pattern shall be used on the Zoning District Map to identify each Zoning District as indicated in the legend.

III. **Interpretation of Zoning District Boundaries.**

- A. **Rules of Determination:** When uncertainty exists with respect to the boundaries of Zoning Districts as shown on the Zoning District Map, the following rules shall apply:
1. **Along a Street or Other Right-of Way:** Where Zoning District boundary lines are indicated as approximately following a center line of a street or highway, alley, or other right-of way, or a creek or other watercourse, such center line shall be the Zoning District boundary.
 2. **Along a Property Line:** Where Zoning District boundary lines are indicated as approximately following a lot line, such lot line shall be the Zoning District boundary.
 3. **Parallel to Right-of-Way or Property Line:** Where Zoning District boundary lines are indicated as approximately being parallel to a center line or a property line, such Zoning District boundary lines shall be parallel thereto and, in the absence of specific dimensions on the map, at such scaled distance as indicated on the Zoning District Map.
 4. All submerged lands (below 573.4 IGLD International Great Lakes Datum Level) are a part of that Zoning District to which their abutting above-water lands are assigned, and shall be bounded by the extension of the boundary lines of each abutting above-water property. Adjacent Zoning Districts which extend onto submerged lands shall be separated by the extension of their above-water common boundary line. 4/00

Section 3

General Regulations

1. In all Zoning Districts, minimum lot areas have been established. It should be noted that in some cases, the Board of Health or other agencies such as the Regional Planning Commission, Building Inspector, etc. may require greater lot areas than the minimum herein depending upon whether the lots are served by municipal water and/or community treatment facilities.
2. Except as otherwise provided in this Resolution, no building or structure shall be erected, converted, added to, moved, or structurally altered, nor shall any building or land be used, except for a purpose permitted in the Zoning District in which the building or land is located.
3. No building or structure shall be erected, converted, added to, moved, or structurally altered to exceed the height and bulk limit herein established for the District in which the building is located.
4. Except as otherwise provided in this Resolution, no building or structure shall be erected, converted, added to, moved, or structurally altered except in conformity with the yard and lot area regulations of the Zoning District in which the building is located.
5. Except as otherwise provided in this Resolution, 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 buildings is located.
6. Except as otherwise provided in this Resolution, 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, yard or open space or lot area requirement for any other building, nor shall any lot area be reduced beyond the District requirements of this Resolution.
7. Except as otherwise provided in this Resolution, every building erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot except as specifically provided hereinafter.
8. Any structure to be considered part of a main structure must be attached by a full foundation and fully enclosed structure meeting Ohio Basic Building Codes. For residential uses, all of the conditions for residential structures in the Ohio Basic Building Code shall be met. 3/93 12/04
9. Two (2) 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. The parcel, lots of record or platted lots shall not be sold or divided in such a manner as to place them, or the structures built upon them, into a non-conforming status.
10. 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 were expressly stated in the decision to be invalid and 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.

11. 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 District if all other requirements are met.
12. All exterior structural alterations require a pre-construction inspection by the Zoning Inspector to ensure conformity with the regulations of the district in which the building is located. This inspection may be done free of charge.
13. Garage/yard sales are permitted in all non-commercial districts a maximum of two (2) times each calendar year, each sale lasting not more than three (3) consecutive days.
14. Fence gates controlling access to areas occupied by persons shall be so constructed that emergency personnel can have access quickly and easily at all times without requiring special devices. 4/00
15. Every application, sketch, site plan, or planned development district submitted to the required Township Zoning Inspector, Board, or Commission, shall contain such information and be submitted in such form as the Inspector, Board, or Commission may prescribe in its rules or otherwise in accordance with this Resolution. Supporting evidence in the form of a map, chart, calculation, table or drawing shall be declared as an exact or accurate representation of the development proposal shown on the sketch, site plan, or planned district development plan. In the event such application, sketch, site plan, or planned development district plan or supporting evidence contains an error caused by the applicant or his agent and on which the Township Zoning Inspector, Board, or Commission relied in order to issue or approve a Zoning Certificate, then the Zoning Certificate previously granted shall automatically be invalidated. 4/00
16. Where this Resolution imposes a greater restriction upon the use of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants, or agreements, the provisions of this Resolution shall control, but nothing herein shall interfere with, abrogate, or annul any easements, covenants, deed restrictions, county requirements, or agreements between parties which imposes restrictions greater than those imposed by this Resolution. 3/93
17. Interment of the dead shall not occur on land not designated as a cemetery by the Township Trustees. 12/04

Section 4

Definitions

Except when specifically defined herein, all words in this Zoning Resolution shall carry their customary meanings. The following listed words are specially defined for use in this Zoning Resolution and may be further restricted as noted in Sections 5, 6, 7, 8, and 9. 4/97

The words "**used for**" include "**designed for**" and vice versa; words used in the **present** tense include the **future** tense, 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 mandatory.

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Accessory Use or Building: A use or building on the same lot, and of a nature customarily incidental and subordinate to, the principal use or structure. A principal building or use must exist for an accessory building to be permitted. Any structure designed or intended to be used for residential use, including **but not limited to mobile homes, manufactured homes, recreational vehicles, travel trailers** or for transporting materials on the highway shall not be used as an accessory building. 4/00, 12/04, 12/06

Added to (Addition): An extension or increase in floor area or height of a structure or building.

Adult Arcade: Any place to which the public is permitted and or/charged an admittance fee wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of nudity or sexual or genital areas. 4/00

Adult Bookstore: Any establishment which utilizes ten (10) percent or more of its retail selling area for the purpose of retail sale or rental or for the purpose of display by coin-operated or slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, books, magazines, periodicals, films, tapes, and cassettes which are distinguished by their emphasis on adult materials or characterized by the depicting or describing of nudity or genital areas. 4/00

Adult Cabaret: A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties. 4/00

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. 4/00

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. 4/00

Adult Motion Pictures: 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. 4/00

Agriculture: The use of land for farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to, the care and raising of livestock, equine, and fur bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. 4/00

Airport: Any location, either on land or water used or intended to be used publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings and open spaces.

Airplane Storage Site, Open and Enclosed: A building or structure, or open area of land used for the shelter and/or storage of aircraft. 12/04

Alley: A minor street used primarily for vehicular service access to the back or side of property abutting on other streets.

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

Amendment: A change in the text of this Zoning Resolution or the Zoning District Map of Put-in-Bay Township.

Amusement Ride: Any mechanical device, aquatic device such as bumper boats, or combination of devices that carries or conveys passengers on, along, around, over, or through a fixed or restricted course or within a defined area for the purpose of giving its passengers amusement, pleasure, or excitement. 12/06

Antique/Novelty Shop: Any building used for the sale of any old and authentic objects of personal property that was made, fabricated, or manufactured sixty years or more earlier and/or for the sale of small manufactured articles intended for personal or household adornment. 12/04

Apartment: See "Dwelling, Units".

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

Apartment House: See "Dwelling, Multiple Family".

Arcade: See "Game Room".

Athletic Fields, Tennis Courts: An improved area of land and/or buildings used for athletic activities such as, but not limited to, softball, tennis, football. 12/04, 12/06

Automats, Self Service Car Wash: Any building or premises, or portions thereof, used for the washing of automobiles by hand or through the use of mechanical equipment. 12/04

Automobile Sales and Service: An area of land where new and/or used automobiles are offered for sale to the public. 12/04

Automobile Service Station: Any premises used for supplying gasoline and oil, at retail direct to the customer, including minor accessories and services for automobiles. Only one (1) automotive vehicle of any kind or type without current license plates shall be parked.

Automobile Wrecking Yard: Any place where two (2) or more motor vehicles not in running condition are stored or where the dismantling or wrecking of used motor vehicles, mobile homes, trailer or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts occur.

Automotive Repair: The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, steam cleaning, and similar vehicle repair activities. 4/97

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Bakery, Dairy, Egg, Ice Cream, and Candy Retail: A retail establishment where various baked goods, dairy products, eggs, ice cream, and/or candy are offered at retail to the public. 12/04

Balcony: A railing enclosed platform projecting from the outer wall of a building. 4/97

Banks, Savings and Loan Institutions: An institution where money is deposited, kept, lent, or exchanged.

Bar/Saloon/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. All activities and music shall be within a fully enclosed building. 4/00

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 (1/2) of its height is above the average level of the adjoining ground.

Beauty and Barber Shop: A facility where human hair is cared for, cut, trimmed, dyed, or curled. 12/04

Bed and Breakfast: 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. All other permits and requirements of any other agency or department must be met.

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.

Blueprint & Photocopy Office: A building or portion thereof where drawings on paper-type media can be mechanically reproduced. 12/04

Board: Shall mean the Board of Zoning Appeals.

Boat Cradle: A portable framework to support a boat out of the water.

Boat Cradle/Trailer Storage: An area or building designed or used for the parking or storage of a boat cradle or trailer.

Boat, In-Water Fuel Dock: Premises used for supplying boats in the water engine fuel, lubricant, minor accessories or minor services to boats.

Boat, In-Water Storage: A structure, basin or enclosure utilized for storage or reception of a boat.

Boat, Non-Water Storage: An area or building designed or used for the parking or storage of a boat or boats including rack storage.

Boat House: An accessory building or portion of a main building constructed adjacent to or over water, designed or used for the storage of watercraft.

Boat Launching Ramp, Private: An inclined area, at the waters edge, used to launch and or remove boats and other water vehicles from the water and used solely by the property owners. 3/93

Boat Launching Ramp, Public: An inclined area, at the waters edge, used to launch and or remove boats and other water vehicles from the water, for use by the public whether for free or for a fee. 3/93

Boat, Rack Storage: A framework, stand, cradle, or grating on which a boat or boats may be placed and stored.

Boat Trailer: A vehicle used to transport a boat over land.

Boat Well: See "Covered Boat Well".

Bottling, Soft Drink & Similar Works: A facility where liquid material is manufactured, produced, or placed within glass, plastic, cardboard, or metal containers to be sold wholesale for distribution off site. 12/04

Building: Any structure consisting of foundations, walls, columns, girders, beams, floors, and roofs, or any combination thereof designed for the support, enclosure, shelter, or protection of persons, animals, chattels, or property. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

Building, Boat Repair or Storage: A building designed or used for the care or repair of equipment of boats, or parking or storing of same for remuneration or sale.

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. Designation as a Community Building shall not permit any use, structure, or activity not otherwise permitted in the District.

Building, Height: The vertical distance measured from the average finished grade in the front yard to the highest point of the roof. 4/97

Building, Main: A building in which is conducted the principal use of the lot on which it is situated.

Bus, Motor Freight, Taxi-cab, Farm Equipment Storage & Repairs (Enclosed): A building or portion thereof where any of the various motor vehicles listed can be repaired, serviced, or stored. 12/04

Business: All enterprises conducted for gain, profit, or income and includes all personal service occupations.

Business Consulting Service: An establishment primarily engaged in rendering services to business establishments on a fee or contract basis.

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Cabins/Cottages: Detached buildings intended to be used on a seasonal basis for recreational purposes and rented weekly or monthly.

Camera, Photo Studio Shops: An establishment where film, developing services, and camera equipment are sold and where subjects are photographed. 12/04

Camp Ground: See "Recreational Camp".

Cave Tours: A natural underground chamber that is open to the surface where individuals are allowed to explore under the supervision of others. 12/04

Cemeteries & Mausoleums: Property or buildings used for the interring of the dead. 12/04

Cleaning Services: An establishment that offers maintenance/cleaning services to business and residential uses. 12/04

Clothing, Shoe, Tailor, and Dry Goods Store: A retail establishment where articles of personal garment, ware, and appearance are offered to the general public. 12/04

Club: A building or portion thereof or premises owned or operated by a person or association for a social, literary, political, or educational purpose, whether for profit or not, and for the exclusive use of members and guests. Designation as a Club shall not permit any use, structure, or activity not otherwise permitted in the District.

Commission: The Zoning Commission of the Township.

Community Buildings and Recreational Fields, Swimming Pools, and Community Facilities Privately Owned & Operated: Any building, structure, or open area of land used for recreational purposes by select individuals and not open to the general public. 12/04

Comprehensive Development Plan: A plan, or any portion thereof, adopted by the Township Trustees of Put-in-Bay Township showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community. Copies of the plan shall be on file with the Township and the Ottawa Regional Planning Commission.

Conditional Use: A use, requiring a "finding of fact" authorization by the Board of Zoning Appeals after proof is submitted that it meets the specific standards established in the zoning resolution, and allowed within a specific zoning district. The conditional uses that may be authorized in each district are presented on Chart A and within the individual zoning districts in Section 5. 12/04

Conditional Use Permit: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

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 land, 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 (1) or more rooms on one (1) or more floors of a building and designated as a unit in the declaration and delineated on the required drawings.

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.

Cottage: See "Cabin".

Covered Boat Well: An accessory building constructed over water and adjacent to the waters edge having a roof and open sides for the storage of watercraft.

Curb Grade: The elevation of the established curb in front of a building measured at the center of such front. Where no curb grade has been established, the County Engineer may establish such curb grade for the purpose of the Resolution.

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Dance Hall: A building or structure where individuals move their bodies in rhythm to music. 12/04

Day-Care Center: An establishment designed to provide care and/or instruction of two (2) or more children, who are not residents of said establishment, which is operated on a regular basis whether for commercial gain or not.

Deck: A wooden platform extending horizontally across an open area above ground level.

Density: The number of sites or units that can be developed on a given area of land. Submerged land under five-hundred-seventy-three point four (573.4) IGLD shall be included in complying with the density requirements of this Resolution only for so much of the submerged land over which the development or project is actually constructed. 4/00

Die Cut Products Manufacturing and Processing: A facility where various tools and devices are used for imparting a various shape, form, or finish to a material or for impressing an object or material. 12/04

Dock: A floating or permanent wharf, pier, or bulkhead designed for in-water mooring of watercraft.

Drive-In Food Establishment: A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place in motor vehicles on the site, or off-site.

Drug, Proprietary, and Variety Store: A retail establishment where the primary business is the filling of medical prescriptions, and the sale of other drugs and non-prescription medicines and other items of merchandise of low unit value. 12/04

Dwelling: A building or portion thereof, designed exclusively for permanent residential occupancy, which meets Ohio Basic Building Codes, including one (1) family and multiple-family dwellings and manufactured housing meeting all of the requirements of this Resolution, but not including tree houses, clubs, hotels, motels, tents, tent trailers, trailer coaches, house trailers, automobile trailers, mobile coaches, and all other structures originally designed for and/or constructed with wheels, whether or not said wheels remain attached to the structure or are separated therefrom. 4/00

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 **ninety-one (91)** days. (Rv.7/02) **(Rv. 04/09)**

Dwelling, One-Family, Temporary Use: A detached building designed for occupancy by one (1) family only and used by the same occupants, who are not the owners, for periods of not less than seven (7) consecutive days and not more than **ninety (90)** consecutive days. (Rv.7/02) **(Rv. 4/09)**

Dwelling, Multiple-Family: One (1) or more buildings designed for permanent occupancy by two (2) or more families, living independently of each other.

Dwelling, Two Family: A building or portion thereof designed, used, or intended to be used for the permanent occupancy by two (2) or less families living independently of each other. 4/00

Dwelling, Units: One (1) or more rooms in a dwelling or apartment hotel designed for permanent occupancy by one family for living purposes and having cooking facilities.

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

Electrical, Appliance, Upholstery, Carpentry, Roof, Sheet Metal, and Plumbing Shops: Any of the above mentioned facilities located in a building or portion thereof, where the art or science of working with tools and machinery is used to provide goods and services to the general public. 12/04

Employee Housing/Dormitory: A building, other than a hotel or motel, used as group living quarters for students or workers on a seasonal basis with or without meals as

an accessory use for a business or institution. No cooking or dining facilities are provided nor permitted in the individual rooms. 12/04

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Family: Up to five (5) persons above the age of eighteen (18) and up to six (6) persons below the age of eighteen (18) who are related by blood, adoption, marriage, or guardianship to any of the first five (5) above eighteen (18) years of age. 4/00

Fence: A barrier intended to prevent intrusion or escape, or to mark a boundary; constructed of posts and wire, boards, metal, vegetation, and/or plastic or similar durable material. Fence gates controlling access to areas occupied by persons shall be so constructed that emergency personnel can have access quickly and easily at all times without requiring special devices. 4/00

Fiber and Clothing Goods & Materials Manufacturing: A **building** where the raw materials are combined together to be used in the production of articles of clothing. 12/04

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 and other areas not used for permanent occupancy or use.

Food Products Manufacturing & Processing: The preparation, storage, or processing of food products including bakeries, dairies, canneries, or other similar businesses.

Freight & Transfer Terminal: A facility where goods are loaded for transportation to a destination or transferred from one type of transportation to another for the same purpose. 12/04

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

Fuel, Volatile Material Storage & Distribution: A facility where gasoline, oil, natural gas, propane gas, and other similar sources of energy are stored and/or distributed to be used elsewhere. 12/04

--G--

Game Room/Arcade: A room in which three (3) or more percentage games, such as pin ball, pool, video, computer and similar devices played on any mechanical or electronic device are located for use by the general public.

Garage, Private: An accessory building or a portion of the main building designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is an accessory. Not more than one of the vehicles may be a commercial vehicle which shall not exceed a five (5) ton capacity.

Garage, Yard Sale: The sale of three (3) or more used miscellaneous items owned by the owner of the property where the sale occurs and held in a non-commercial district. 12/04

General Merchandise Stores: A retail establishment which deals primarily with food and other goods required by the residents in the immediate vicinity to meet their day to day needs. 12/04

Go-Cart or Commercial Race Track: An open area of land where motorized vehicles are used for recreational or competitive purposes. 12/06

Go-Kart Track: An area of land where electric motorized vehicles are used for recreational or competitive purposes on an enclosed track. 12/06

Golf Course: A public or private area operated for the purpose of playing golf and excluding miniature golf and driving ranges. 12/04

Golf Course, Miniature: An area of land or a building operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale. 12/04

Golf Driving Range: A public or private area operated for the purpose of developing golfing techniques. 12/04

Governmental Service Building: Any structure where services are offered to the public by a unit of government. 12/04

Grade: The elevation of the ground surface in its natural state, before any man-made alterations, shall not be increased by more than three (3) feet. Grade to be set at the front of the property where the structure meets the ground. (Rv.7/02)

Green/Open Space: The open, unobstructed space from ground to sky at a grade on a parcel of land which is suitable for the growth and maintenance of grass, flowers, trees, bushes or other landscaping and includes surfaced walkways, patios, or similar areas. Driveways, ramps, parking areas, and any other open space beneath or within any building or structure shall not be included as open space. (Rv.7/02)

Greenhouses, Nurseries: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, flowers or plants offered for retail or wholesale sale on the premises including products used for gardening or landscaping. 12/04

Grocery, Fish, Meat Food Stores: A retail store for sale of meat, fruit, vegetables, breads, dairy foods, all for use off-premises.

Guest House: Livings quarters within a detached accessory building located on the same parcel for use by temporary, non-paying guests, members of the family, or persons permanently employed on the premises less than one (1) year. Such quarters are not to be rented or otherwise used as a separate dwelling. The guest house shall include a mandatory toilet, sink, and tub/shower. The floor area of a guest house shall not be less than four hundred (400) square feet nor more than six hundred (600) square feet. Only one guest house per lot will be permitted. 12/06

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Hardship: A limitation caused by the land or nature that prevents a property owner from the reasonable use of their property. Hardship shall not be determined by finances or the property owner's own acts. (Rv.7/02)

Hardware, Paint, Glass, Electrical, Drapery, China, and Appliance Stores: Retail establishments offering goods in the categories listed directly to the general public. 12/04

Heliports: Any landing area used for the landing and taking off of helicopters including necessary accessory uses and services. 12/04

High Impact Wind Powered Electric Generator/Windmill: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity greater than 100 kW. 12/06

Historical Sites, Monuments, Building: Any structure or portion thereof, possessing or identifying a significant landmark or historic event. 12/04

Home Occupation: The use of a part of a single-family dwelling or accessory building containing not more than twenty-five (25) percent of the floor area or 600 square feet, whichever is less of the dwelling or accessory building, for pursuits compatible with a domestic household. Such uses include, but are not limited to the following: offices for professionals such as architects, doctors, insurance agents, lawyers, real estate agents, etc.; personal services including barber shops beauty parlors, manicure & pedicure shops, pet grooming, etc.; instructional services such as music, dance, arts & crafts, etc.; babysitting services; studios for artists, musicians, photographers, etc.; workrooms for tailors, dressmakers, carpenters, etc.; and repair services including watch & clock, small appliance, computers, lawnmowers, etc. All of the following conditions must be met:

- a. No more than three (3) person shall be engaged in such occupation conducted in the dwelling or accessory building.
- b. Permitted activities shall include the making, servicing or repairing of goods, wares, or merchandise or the providing of goods or services for hire or gain.
- c. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- d. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign as permitted by Section 8 of this Resolution;
- e. No external storage of goods or materials outside of the dwelling or garage shall be permitted;
- f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met using off-street parking;
- g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
- h. The home occupation shall not create or become a public nuisance;
- i. The hours of operation shall commence and conclude as determined by the Board of Zoning Appeals based on the type of home occupation;
- j. Comply with all governmental requirements; and
- k. The Board of Zoning Appeals, after due process including at a minimum an investigation by the zoning inspector and a public hearing, shall have the authority to revoke the authorization of the single-family dwelling or accessory building containing 600 square feet or less as a home occupation if any of the above conditions are violated.

All of the conditions must be met as per Section 9. 12/06

Home Office: An accessory use in which work for compensation is undertaken within the primary residential structure, including but not limited to, receiving or initiating correspondence such as phone calls, mail, faxes, or e-mails; preparing or maintaining business records; word and data processing; and telephone, mail order, and off-premise sales. No customer/client on-site visitations shall occur. There shall be no non-resident employees and no more than twenty-five (25) percent of the residential floor area shall be used in the conduct of the home office. Delivery trucks used to deliver necessary supplies are limited to passenger vehicles, mail carriers, and express carriers such as UPS. 12/06

Hotel: Any building, or portion thereof, which contains guest rooms which are designed or intended to be used, let, or hired out for occupancy, and which are occupied by ten (10) or more individuals for compensation, whether paid directly or indirectly.

Household Goods Store: A retail facility providing to the general public non-food goods, furnishings, and fixtures normally found in a household and excluding furniture and appliances. 12/04

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IGLD: International Great Lakes Datum used to determine the water level of Lake Erie. Ordinary high water is based upon a 1985 lake level study and is 573.4 feet. IGLD can be converted to United States Geological Datum (U.S.G.S.) or National Geodetic Vertical Datum (N.G.V.D.) by adding .9 feet. 4/00

Incinerator: A device used to burn waste substances and in which all of the combustion factors can be controlled. 12/04

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

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

--J--

Jewelry & Lapidary Products Manufacturing & processing: A facility where precious semi-precious, and glass stones and gems are joined with metal to form jewelry pieces. 12/04

--K--

kennel or Cattery: Any lot or premises on which five (5) or more domesticated dogs or cats, more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

--L--

Landing Field: A strip of land used or capable of being used for the landing and take-off of aircraft. 12/04

Laundry, Commercial, Dry-cleaning & Linen Supply: A building or portion thereof used for the purpose of receiving articles or goods of fabric to be subjected to the

process of laundering, dry cleaning, dry dyeing, or cleaning elsewhere and for the pressing and distribution of such articles. 12/04

Laundry, Self Service: A building or portion thereof where coin-operated laundry machines using only water, detergents, and additives are made available to the public. 12/04

Libraries, Museums: A building or portion thereof containing printed, pictorial, or historic materials for public use, study, reference, and recreation. 12/04

Livable Ground Floor Area: The floor area of the lowest story of a building, approximately at or first above the finished grade level, excluding any basement, cellar, or subcellar, which area is measured between the exterior faces of the exterior walls at the floor level of such story, but excludes any private garage, carport, porch, verandah, or other areas not used as permanent living spaces. 12/06

Loading Space: Space logically and conveniently located for bulk pickup and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. All off-street loading spaces shall be located outside of any street or alley right-of-way.

Lot: For the purpose of this Resolution, a lot is 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 lots shall have frontage on an approved public or private street and may consist of:

- a. A single lot of record.
- b. A portion of a lot of record.
- 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 area of the lot exclusive of the street right-of-way.

Lot, Corner: A lot located at the intersection of two (2) or more streets.

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

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

Lot, Lakefront: A lot where at least one property line abuts the lakefront.

Lot Lines: The lines bounding a lot as defined herein.

Lot, Minimum Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street or easement of record.

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

Lot, 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 horizontal distance between the side lot lines measured at right angles to the lot depth at the legally established building setback line.

Low Impact Wind Powered Electric Generator/Windmill: A wind energy conversion system consisting of a wind turbine, a tower, and associated controls 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. 12/06

Lumber Sales, Storage & Mill Work: An area of land and/or building where wood products are produced, stored and sold for use by the consumer. 12/04

--M--

Mailing Service: A facility where quantities of correspondence are processed for delivery to residential homes and businesses. 12/04

Major Street: A dedicated street within Ottawa County which has been classified as a dual highway, a dominant major street, a secondary major street, a main county road, or State Highway by the Ottawa Regional Planning Commission on an Official Highway Plan.

Manufactured Home: A building unit or assembly of closed construction that is fabricated in an off site facility and constructed in conformance with federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and safety standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401,5403, and has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. 4/00

Manufacturing: The process of using raw materials to create a product. A productive industry using mechanical power and/or machinery.

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

Marine Repairs, Enclosed: A building or portion thereof where watercraft of all types are brought for repair and service. 12/04

Marine Sales & Service: An area of land and/or building where watercraft of various types are sold to the public and where minor services can be provided. 12/04

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. 4/00

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. 4/00

Masseur or Masseuse: Any individual who performs massages at a massage establishment. 4/00

Medical Related Services: A building or portion thereof that contain establishments dispensing health services. 12/04

Mini Storage Building: A building providing one or more separate storage spaces of not more than two hundred (200) square feet area each, with individual outside

access, for rental to the public for the storage of non-hazardous personal goods.
4/97

Modular Unit and Dwelling Home: Factory built housing certified as meeting the Ohio Basic Building Code which has an Ohio Basic Building Code number and does not have a permanent chassis. Proof of compliance must be made available to the Zoning Inspector prior to issuance of the zoning permit/certificate. 3/93

Mooring Basin: An area having water access, with dockage or mooring for pleasure boats used by residents of adjacent land or subdivision, and where no commercial activities are permitted.

Motel: Any building, or portion thereof, which contains guest rooms which are designed or intended to be used, let, or hired out for occupancy, and which are occupied by ten (10) or more individuals for compensation, whether paid directly or indirectly. 12/06

Motor Vehicle Storage: An area of land or building or portion thereof where motor vehicles propelled or driven other than by muscular power are stored. 12/06

Movie Theaters: A building or portion thereof devoted to showing motion pictures or for dramatic, musical, or live performances. 12/04

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Non-Conforming Uses/Buildings: A building, structure, or portion thereof or use of land or building or structure lawfully existing at the time of the enactment of this Resolution and which does not conform to the district or zone in which it is situated.

Nude or Nudity: Showing of either the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the female breast with less than a fully opaque covering on any part of the nipple. 4/00

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, or shelter, and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick.

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

--O--

Office, Business & Professional (All Types): The use of space for such services as medical practitioners, lawyers, architects, and the like.

Open/Green Space: See Green/Open Space. (Rv.7/02)

Outdoor Theater: An open lot devoted primarily to the showing of motion pictures or theatrical productions, usually on a paid admission basis to patrons seated in automobiles, golf carts, or other seating arrangements provided by the operator or the patron. (Rv.7/02)

Owner Occupancy: The requirements that the owner of the property must actually reside in or be the primary users of the facility or structure that sits upon the property. 12/04

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

Parking Area, Public or Customer, Free or Pay: An open space 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 Space, Automobile: Space within a building or a private or public parking space area for the parking of one (1) automobile.

Parks, Public: An area, consisting largely of open space devoted primarily to passive and active recreational activities. 12/04

Patio: A paved masonry or stone area at ground level used for purposes other than parking.

Personal Service: A business where personal services are provided for gain and where the sale at retail of goods, wares, merchandise, articles or things is accessory to the provision of such services including but not limited to barber shops, beauty shops, tailor shops, shoe repair shops, and similar type facilities. 12/04

Planned Development District: An area of land in which a variety of housing types and secondary commercial and industrial facilities are accommodated on a pre-planned environment under more flexible standards, such as lot size and setbacks, than those restrictions that would normally apply under this Resolution per Section 6.

Plat: A map or drawing showing the plan of a subdivision of a tract or parcel of land.

Playgrounds, Public: An open are of land equipped with children's equipment such as slides, swings, or wading pools. 12/04

Pond/Retention Pond: A man-made water retention structure other than a swimming pool, wading pool or other similar structure less than eighteen (18) inches in depth.

Pool Hall, Bowling Alley: A building or portion thereof where two or more pool tables are located and/or where two or more lanes where pins are knocked down by a rolling ball, both provided for use by the public. 12/04

Porch: A covered structure or recessed area attached or adjacent to a building.

Premise: A tract of land with the buildings thereon.

Principal Structure: A building of primary importance for which the land and building clearly exist. 4/97

Principal Use: The main use of the land and building and the main purpose for which the land and building exist. 4/97

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Radio Station: An establishment engaged in transmitting oral programs to the public consisting of a studio, transmitter, and antennas. 12/04

Recreational Camp: An area of land on which five (5) or more recreational vehicles, campers, tents or similar temporary recreational structures are regularly or seasonally accommodated with or without charge, including any building, structure, fixture or equipment that is used or intended to be used in connection with providing such accommodations. 3/93

Recreational Vehicle: A vehicle manufactured or modified for travel, recreation, or vacation purposes. This definition shall include, but not necessarily be limited to the following, except to the extent any of the following constitute a Manufactured Home:

- a. **Boats and Boat Trailers:** Including boats, floats, rafts, and the normal equipment to transport the same on the highway.
- b. **Folding Tent Trailer:** A canvas folding structure mounted on wheels and designed for travel and vacation use.
- c. **Motorized 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. **Pick-up Camper:** A structure designed primarily to be mounted on pick-up chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- e. **Travel Trailer (including fifth wheels):** A vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, and vacation uses.

Rental, Boat Dock Site: An establishment where boat docks are rented on a seasonal or transient basis to the general public and where other services may be provided as an accessory use to the boater. 12/04

Rental Unit: An owner occupied building where a dwelling unit is provided for compensation within the main building.

Rental Vehicle: A motorized or non-motorized vehicle used on land or the water and provided to the general public at a set price and for a specified period of time. 12/04

Restaurant/Eating Places: An establishment where food and drink for sale to the general public is prepared, served, and consumed on the premises.

Retail Business: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Included in this category are the following uses: Antique, Novelty Shop; Bakery, Dairy, Egg, Ice Cream, Candy Retail; Camera, Photo Studio Shop; Clothing, Shoe, Tailor, and Dry Goods Store; Drug, Proprietary & Variety Store; General Merchandise Store; Grocery, Fish, Meat, & Food Store; Hardware, Paint, Glass, Electrical, Drapery, China, & Appliance Store; Household Goods Store; **Printing/Publishing; Souvenirs;** Watch and Jewelry Repair Store; and other uses of a similar nature meeting the intent and providing similar products as determined by the Zoning Inspector. 12/04, 12/06

Riding Stable: Any land or structure used for the care and grooming of horses including boarding and riding facilities. 12/06

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.

Roadside Stand: A temporary stand 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.

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Saloon: See "Bar".

Salvage Operation & Junkyard: An area where waste and used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to: junk, scrap iron, metals, papers, rags, tires, bottles, and automobiles. 4/97

School: A public facility, private facility, home facility, charter facility, college, or university authorized by the authority having jurisdiction and providing educational opportunities to the residents of the community. 12/04

Screen: A material object intended to provide shelter, protection, or concealment; constructed of post and wire, boards, metal and/or plastic or similar durable material.

Screen Printing: A process through which material, usually in the form of clothing, is imprinted with words and/or images that are more or less permanent.

Setback line: A line established by this Resolution, generally parallel with and measured from the lot line, defining the limits of the yard in which no buildings or structures may be located above ground.

Sexual or Genital Area: Includes the genitalia, pubic area, anus, perineum of any person, and the breasts of a female. 4/00

Sexually Oriented Business: Any of the following: adult arcade, adult bookstore, adult cabaret, adult health club, adult motion picture theatre. 4/00

Sign: 4/00

- a. **Identification Sign:** A sign giving the nature, logo, trademark or symbol, and address of a business, development, subdivision, or establishment on the premises where it is located.
- b. **Permanent Sign:** A sign with a message pertaining to a continuously operated business or periodically reoccurring event that can reasonably be expected to continue indefinitely.
- c. **Projecting Sign:** A sign erected on the outside wall or roof of a building which projects out at an angle therefrom.
- d. **Temporary Sign:** A sign with a message pertaining to a one (1) time event whose message's utilitarian value becomes zero after the event.

- e. **Wall Sign:** A sign painted on the surface of an outside wall of a building or attached parallel and close to such surface and not extending beyond it.

Site: An area set aside for some specific use.

Skating Rink: A facility whose primary design is intended to provide the recreational activities of skating on ice or on a hard surface using roller skates. 12/04

Special Event: A temporary social, entertainment, fraternal, athletic, or amusement activity open to the general public and organized, produced, or sponsored by a person or organization. The special event is extraordinary in that it is not ordinarily conducted on a daily or regular normal average use basis as a lawful use on the premises upon which such event is to occur. 12/04

The activity cannot be held completely within the confines of the existing building on such premises and the number of persons attending will, at any time, exceed the maximum occupancy of the existing building on the property. The special event will substantially exceed the regular normal average patronage and traffic generated at such premises as a result of its regular normal average and lawful use. 12/04

A special event conditional use permit is required. Examples of special events include, but are not limited to, carnivals, fly-ins, circuses, revivals, athletic tournaments, auctions, festivals, and flea markets. 12/04

Special Event Permit: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals and valid for a maximum of one (1) year from the date of issue.

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. 4/00

Specified Sexual Activities: Includes any of the following: 1) the fondling or erotic touching of human genital, pubic region, buttock, anus, or female breasts; 2) sexual acts, actual or simulated, including intercourse, oral copulation, or sodomy; 3) masturbation, actual or stimulated; or 4) excretory functions as part of or in connection with any of the activities in 1-3 above. 4/00

Sporting Goods Store: A retail store specializing in a specific types of product line for all types of recreational and athletic activities. 12/04

Stadiums: A large open or enclosed placed used for games and major events and partly or completely surrounded by tiers of seats for spectators. 12/04

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

Storage Site/Rental: Any area designed, adapted, or used for storage of one item of the type to be stored, on a rental basis, for a period in excess of seven (7) consecutive days.

Story: That portion of a building included between the surface of the 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 above it.

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

Street: The full width between property lines bounding every public or private way with a part thereof used for vehicular traffic and designated as follows: (For the purpose of this Resolution, the word "**street**" shall include the words "**road**" and "**highway**"). 12/06

- a. **Access Street:** An area of land designated to provide ingress and egress to marinas, campgrounds, manufactured home parks, condominiums and similar developments for the exclusive use of the users of that development and maintained and controlled by an individual or group of individuals.
- b. **Arterial Street:** A general term denoting a highway primarily for through traffic carrying heavy loads and large volumes of traffic, usually on a continuous route.
- c. **Collector street:** A highway, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets including the principal entrance and circulation routes within residential subdivisions.
- d. **Cul-de-sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- e. **Dead-end Street:** A street, temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- f. **Local Street:** A street primarily for providing access to residential, commercial, or other abutting property.
- g. **Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of one-hundred and eighty (180) degree system of turns are not more one-thousand (1000) feet from said arterial or collector street, nor more than six-hundred (600) feet from each other.
- h. **Private Street:** A developed road dedicated to public or private use, maintained and controlled by individuals or other private authority.
- i. **Public Street:** A developed road dedicated to the public use, and maintained and controlled by any governmental authority.

Structurally Altered: "See Alteration, Structural".

Structure: Anything constructed, placed, or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground including advertising signs and billboards, but not including roadways, driveways, or walkways. 4/00

Swimming Pool, All Types: Any structure, other than a pond as defined herein, either above or below the surface of the ground, for the purpose of holding water for recreation or therapeutic purposes. This definition shall not apply to wading pools or other similar structures less than eighteen (18) inches in depth.

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Tavern: See "Bar".

Television, Radio, & Other Transmission Tower: A structure, usually made of metal, located on a nonresidential lot that is intended for transmitting or receiving communication waves used exclusively for dispatching purposes and not including facilities qualified as public utilities. 12/04

Temporary Structures: A structure not meeting the Ohio Basic Building Code, such as tent type storage, job site storage, job office structures, and like structures, and shall require a Temporary Use Permit. 4/97

Temporary Use: A temporary use other than a principally permitted use which may be allowed within a district, upon approval by the Board of Zoning Appeals and requiring a temporary use permit.

Temporary Use Permit: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals and valid for a maximum of one (1) year from the date of issue.

Tent Camp: Any parcel of land on which two (2) or more tents are regularly or seasonally accommodated with or without charge including any structure or fixture of equipment used in connection with said facility.

Terrace: A raised platform supported on one or more sides by a wall or a bank of earth. 4/97

Townhouse: A building consisting of two (2) or more attached or semi-attached dwelling units divided by common fire walls built to meet or exceed minimum fire and building code specifications, each with ground floor and a separate ownership or condominium.

Trailer Storage: See "Boat Cradle".

Transfer Station: An area open or enclosed where waste, scrap metal, paper, rags or similar materials are temporarily stored prior to transfer for recycling or to landfills. Fencing is required per the Ohio Revised Code.

Transportation Terminal: The use of land, buildings, or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers, buses, and/or ferries. 12/04

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

--V--

Variance: A variance is a modification of the strict terms of this Resolution, where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal and strict enforcement of this Resolution would result in an unnecessary and undue hardship. A condition created by the applicant either knowingly or unknowingly which is a violation of this resolution shall under no circumstances be termed a hardship. 4/97

Vending Machine: A self-service, **electronic or** mechanical device, that is generally coin operated, where goods or services are provided. Vending machines shall include, but not be limited to, newspaper racks, federal express racks, pop

machines, bait machines, etc. but does not include U.S. Mail depository boxes.
(Rv.7/02) 12/06

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

--W--

Warehouse: A storage building which is used for the storage of goods, wares, foods, beverages, merchandise, or other chattels, and includes a building used for the storage of unused new automobiles or aircraft, but does not include a garage or hanger as regulated under Article 2, Section 206, 210, 211, and 212 of the Ohio Basic Building Code.

Watch & Jewelry Repair: An establishment whose primary purpose is the repair of time pieces and other items of jewelry, but who may also provide for sale similar retail items to the general public. 12/04

Wildlife, Forest Preserve: An open area of land where live plants and animals are kept for display purposes in the wild with accessory commercial uses provided that are directly related to the operation of the facility. 12/04

Windmill/Generator: A system of components which converts the kinetic energy of the wind into electrical or mechanical power and comprising all of the necessary storage and support system components to provide electricity or mechanical power for residential, commercial, industrial, utility, or governmental use. 12/04

Wineries & Breweries: Establishments in which beverages containing allowed limits of alcohol are produced and may be offered to the public for consumption on and/or off the site. 12/04

--Y--

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 road right-of-way line. Reference Section 8. 4/00

Yard, Rear: A yard extending across the full width of the lot between the nearest rear main building and one (1) rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line, or to the center of any alley if one is present. Reference Section 8. 4/00

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. Reference Section 8. 4/00

--Z--

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

Zoning Inspector: The chief enforcement officer of the Zoning Resolution as appointed by the Township Trustees.

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

Section 5

Districts

I. **Agricultural District ("A").**

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

1. **Uses Permitted:** The following uses are permitted after obtaining a valid zoning certificate in accordance with Section 10 of this Resolution. 4/00
 - a. Agriculture
 - b. Boat, Cradle/Trailer/Rack Storage, Rental Sites, **(Enclosed, Four (4) or Less) 12/06**
 - c. Boat Launching Ramp (Private)
 - d. **Home Office 12/06**
 - e. Dwelling, One-Family, Permanent Use (Rv.7/02)
 - f. **Motor Vehicle Storage** (Enclosed, Four (4) or Less) **12/06**
 - g. Parks, Public
 - h. Playgrounds, Public
 - i. Ponds, as Defined
 - j. Rental Boat Dock Sites (Seasonal, Four (4) or Less)
 - k. Riding Stables
 - l. **Schools 12/06**
 - m. Skating Rinks, (Outdoor) Private
 - n. Swimming Pools, Private
 - o. Wildlife, Forest Preserves

2. **Conditional Uses:** Subject to approval as provided for in Section 13 of this Resolution. 4/00
 - a. Airplane Storage Site, Rental (Enclosed)
 - b. Airplane Storage Site, Rental (Open)
 - c. **Athletic Fields, Tennis Courts 12/06**
 - d. Bed and Breakfast
 - e. Boat, Cradle/Trailer/Rack Storage, Rental Sites (Enclosed, Five (5) or More)
 - f. Cave Tours
 - g. Cemeteries and Mausoleums
 - h. Community Buildings, Recreation Fields, Swimming Pools, and Community Facilities (Privately Owned and Operated by Neighborhood Organizations)
 - i. Day Care Facilities
 - j. Dwelling, One-Family, Temporary Use (Rv.7/02)
 - k. **Dwelling**, Rental Unit as Defined (Rv.7/02) **12/06**
 - l. Emergency Medical Services, Non-Governmental
 - m. Golf Courses
 - n. Greenhouses, Nurseries
 - o. **Guest House 12/06**
 - o. Heliports
 - p. **High Impact Wind Powered Electric Generator/Windmill 12/06**
 - q. Historical Sites, Monuments, Buildings
 - r. Home Occupations
 - s. Kennels
 - t. Landing Fields

- u. Libraries, Museums
 - v. **Low Impact Wind Powered Electric Generator/ Windmill 12/06**
 - w. **Motor Vehicle Storage** (Enclosed, Five (5) or More) **12/06**
 - x. Offices, Veterinarian
 - y. Parking, Public, Free, as Defined
 - z. Parking, Public, Pay, as Defined
 - aa. Rental, Boat Dock Sites (Seasonal, Five (5) or More)
 - bb. Skating Rink (Outdoor) Public
 - cc. Special Events, as Defined
 - dd. Storage Site/Rental 12/06**
 - ee. Television, Radio, and Other Transmission Towers
 - ff. Temporary Use, as Defined
 - gg. Warehousing and Storage Directly Related to Retail Outlets
3. **Lot Area, Width, and Depth:** Each lot shall have a minimum width of one-hundred and twenty-five (125) feet and a minimum depth of one-hundred and twenty-five (125) feet and it shall have a minimum area of not less than forty-three thousand, five hundred and sixty (43,560) square feet.
 4. **Front Yard:** There shall be a front yard of not less than fifty (50) feet in depth. See Section 8. 4/00
 5. **Side Yard:** There shall be a side yard on each side of a building of not less than ten (10) feet. See Section 8. 4/00
 6. **Rear Yard:** There shall be a rear yard of not less than thirty-five (35) feet in depth. See Section 8. 4/00
 7. **Dwelling Size:** As specified in Section 8.
 8. **Height Limit:** No building, shall be erected or enlarged to exceed thirty-five (35) feet in height to the highest point of the roof. 4/00
 9. **Off-Street Parking:** Shall be provided as required by Section 7.

II. **Special Residential District ("R-1")**.

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

1. **Uses Permitted:** The following uses are permitted after obtaining a valid zoning certificate in accordance with Section 10 of this Resolution. 4/00
 - a. Agriculture
 - b. Boat, Cradle/Trailer/Rack Storage, Rental Sites (Enclosed, Four (4) or Less)
 - c. Boat Launching Ramp, Private
 - d. Dwelling, One-Family, Permanent Use (Rv.7/02)
 - e. **Home Office 12/06**
 - f. **Motor Vehicle Storage** (Enclosed, Four (4) or Less) **12/06**
 - g. Parks, Public
 - h. Playgrounds, Public
 - i. Rental, Boat Dock Sites (Seasonal, Four (4) or Less)
 - j. **Schools 12/06**
 - k. Skating Rinks, (Outdoor) Private
 - l. Swimming Pools, Private
 - m. Wildlife, Forest Preserves
2. **Conditional Uses:** Subject to approval as provided in Section 13 of this Resolution. 4/00
 - a. Bed and Breakfast
 - b. Community Buildings, Recreational Fields, Swimming Pools, and Community Facilities (Privately Owned and Operated by Neighborhood Organizations)
 - c. Dwelling, One-Family, Temporary Use (Rv.7/02)
 - d. **Dwelling, Rental Unit as Defined (Rv.7/02) 12/06**
 - e. Emergency Medical Service, Non-Governmental
 - f. **Guest House 12/06**
 - g. Historical Sites, Monuments, Buildings
 - h. Home Occupations
 - i. Parking, Public, Free, as Defined
 - j. Rental, Boat Dock Sites (Seasonal, Five (5) or More)
 - k. Temporary Use, as Defined
3. **Lot Area, Width, and Depth:** Each lot shall have a minimum width of one-hundred twenty-five (125) feet, a minimum depth of one-hundred twenty-five (125) feet and shall have a minimum area of not less than twenty-eight thousand, one hundred, twenty-five (28,125) square feet. 4/00
4. **Front Yard:** There shall be a front yard of not less than forty (40) feet in depth. See Section 8. 4/00
5. **Side Yard:** There shall be a side yard on each side of a building of not less than ten (10) feet. See Section 8. 4/00
6. **Rear Yard:** There shall be a rear yard of not less than thirty-five (35) feet, except lakefront lots, see Section 8. 4/00
7. **Dwelling Size:** As specified in Section 8.
8. **Height Limit:** No building shall be erected or enlarged to exceed thirty-five (35) feet to the highest point of the roof. 4/00

9. **Off-Street Parking:** Shall be provided as required in Section 7.

III. **Restricted Residential District ("R-2").**

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

1. **Uses Permitted:** The following uses are permitted after obtaining a valid zoning certificate in accordance with Section 10 of this Resolution.4/00
 - a. Agriculture
 - b. Boat, Cradle/Trailer/Rack Storage, Rental Sites (Enclosed, Four (4) or Less)
 - c. Boat Launching Ramp (Private)
 - d. Dwelling, One-Family, Permanent Use (Rv.7/02)
 - e. **Home Office 12/06**
 - f. **Motor Vehicle Storage** (Enclosed, Four (4) or Less) **12/06**
 - g. Parks, Public
 - h. Playgrounds, Public
 - i. Rental, Boat Dock Sites (Seasonal, Four (4) or Less)
 - j. **Schools 12/06**
 - k. Skating Rink (Outdoor) Private
 - l. Swimming Pools, Private
 - m. Wildlife, Forest Preserve
2. **Conditional Uses:** Subject to approval as provided in Section 13 of this Resolution. 4/00
 - a. Bed and Breakfast
 - b. Community Buildings, Recreational Fields, Swimming Pools, and Community Facilities (Privately Owned and Operated by Neighborhood Organizations)
 - c. Dwelling, One-Family, Temporary Use (Rv.7/02)
 - d. **Dwelling, Rental Unit as Defined (Rv.7/02) 12/06**
 - e. Dwellings, Two Family
 - f. Emergency Medical Service, Non-Governmental
 - g. **Guest House 12/06**
 - h. Historical Sites, Monuments, Buildings
 - i. Home Occupations
 - j. Parking, Public, Free, as Defined
 - k. Rental, Boat Dock Sites (Seasonal, Five (5) or More)
 - l. Temporary Use, as Defined
3. **Lot Area, Width, and Depth:** Each lot shall have a minimum width of one hundred (100) feet and a minimum depth of one-hundred and twenty-five (125) feet and shall have a minimum area of not less than twenty thousand (20,000) square feet. 4/00
4. **Front Yard:** There shall be a front yard of not less than forty (40) feet in depth. See Section 8. 4/00
5. **Side Yard:** There shall be a side yard on each side of a building of not less than ten (10) feet. See Section 8. 4/00
6. **Rear Yard:** There shall be a rear yard of not less than thirty-five (35) feet, except lakefront lots. See Section 8. 4/00
7. **Dwelling Size:** As specified in Section 8.
8. **Height Limit:** No building shall be erected or enlarged to exceed thirty-five (35) feet to the highest point of the roof. 4/00

9. **Off-Street Parking:** Shall be provided as required in Section 7.

IV. **Limited Residential District ("R-3").**

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

1. **Uses Permitted:** The following uses are permitted after obtaining a valid zoning certificate in accordance with Section 10 of this Resolution. 4/00
 - a. Agriculture
 - b. Boat, Cradle/Trailer/Rack Storage, Rental Sites (Enclosed, Four (4) or Less)
 - c. Boat Launching Ramp (Private)
 - d. Dwelling, One-Family, Permanent Use (Rv.7/02)
 - e. Dwellings, Two Family
 - f. **Home Office 12/06**
 - g. **Motor Vehicle Storage** (Enclosed, Four (4) or Less) **12/06**
 - h. Parks, Public
 - i. Playgrounds, Public
 - j. Rental, Boat Dock Sites (Seasonal, Four (4) or Less)
 - k. **Schools 12/06**
 - l. Skating Rinks, Indoor or Outdoor, Private
 - m. Swimming Pools, Private
 - n. Wildlife, Forest Preserve

2. **Conditional Uses:** Subject to approval as provided in Section 13 of this Resolution. 4/00
 - a. Bed and Breakfast
 - b. Community Buildings, Recreational Fields, Swimming Pools, and Community Facilities (Privately Owned and Operated by Neighborhood Organizations)
 - c. Dwelling, One-Family, Temporary Use (Rv.7/02)
 - d. **Dwelling, Rental Unit as Defined (Rv.7/02) 12/06**
 - e. Dwelling, Multiple Family including condominiums 12/04
 - f. Emergency Medical Service, Non-Governmental
 - g. **Guest House 12/06**
 - h. Historical Sites, Monuments, Buildings
 - i. Home Occupations
 - j. Parking, Public, Free, as Defined
 - k. Rental, Boat Dock Sites (Seasonal, Five (5) or More)
 - l. Temporary Use, as Defined

3. **Lot Area, Width, and Depth (Excluding Multi-Family Dwellings and Condominiums):** Each lot shall have a minimum width of one hundred (100) feet and a minimum depth of one-hundred and twenty-five (125) feet and shall have a minimum area of not less than fifteen thousand (15,000) square feet. 4/00

Lot Area, Width, and Depth for Multi-Family Dwellings and Condominiums: Each lot shall have a minimum width of one hundred and fifty (150) feet and a minimum depth of one hundred and fifty (150) feet and shall have a minimum area of not less than one (1) acre of land per development. The minimum lot area per dwelling unit shall be twenty thousand (20,000) square feet for the first unit and nine thousand (9,000) square feet for each additional unit. 4/00

4. **Front Yard:** There shall be a front yard of not less than thirty-five (35) feet in depth. See Section 8. 4/00

5. **Side Yard:** There shall be a side yard on each side of a building of not less than ten (10) feet. See Section 8. 4/00
6. **Rear Yard:** There shall be a rear yard of not less than twenty-five (25) feet, except lakefront lots, see Section 8. 4/00
7. **Dwelling Size:** As specified in Section 8.
8. **Height Limit:** No building shall be erected or enlarged to exceed thirty-five (35) feet to the highest point of the roof. 4/00
9. **Additional Requirements:** For condominiums and multi-family dwellings. 4/00
 - a. Each building used for living purposes within the development shall be separated from other similar buildings by a minimum distance of twenty (20) feet.
 - b. A minimum of fifteen (15) percent of all land included in the development shall be set aside as open space. Open space shall consist of natural areas including trees, grass, and the like and shall not include recreational facilities or submerged lands.
 - c. An area of land shall be set aside for each building within the development for the purpose of trash and garbage receptacles. Such areas shall be screened, maintained, and centrally located.
 - d. All other requirements of the Residential District ("R-3") shall be met within the development.
 - e. No condominium or multiple-family development may contain more than ten (10) dwelling units.
 - f. Dwelling units may not be built one above the other.
 - g. The minimum floor area shall be no less than five hundred, seventy-six (576) square feet per dwelling unit.
10. **Off-Street Parking:** Shall be provided as required in Section 7.

V. **Recreational Commercial District ("R-C")**

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

1. **Uses Permitted:** The following uses are permitted after obtaining a valid zoning certificate in accordance with Section 10 of this Resolution. 4/00
 - a. Agriculture
 - b. **Athletic Fields, Tennis Courts 12/06**
 - c. Bed and Breakfast
 - d. Boat, Cradle/Trailer/Rack Storage, Rental Site (Enclosed, Four (4) or Less) or (Enclosed, Five (5) or More) 12/04
 - e. Boat Launching Ramp (Private or Public) 12/04
 - f. Cave Tours
 - g. Community Buildings, Recreation Fields, Swimming Pools, and Community Facilities (Privately Owned and Operated by Neighborhood Organizations)
 - h. Dwelling, One-Family, Temporary Use (Rv.7/02)
 - i. Dwelling, One Family, Permanent Use (Rv.7/02)
 - j. Golf Course
 - k. **Home Office 12/06**
 - l. Mini Storage Buildings
 - m. **Motor Vehicle Storage** (Enclosed, Four (4) or Less) or (Enclosed, Five (5) or More) 12/04, **12/06**
 - n. Parks, Public
 - o. Playgrounds, Public
 - p. Ponds, as Defined
 - q. Rental, Boat Dock Sites (Seasonal, Four (4) or Less) or (Seasonal Five (5) or More) 12/04
 - r. Rental, Boat Dock Sites (Transient, Four (4) or Less) or (Transient, Five (5) or More) 12/04
 - s. Rental Vehicle, Motorized or Non-Motorized, (Land or Water) 12/04
 - t. Riding Stables
 - u. **Schools 12/06**
 - v. Skating Rink (**Indoor & Outdoor**) Public or Private 12/04, **12/06**
 - w. Swimming Pools (Private) or (Public) 12/04
 - x. Wildlife, Forest Preserves

2. **Conditional Uses:** Subject to approval as provided in Section 13 of this Resolution. 4/00
 - a. Airplane Storage Site, Rental (Enclosed)
 - b. Airplane Storage Site, Rental (Open)
 - c. Boat, Cradle/Trailer/Rack Storage, Rental Sites (Open)
 - d. Dance Halls
 - e. Day Care Facilities
 - f. **Dwelling**, Rental Unit as Defined (Rv.7/02) **12/06**
 - g. Dwellings, Two Family
 - h. **Dwellings, Multiple Family 12/06**
 - i. Emergency Medical Services, Non-Governmental
 - j. **Employee Housing/Dormitory 12/06**
 - k. Golf Course, Miniature
 - l. Golf, Driving Ranges
 - m. **Guest House 12/06**
 - n. Heliports
 - o. Historical Sites, Monuments, Buildings
 - p. **Hotels 12/06**

- q. Landing Fields
 - r. Laundry, Self Service
 - s. Libraries, Museums
 - t. Marine Repair, (Enclosed)
 - u. Marine Sales and Service
 - v. Motels
 - w. Motor Vehicle Storage (Open) 12/06**
 - x. Parking, Public, Free, as Defined
 - y. Parking, Public, Pay, as Defined
 - z. Recreation Camps
 - aa. Restaurants and Eating Places 12/06**
 - bb. Services, Personal
 - cc. Special Events, as Defined
 - dd. Sporting Good Stores
 - ee. Temporary Use, as Defined
 - ff. Transportation Terminals (Rail, Bus, Air, Marine)
3. **Lot Area, Width, and Depth:** Each lot shall have a minimum width of one hundred (100) feet and a minimum depth of one-hundred and twenty-five (125) feet and shall have a minimum area of not less than fifteen thousand (15,000) square feet. 4/00
 4. **Front Yard:** There shall be a front yard of not less than fifty (50) feet in depth. See Section 8. 4/00
 5. **Side Yard:** There shall be a side yard on each side on a building of not less than fifteen (15) feet. See Section 8. 4/00
 6. **Rear Yard:** There shall be a rear yard of not less than twenty-five (25) feet, except lakefront lots, See Section 8. 4/00
 7. **Dwelling Size:** As specified in Section 8.
 8. **Height Limit:** No building shall be erected or enlarged to exceed thirty-five (35) feet to the highest point of the roof. 4/00
 9. **Off-Street Parking:** Shall be provided as required in Section 7.

VI. **Neighborhood Commercial District ("C-1").**

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

1. **Uses Permitted:** The following uses are permitted after obtaining a valid zoning certificate in accordance with Section 10 of this Resolution. 4/00
 - a. Agriculture
 - b. Retail Business: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Included in this category are the following uses: Antique, Novelty Shop; Bakery, Dairy, Egg, Ice Cream, Candy Retail; Camera, Photo Studio Shop; Clothing, Shoe, Tailor, and Dry Goods Store; Drug, Proprietary & Variety Store; General Merchandise Store; Grocery, Fish, Meat, & Food Store; Hardware, Paint, Glass, Electrical, Drapery, China, & Appliance Store; Household Goods Store; **Printing/Publishing; Souvenirs;** Watch and Jewelry Repair Store; and other uses of a similar nature meeting the intent and providing similar products as determined by the Zoning Inspector. 12/04, **12/06**
 - c. Banks, Savings and Loan Institutions
 - d. Beauty and Barber Shops
 - e. Bed and Breakfast
 - f. Blueprint and Photocopy Offices
 - g. Boat, Cradle/Trailer/Rack Storage, Rental Sites (Enclosed, Four (4) or Less)
 - h. Boat Launching Ramp (Private)
 - i. Business Consulting Service
 - j. Cave Tours
 - k. Cleaning Services
 - l. Day Care Facilities
 - m. Dwelling, One-Family, Temporary Use (Rv.7/02)
 - n. Dwelling, One-Family, Permanent Use (Rv.7/02)
 - o. Electrical, Appliance, Upholstery, Carpentry, Roof, Sheet Metal, Plumbing Shops
 - p. Home Office 12/06**
 - q. Laundry and Dry Cleaning
 - r. Laundry, Self Service
 - s. Libraries, Museums
 - t. Mailing Services
 - u. Marine Sales and Service
 - v. Mini Storage Buildings
 - w. Motor Vehicle Storage** (Enclosed, Four (4) or Less) **12/06**
 - x. Offices, Administrative
 - y. Offices, Business & Professional
 - z. Offices, Sales
 - aa. Parks, Public
 - bb. Parking, Public, Free, as Defined or Pay, as Defined 12/04
 - cc. Parking, Public, Pay, as Defined
 - dd. Playgrounds, Public
 - ee. Rental, Boat Dock Sites, (Seasonal Four (4) or Less)
 - ff. Rental Vehicle, Motorized (Land or Water) or Non-Motorized (Land or Water) 12/04
 - gg. Schools 12/06**
 - hh. Screen Printing
 - ii. Services, Personal
 - jj. Skating Rink (Outdoor) Private
 - kk. Sporting Goods Stores

- 11. **Storage Site/Rental 12/06**
 - mm. Swimming Pools, Public or Private 12/04
 - nn. Warehousing and Storage Directly Related to Retail Outlets
 - oo. Wildlife, Forest Preserves

- 2. **Conditional Uses:** Subject to approval as provided in Section 13 of this Resolution. 4/00
 - a. Airplane Storage Sites, Rental (Enclosed)
 - b. Airplane Storage Site, Rental (Open)
 - c. **Athletic Fields, Tennis Courts 12/06**
 - d. Boat, Cradle/Trailer/Rack Storage, Rental Sites (Enclosed Five (5) or More)
 - e. Boat Launching Ramps (Public)
 - f. Cemeteries and Mausoleums
 - g. Clubs
 - h. Community Buildings, Recreation Fields, Swimming Pools, and Community Facilities (Privately Owned and Operated by Neighborhood Organizations)
 - i. Dance Halls
 - j. Drive-In-Movies
 - k. **Dwelling, Rental Unit, as Defined (Rv.7/02) 12/06**
 - l. Dwellings, Two Family
 - m. **Dwellings, Multiple Family 12/06**
 - n. Emergency Medical Services, Non-Governmental
 - o. **Employee Housing/Dormitories 12/06**
 - p. Freight and Transfer Terminals
 - q. Golf Course, Miniature
 - r. Governmental Services Building
 - s. Greenhouses, Nurseries
 - t. Heliports
 - u. Historical Sites, Monuments, Buildings
 - v. **Hotels 12/06**
 - w. Landing Fields
 - x. Lumber Sales, Storage, and Mill Work
 - y. Medical Related Services
 - z. Motels
 - aa. **Motor Vehicle Storage (Enclosed, Five (5) or More) 12/06**
 - bb. Offices, Veterinarian
 - cc. Ponds, as Defined
 - dd. Radio Stations
 - ee. Rental, Boat Dock Sites (Seasonal, Five (5) or More)
 - ff. Rental, Boat Dock Sites (Transient, Four (4) or Less)
 - gg. Restaurants and Eating Places
 - hh. Skating Rinks (Outdoor) Public
 - ii. Special Events, as Defined
 - jj. Television, Radio, and Other Transmission Towers
 - kk. Temporary Use, as Defined
 - ll. Transportation Terminals (Rail, Bus, Air, Marine)

- 3. **Lot Area, Width, and Depth:** Each lot shall have a minimum width of one hundred (100) feet and a minimum depth of one-hundred and twenty-five (125) feet and shall have a minimum area of not less than fifteen thousand (15,000) square feet. 4/00

- 4. **Front Yard:** There shall be a front yard of not less than fifty (50) feet in depth. See Section 8. 4/00

5. **Side Yard:** There shall be a twenty-five (25) foot side yard on the side of any lot abutting an agricultural or residential district. No side yard is required in other cases. See Section 8. 4/00
6. **Rear Yard:** There shall be a rear yard of not less than twenty-five (25) feet. See Section 8. 4/00
7. **Dwelling Size:** As specified in Section 8.
8. **Height Limit:** No building shall be erected or enlarged to exceed thirty-five (35) feet to the highest point of the roof. 4/00
9. **Commercial Building Size:** All uses must be located within an enclosed building not to contain more than ten thousand (10,000) square feet.
10. **Off-Street Parking:** Shall be provided as required in Section 7.

VII. **Central Commercial District ("C-2").**

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

1. **Uses Permitted:** The following uses are permitted after obtaining a valid zoning certificate in accordance with Section 10 of this Resolution. 4/00
 - a. Agriculture
 - b. Retail Business: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Included in this category are the following uses: Antique, Novelty Shop; Bakery, Dairy, Egg, Ice Cream, Candy Retail; Camera, Photo Studio Shop; Clothing, Shoe, Tailor, and Dry Goods Store; Drug, Proprietary & Variety Store; General Merchandise Store; Grocery, Fish, Meat, & Food Store; Hardware, Paint, Glass, Electrical, Drapery, China, & Appliance Store; Household Goods Store; **Printing/Publishing; Souvenirs;** Watch and Jewelry Repair Store; and other uses of a similar nature meeting the intent and providing similar products as determined by the Zoning Inspector. 12/04, **12/06**
 - c. Auto Repair (Enclosed)
 - d. Auto Sales and Service
 - e. Automats, Self Serve Car Washes
 - f. Banks, Savings and Loan Institutions
 - g. Bars, Taverns, Saloons, Liquor Retail
 - h. Beauty and Barber Shops
 - i. Bed and Breakfast
 - j. Blueprint and Photocopy Offices
 - k. Boat, Cradle/Trailer/Rack Storage, Rental Sites (Enclosed, Four (4) or Less) or (Enclosed, Five (5) or More) 12/04
 - l. Boat Launching Ramp (Private)
 - m. Business Consulting Service
 - n. Bus, Motor Freight, Taxi-Cab, Farm Equipment Storage and Repairs (Enclosed)
 - o. Cave Tours
 - p. Cleaning Services
 - q. Dance Halls
 - r. Day Care Facilities
 - s. Dwelling, One-Family, Temporary Use (Rv.7/02)
 - t. Dwelling, One-Family, Permanent Use (Rv.7/02)
 - u. **Dwelling, Multiple Family 12/06**
 - v. Electrical, Appliance, Upholstery, Carpentry, Roof, Sheet Metal, Plumbing Shops
 - w. Freight and Transfer Terminals
 - x. Golf Course, Miniature
 - y. Governmental Services Building
 - z. Greenhouses, Nurseries
 - aa. **Home Office 12/06**
 - bb. Hotels
 - cc. **Laundry and Dry Cleaning 12/06**
 - dd. Laundry, Self Service
 - ee. Libraries, Museums
 - ff. Lumber Sales, Storage and Mill Work
 - gg. Mailing Services
 - hh. Marine Repair (Enclosed)
 - ii. Marine Sales and Service
 - jj. Medical Related Services
 - kk. Mini Storage Buildings

- ll. Motels
- mm. **Motor Vehicle Storage** (Enclosed, Four (4) or Less) or (Enclosed Five (5) or More) 12/04, **12/06**
- nn. Movie Theatres
- oo. Offices, Administrative
- pp. Offices, Business & Professional 12/04
- qq. Offices, Sales
- rr. Parks, Public
- ss. Parking, Public, Free, as Defined or Pay, as Defined 12/04
- tt. Playgrounds, Public
- uu. Pool Halls, Bowling Alleys
- vv. Rental, Boat Dock Sites, (Seasonal, Four (4) or Less) or (Seasonal, Five or More) or (Transient, Four or Less) 12/04
- ww. Rental Vehicle, Motorized or Non-Motorized (Land or Water) 12/04
- xx. Restaurants and Eating Places
- yy. Schools 12/06**
- zz. Screen Printing
- aaa. Services, Personal
- bbb. Skating Rink (Outdoor) Private
- ccc. Sporting Goods Stores
- ddd. Storage Site, Rental 12/06**
- eee. Swimming Pools, (Private) or (Public) 12/04
- fff. Transportation Terminals (Rail, Bus, Air, Marine)
- ggg. Vending Machine (Rv.7/02)
- hhh. Warehousing and Storage Directly Related to Retail Outlets
- iii. Wildlife, Forest Preserves
- jjj. Wineries & Breweries

2. **Conditional Uses:** Subject to approval as provided in Section 13 of this Resolution. 4/00

- a. Airplane Storage Sites, Rental (Enclosed)
- b. Airplane Storage Site, Rental (Open)
- c. Athletic Fields, Tennis Courts 12/06**
- d. Boat, Cradle/Trailer/Rack Storage, Rental Sites (Open)
- e. Boat Launching Ramps (Public)
- f. Cemeteries and Mausoleums
- g. Community Buildings, Recreation Fields, Swimming Pools, and Community Facilities (Privately Owned and Operated by Neighborhood Organizations)
- h. **Dwelling**, Rental Unit as Defined (Rv.7/02) **12/06**
- i. Dwellings, Two Family
- j. Emergency Medical Services, Non-Governmental
- k. Employee Housing/Dormitory (Rv.7/02)
- l. Heliports
- m. Historical Sites, Monuments, Buildings
- n. Jewelry, Lapidary Products Manufacturing and Processing
- o. Kennels
- p. Landing Fields
- q. **Motor Vehicle Storage** (Open) **12/06**
- r. Outdoor Theater (Rv.7/02)
- s. Ponds, as Defined
- t. Radio Stations
- u. Rental, Boat Dock Sites (Transient, Five (5) or More)
- v. Riding Stables
- w. Skating Rinks (Outdoor) Public
- x. Special Events, as Defined
- y. Television, Radio, and Other Transmission Towers
- z. Temporary Use, as Defined

3. **Lot Area, Width, and Depth:** Each lot shall have a minimum width of one hundred (100) feet and a minimum depth of one-hundred and twenty-five (125) feet and shall have a minimum area of not less than fifteen thousand (15,000) square feet. 4/00
4. **Front Yard:** There shall be a front yard of not less than fifty (50) feet in depth. See Section 8. 4/00
5. **Side Yard:** There shall be a twenty-five (25) foot side yard on the side of any lot abutting an agricultural or residential district. No side yard is required in other cases. See Section 8. 4/00
6. **Rear Yard:** There shall be a rear yard of not less than twenty-five (25) feet. See Section 8. 4/00
7. **Dwelling Size:** As specified in Section 8.
8. **Height Limit:** No building shall be erected or enlarged to exceed thirty-five (35) feet to the highest point of the roof. 4/00
9. **Off-Street Parking:** Shall be provided as required in Section 7.

VIII. **Entertainment Commercial District ("C-3").** 4/00

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

1. **Uses Permitted:** The following uses are permitted after obtaining a valid zoning certificate in accordance with Section 10 of this Resolution.
 - a. Agriculture
 - b. Pool Halls, Bowling, Stadiums
2. **Conditional Uses:** Subject to approval as provided in Section 13 of this Resolution.
 - a. Adult Oriented Businesses
 - b. Airplane Sites, Enclosed
 - c. Airplane Sites, Open
 - d. **Go Cart & Commercial Race Tracks 12/06**
 - e. Drive-In Movies
 - f. **Go-Kart Facility 12/06**
 - g. Movie Theatres
 - h. Temporary Use
3. **Lot Area, Width, and Depth:** Each lot shall have a minimum width of one hundred and fifty (150) feet and a minimum depth of one-hundred and twenty-five (125) feet and shall have a minimum area of not less than one (1) acre (forty-three thousand, five hundred and sixty (43,560) square feet).
4. **Front Yard:** There shall be a front yard of not less than fifty (50) feet in depth. See Section 8.
5. **Side Yard:** There shall be a side yard on each side of not less than twenty-five (25) feet and where such side yard abuts an agricultural or residential district, it shall be used for landscaping and grass only. See Section 8.
6. **Rear Yard:** There shall be a rear yard of not less than thirty-five (35) feet and where such rear yard abuts an agricultural or residential district, it shall be used for landscaping and grass only. See Section 8.
7. **Height Limit:** No building shall be erected or enlarged to exceed thirty-five (35) feet to the highest point of the roof.
8. **Off-Street Parking:** Shall be provided as required in Section 7.

IX. **Industrial District ("I-1").**

The following regulations shall apply in the "I-1" District.

1. **Uses Permitted:** The following uses are permitted after obtaining a valid zoning certificate in accordance with Section 10 of this Resolution. 4/00
 - a. Agriculture
 - b. Auto Repair (Enclosed)
 - c. Auto Sales and Service
 - d. Boat, Cradle/Trailer/Rack Storage, Rental Sites (Enclosed, Four (4) or Less)
 - e. Boat Launching Ramp, Private
 - f. Bottling, Soft Drink and Similar Works
 - g. Bus, Motor Freight, Taxi-Cab, Farm Equipment Storage and Repairs (Enclosed)
 - h. Die-Cut Products, Manufacturing and Processing
 - i. Electrical, Appliance, Upholstery, Carpentry, Roof, Sheet Metal, Plumbing Shops
 - j. Fiber and Clothing Goods and Materials Manufacturing
 - k. Food Products Manufacturing and Processing
 - l. Freight and Transfer Terminals
 - m. Governmental Services Buildings
 - n. Jewelry and Lapidary Products Manufacturing and Processing
 - o. Laundry and Dry Cleaning 12/06**
 - p. Lumber Sales, Storage and Mill Work
 - q. Marine Repairs (Enclosed)
 - r. Marine Sales and Service
 - s. Mini Storage Buildings
 - t. Motor Vehicle Storage (Enclosed, Four (4) or Less) 12/06**
 - u. Office, Administrative
 - v. Offices, Sales
 - w. Parks, Public
 - x. Parking, Public, Free, as Defined
 - y. Playgrounds, Public
 - z. Ponds, as Defined
 - aa. Rental, Boat Dock Sites (Seasonal, Four (4) or Less)
 - bb. Rental, Boat Dock Sites (Transient, Four (4) or Less)
 - cc. Screen Printing
 - dd. Storage Site/Rental 12/06**
 - ee. Transportation Terminals (Rail, Bus, Air, Marine)
 - ff. Warehousing and Storage Directly Related to Retail Outlets
 - gg. Wildlife, Forest Preserves
 - hh. Wineries and Breweries

2. **Conditional Uses:** Subject to approval as provided in Section 13 of this Resolution. 4/00
 - a. Airplane Storage Sites, Rental (Enclosed)
 - b. Airplane Storage Site, Rental (Open)
 - c. Boat Launching Ramp (Public)
 - d. Business Consulting Services
 - e. Fuel, Volatile Materials Storage
 - f. Heliports
 - g. Landing Fields
 - h. Rental, Boat Dock Sites (Seasonal, Five (5) or More)
 - i. Rental, Boat Dock Sites (Transient, Five (5) or more)
 - j. Special Events, as Defined

k. Television, Radio, and Other Transmission Towers
l. Temporary Use, as Defined

3. **Lot Area, Width, and Depth:** Each lot shall have a minimum width of one-hundred and fifty (150) feet and a minimum depth of one-hundred and twenty-five (125) feet and shall have a minimum area of not less than one (1) acre (forty-three thousand, five hundred and sixty (43,560) square feet.)
4. **Front Yard:** There shall be a front yard of not less than fifty (50) feet in depth. See Section 8. 4/00
5. **Side Yard:** There shall be a side yard on each side of not less than twenty-five (25) feet and where such side yard abuts an agricultural or residential district, it shall be used for landscaping and grass only. See Section 8. 4/00
6. **Rear Yard:** There shall be rear yard of not less than thirty-five (35) feet and where such rear yard abuts an agricultural or residential district, it shall be used for landscaping and grass only. See Section 8. 4/00
7. **Height Limit:** No building shall be erected or enlarged to exceed thirty-five (35) feet to the highest point of the roof. 4/00
8. **Off-Street Parking:** Shall be provided as required in Section 7. 3/93

X. **Institutional District ("I-2").**

The following regulations shall apply in the "I-2" District.

1. **Uses Permitted:** The following uses are permitted after obtaining a valid zoning certificate in accordance with Section 10 of this Resolution. 4/00
 - a. Agriculture
 - b. Airplane Storage Site, Rental (Enclosed) or (Open) 12/04
 - c. Airport
 - d. Boat Launching Ramp (Private)
 - e. Offices, Administrative
 - f. Parking, Public, Free, as Defined
 - g. **Schools 12/06**
2. **Conditional Uses:** Subject to approval as provided in Section 13 of this Resolution. 4/00
 - a. Heliports
 - b. Landing Fields
 - c. Parking, Public, Pay, as Defined
 - d. Temporary Use, as Defined
3. **Lot Area, Width, and Depth:** Each lot shall have a minimum width of one-hundred and fifty (150) feet and a minimum depth of one-hundred and twenty-five (125) feet and shall have a minimum area of not less than one (1) acre (forty-three thousand, five hundred and sixty (43,560) square feet).
4. **Front Yard:** There shall be a front yard of not less than fifty (50) feet in depth. See Section 8. 4/00
5. **Side Yard:** There shall be a side yard on each side of not less than twenty-five (25) feet and where such side yard abuts an agricultural or residential district, it shall be used for landscaping and grass only. See Section 8. 4/00
6. **Rear Yard:** There shall be a rear yard of not less than thirty-five (35) feet and where such rear yard abuts an agricultural or residential district, it shall be used for landscaping and grass only. See Section 8. 4/00
7. **Height Limit:** No building shall be erected or enlarged to exceed thirty-five (35) feet to the highest point of the roof. 4/00
8. **Off-Street Parking:** Shall be provided as required in Section 7. 3/93

XI. **Government District ("G-1").**

The following regulations shall apply in the "G-1" District.

1. **Uses Permitted:** The following uses are permitted after obtaining a valid zoning certificate in accordance with Section 10 of this Resolution. 4/00
 - a. Agriculture
 - b. Boat Launching Ramp (Private)
 - c. Government Service Building
 - d. Incinerator
 - e. Transfer Stations
2. **Conditional Uses:** Subject to approval as provided in Section 13 of this Resolution. 4/00
 - a. Boat Launching Ramp (Public)
 - b. Temporary Use, as Defined
3. **Lot Area, Width, and Depth:** Each lot shall have a minimum width of one-hundred and fifty (150) feet and a minimum depth of one-hundred and twenty-five (125) feet and shall have a minimum area of not less than one (1) acre (forty-three thousand, five hundred and sixty (43,560) square feet).
4. **Front Yard:** There shall be a front yard of not less than fifty (50) feet in depth. See Section 8. 4/00
5. **Side Yard:** There shall be a side yard on each side of not less than twenty-five (25) feet and where such side yard abuts an agricultural or residential District, it shall be used for landscaping and grass only. See Section 8. 4/00
6. **Rear Yard:** There shall be a rear yard of not less than thirty-five (35) feet and where such rear yard abuts an agricultural or residential district, it shall be used for landscaping and grass only. See Section 8. 4/00
7. **Height Limit:** No building shall be erected or enlarged to exceed thirty-five (35) feet to the highest point of the roof. 4/00
8. **Off-Street Parking:** Shall be provided as required in Section 7.

SECTION 5

District Summary Requirements

<u>District</u>	<u>Minimum Lot Width</u>	<u>Minimum Lot Depth</u>	<u>Minimum Lot Area</u>	<u>Minimum Front Yard</u>	<u>Minimum Side Yard</u>	<u>Minimum Rear Yard</u>	<u>Maximum Building Height to Peak</u>
"A"	125'	125'	43,560 sq ft	50'	10'	35'	35'
"R-1"	125'	125'	28,125 sq ft	4/00 40'	10'	35'	35'
"R-2"	100'	125'	20,000 sq ft	4/00 40'	10'	35'	35'
"R-3"*	100'	125'	15,000 sq ft	4/00 35'	10'	25'	35'
"R-C"	100'	125'	15,000 sq ft	4/00 50'	15'	25'	35'
"C-1"	100'	125'	15,000 sq ft	4/00 50'	25' **	25'	35'
"C-2"	100'	125'	15,000 sq ft	4/00 50'	25' **	25'	35'
"C-3"	150'	125'	43,560 sq ft	4/00 50'	25'	35'	35'
"I-1"	150'	125'	43,560 sq ft	50'	25'	35'	35'
"I-2"	150'	125'	43,560 sq ft	50'	25'	35'	35'
"G-1"	150'	125'	43,560 sq ft	50'	25'	35'	35'
"PD"	To be determined by design criteria submitted and development standards established herein. (See Section 6)						

* Excluding multi-family, apartments, & condominiums. See Section 5, R-3 District.
 ** This requirement applies only when adjacent to a residential district.

Note: In some cases, minimum lot sizes will be greater than the amount established above. This is based on the type of sewage treatment proposed and regulations under the control of the Ottawa County Regional Planning Commission for subdivisions. Prospective developers should contact the Commission to determine if additional lot area will be required.

SECTION 6

PLANNED DEVELOPMENT DISTRICT

I. **Procedures and Regulations for Planned Development District.**

- A. Establishment of a Planned Development District may occur by application in accordance with the provisions of Section 10 and in accordance with the requirements established herein within Section 6.
- B. Regulations pertaining to the use of land and/or structures and the physical development thereof are hereby established and adopted.
- C. The following rules of application shall apply:
 1. **Identification of Uses:** Listed uses are to be defined by their customary names and identification, except where they are specifically defined or limited within this Resolution.
 2. **Permitted Uses:** Only uses designated as a permitted use shall be allowed as a matter of right in a Planned Development and any use not so designated shall be prohibited except when in character with the proposed development and then said use may be approved as a part of the development plan.
 3. **Procedures:** The procedures and conditions set forth for the determination of the Planned Development District and development therein, shall be followed except that a written statement by the applicant shall clearly show that such procedures or conditions do not apply in the specific case. Such statement shall accompany the application and is subject to approval by the Board of Trustees.
 4. **Development Standards:** The development standards set forth shall be the minimums allowed for development in a Planned Development District.
- D. **Purpose:**
 1. **General:** The Planned Development District is provided as an option to the requirements of the standard residential district. It is intended to promote imaginative, well-designed developments which preserve open space, respect the physical qualities and limitations of the land, and provide improved living environments.

Opportunities to reduce development costs also may be realized within the District.
 2. **Benefits of the Planned Development District:** To achieve these goals, the District provides the potential for public zoning approval of the following:
 - a. Flexibility in required yard areas immediately adjacent to structures.
 - b. Flexibility in structural types.
 - c. Flexibility in minimum lot frontage requirements.
 - d. Privately maintained streets, open space, and other amenities or improvements.
 - e. Consideration of other unique design features.

3. **Responsibilities of the Applicant:** In order to be eligible for consideration under the provisions of the Planned Development District, the applicant is required to provide all information listed herein. If an applicant does not provide all of the required information or meet standards established within this Resolution, it shall be interpreted as forfeiture of the applicant's option to consideration under the terms of the Planned Development District. The applicant retains the option to seek zoning map amendment subject to all requirements of the applicable standard District in which he is located.

E. Permitted Uses:

1. Land and buildings in the Planned Development District shall be limited to one (1) or more of the following uses:
 - a. Detached single family residences.
 - b. Zero (0) lot line, attached twin single, townhouse, or other innovative form of residential development, provided all density criteria and applicable requirements are met.
 - c. Home occupations as described in Sections 4 and 9.
 - d. Public schools offering general educational courses and having no rooms used for housing or sleeping of students.
 - e. Parks, playgrounds and play fields open to the public without fee.
 - f. 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 development plan.
 - g. Other residentially oriented uses, which in the opinion of the Township Zoning Commission and Township Trustees, meet the purpose and intent of the Planned Development District and are adequately designed, located, or otherwise provided for by the development plan and other required documents.
 - h. Accessory buildings and use in association with a permitted residential use.

F. Tract and Density Criteria:

1. The owner of a tract of land containing twenty (20) or more acres of land may request that the Zoning District Map be amended to include such tract of land in the Planned Development District.
2. The density of development within the Planned Development District shall not exceed a total of three (3) dwelling units per acre.

G. Procedure:

1. **Sketch Plan:** In exchange for flexibility, the Planned Development District requires that the applicant provide some details which are traditionally found in the subdivision stage of development approval. It is therefore suggested that the applicant informally discuss his plans with the County Engineer, County Board of Health, and County Regional Planning Commission prior to submitting a formal application. This sketch plan phase is mandatory if public streets are proposed.

2. **Development Plan Submission:** Seven (7) copies of a development plan, signed by a registered engineer, surveyor, or architect, shall be submitted with the application to amend the Zoning District Map. Such development plan shall conform to the following:
 - a. The plan include topographical contours at one (1) foot to two (2) foot intervals, soils information for the site, information on any natural area such as wooded areas, flood plains, and engineering plans for water, sewer, and storm water systems.
 - b. The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwellings units for each density area, and the total number of dwelling units proposed in the overall plan.
 - c. The proposed size, location, and use on nonresidential portions of the tract, including usable open areas, parks, playgrounds, school sites, and other areas and spaces with the suggested ownership of such areas and spaces.
 - d. Architectural design concepts to be utilized, landscaping plans, street views of typical improvements, and other information relating to the architectural and landscape themes.
 - e. The proposed traffic circulation patterns, including public and private streets, parking areas, walks, access ways, including their relationship to topography, existing streets, or other evidence of reasonableness.
 - f. The proposed schedule of site development, construction of structures, and associated facilities including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, and easements.
 - g. The relationship of the proposed development to existing and future land use in the surrounding area, the street system, the community facilities, services, and other public improvements.
 - h. Evidence that the applicant has sufficient control over the land to effectuate the proposed development plan. Evidence of control includes property rights and the engineering feasibility data which will be required.
 - i. Deed restrictions, protective covenants, and their legal statements or devices to be used to control the use, development, and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.
 - j. Other information, as may be required by the Township Zoning Commission or Trustees, in order to determine compliance with this Resolution.

3. **Basis of approval:** The basis for approval of a Planned Development District application shall be as follows:
 - a. That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of the Resolution.
 - b. That the proposed development is in conformity with a comprehensive plan or portion thereof as it may apply.

- c. That the proposed development advances the general welfare of the township and the immediate vicinity.
 - d. That the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard residential development requirements included in this Resolution.
4. **Effect of Approval:** The approval shall be for a period of one (1) years to allow the preparation of the required subdivision plat. Unless the required subdivision plat is submitted and recorded within the one (1) year time limit, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for time extension is approved in accordance with the following section.
 5. **Extension of Time or Modification:** An extension of the time limit of the approved development plan may be approved by the township trustees. Modifications may be approved according to the normal rezoning procedure. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original approved development plan if such extension or modification is not in conflict with the general health, safety, and welfare of the public or the development standards of the Planned Development District.

H. **Development Standards:**

The following standards for arrangement and development of land and buildings apply to the Planned Development District. When not specifically supplanted by the following standards, the development standards contained in this Resolution shall also apply.

1. **Open Space:** At least twenty (20) percent of the gross area of the tract included in the development plan shall be designated as open space. Such land shall either be preserved in its natural state or developed for recreational purposes. Up to one-third (1/3) of any land within the tract devoted to public school sites or within the one hundred (100) year floodplain may be included in the open space calculation. The open space shall be of a size, shape, topography, and location to be usable and accessible.
2. **Lot and Yard Areas:** The minimum lot area shall be fourteen-thousand five-hundred twenty (14,520) square feet per dwelling unit except in cluster developments where the minimum lot area for each dwelling unit may be reduced to any size which is justified in the approved development plan. However, the overall density of the tract of land covered by the development plan may not exceed three (3) units per acre. Yard areas may also be adjusted accordingly.

However, yards abutting the boundaries of the entire tract included in the development plan shall not be less than the minimum requirements for the abutting Zoning District. Additionally, the front yard setback for all lots abutting an existing public street shall conform to the requirements of the abutting district along that street or the average if two districts apply for the entire length of the frontage on that street.

3. **Private Streets:** Private streets may be allowed if the requirements of the County Engineer and Ottawa County Subdivision Regulations are met for the streets. Maintenance plans must be identified.
4. **Parking:** Off-street parking shall be provided in accordance with Section 7 of this Resolution for all uses proposed within the development plan. Group garages or parking lots may be utilized within two-hundred (200) feet of the dwelling served.

SECTION 7

PARKING AND LOADING REQUIREMENTS

I. Automobile Parking Requirements:

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

1. **Dwellings:** Two (2) parking spaces per dwelling unit.
2. **Auditoriums, Theaters, Churches, Schools, and Other Similar Places of Assembly:** One (1) parking space per every five (5) seats.
3. **Hospitals and Institutions:** One (1) parking space for each eight-hundred (800) square feet of floor area.
4. **Commercial buildings:** One (1) parking space per every two-hundred (200) square feet of floor area. In determining required parking, commercial floor area shall include porches, patios, decks and other like structures.
5. **Industrial buildings:** One (1) parking space per every two (2) employees employed in the largest working shift.
6. **Hotels, apartment hotels, and motels:** One (1) parking space per every room or suite.

B. Rules:

1. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
2. No building shall be enlarged, rebuilt, or structurally altered to the extent of more than a fifty (50) percent addition in floor area unless there shall be provided the total number of off-street parking spaces required for the original use and its enlargement.
3. 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 if zoned as the main use or within six-hundred (600) feet in the case of required parking spaces for the use of employees if zoned as the main use.
4. Parking spaces shall be used for the parking of vehicles only.

II. Off-Street Truck Loading Berths:

A. **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:

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

AREA	BERTHS REQUIRED
5,000--10,000 sq. ft.	One (1)
10,000--20,000 sq. ft.	Two (2)
Over 20,000 sq. ft.	Three (3)

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

AREA	BERTHS REQUIRED
5,000--40,000 sq. ft.	One (1)
Over 40,000 sq. ft.	Two (2)

3. Other buildings not posted above, but having over ten-thousand (10,000) square feet in floor area, shall provide one (1) berth, including offices, hotels, mortuaries, etc.

B. Rules:

1. Each space shall be easily accessible from a street or alley without substantial interference with traffic.
2. All required loading berths shall be on the same lot as the use served and if such berths abut an "A" or "R" District, they shall be suitably screened or fenced from view.
3. No loading berth shall be located in a required front or side yard.

III. Improvements to Parking and Loading Areas:

- A. All parking and loading areas shall be surfaced with gravel or crushed stone with adequate dust treatment, or with permanent surfacing.
- B. Where the parking area adjoins an "A" or "R" District, such lots shall be protected by the erection and maintenance of a permanent fence, screen, and/or planting approved by the Zoning Inspector. Such protection shall not extend into the front yard required on a lot on which the parking area is located.
- C. Any lights used to illuminate parking areas shall be so arranged as to reflect the light away from adjoining premises in an "A" or "R" District.
- D. Bumper guards shall be provided for proper operation of the parking area and to protect any fence, screen and/or planting from damage.
- D. 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.
 1. No commercial enterprise of any kind shall be established on the area.
 2. No fee shall be charged for parking thereon.
 3. No signs of any kind shall be erected, except those necessary for the orderly parking thereon.
 4. No parking spaces shall encroach upon or isolate residential structures

SECTION 8

GENERAL DEVELOPMENT STANDARDS

I. Yard Requirements for Principal Buildings:

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

1. The front lot line shall in all instances be considered as the road right-of-way. The front yard setback shall be measured from that line.
2. Interior lots having a frontage on two (2) streets shall provide the required front yard on both streets.
3. Corner lots shall provide the required front yard on all streets. 4/00
4. Where a lot is situated between two 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 requirements of such lot may be the average of the front yards of said existing buildings.
5. Where a lot adjoins one (1) lot having the conditions described above, the front yard requirements 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. The front yard setback for all existing lots that are one-hundred (100) feet or less in depth shall not be less than twenty-five (25) feet to any road right-of-way line. All other restrictions are to apply. 4/97 12/04
7. Boats, boat trailers, docks, recreational vehicles, commercial vehicles, construction equipment, campers or like units shall not be stored within the front yard. No use shall be made and no living quarters shall be maintained nor any business practiced in such units.

B. Side Yards: For existing lots of record recorded prior to the adoption of this Resolution, the following requirements shall apply for side yards for residential uses:

EXISTING LOT WIDTH	SIDE YARD REQUIREMENT
50' or less	5'
51'-- 60'	6'
61'-- 70'	7'
71'-- 80'	8'
81' and more	10'

C. Rear Yards:

1. For lakefront lots, the rear yard setback shall be the same as the front yard setback requirement for the zoning district in which the lot is located. 12/04
2. For lakefront lots that are two hundred (200) feet or less in depth, the rear yard setback shall be the same as the front yard setback requirement for the zoning district in which the lot is located, or the average setback already existing based upon the existing principal buildings on the adjoining lots, whichever is greater. 12/04

3. For lakefront lots where the lot lines abut the waters edge, the yard requirements shall be measured from a point where the land elevation at the water's edge is five-hundred seventy-three, point four (573.4) feet IGLD above sea level. 4/00

D. Building Projections into Required Yards:

1. Every part of a required yard shall be open to the sky, unobstructed by a building, except for accessory buildings in a rear yard.
2. Terraces, decks, porches, balconies, fire escapes, fire places, awnings, gazebos, hot tubs and like projections may not project into a required yard.
3. Patios, driveways, and like items at ground level are permitted in the required yard.

E. Parking in Required Yards: Parking shall be permitted in all required yards except as follows:

1. Whenever any commercial or industrial district adjoins a residential 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 residential district, nor shall the off-street parking be located within seven (7) feet of the boundary of the side yard of the residential district.
2. Only one (1) automotive vehicle of any kind or type without current license plates shall be parked or stored **on property in any zoning district other than commercial zoning districts**, other than in a completely enclosed building. Parking or storage of unlicensed vehicle must be in the rear yard. 12/06

F. Outside Storage in Required Yards: Outside storage or piles of material may not project into the required yard.

II. Accessory Buildings and Uses:

All accessory buildings must be located in the side or rear yard of the lot on which they are located. They may not be located in front of the main building or closer to the road right-of-way than the main building that is located on the lot, except as otherwise provided in this Section. 12/04

A. All Districts:

1. Boat docks shall be considered structures accessory to the principal use of the premises on which they are built and shall not be less than fifteen (15) feet from the side lot line. 3/93
2. Boat houses shall be considered structures accessory to the principal use of the premises on which they are built. Their area shall be included in the total area permitted for accessory buildings.
3. Any structure designed or intended to be used for residential use or for transporting materials on the highway shall not be used as an accessory building.
4. For lakefront lots, the front lot line shall in all instances be considered as the road right-of-way. An accessory building may be placed in the front yard of a lakefront lot. No living quarters

may be located in the accessory building and all other restrictions shall apply. 12/04

For a lot with a depth of two hundred (200) feet or less, the accessory building may not be closer than twenty-five (25) feet to any road right-of-way and may not exceed fifteen (15) feet in height. 12/04

For a lot with a depth greater than two hundred (200) feet, the accessory building may not be closer to the road right-of-way than permitted by the front yard setback requirement for the zoning district in which the lot is located. The accessory building may not exceed twenty-five (25) feet in height. 12/04

5. For lakefront lots where the accessory building is to be located in the rear yard, the setback for the accessory building from the rear lot line shall be equal to or exceed the front yard setback requirement for the zoning district in which it is located. 12/04

B. Residential Districts:

Except as noted in Item II, A above, the following shall apply. 12/04

1. An accessory building in a residential district not exceeding twenty-five (25) feet in height shall occupy not more than thirty (30) percent of the required rear yard, but no accessory building shall be closer to the front lot line than the main building, closer than five (5) feet to the main building, or closer than seven and one-half (7.5) feet to any lot line, except as specified in Section 8, I, B. Those requirements shall apply to accessory buildings on lots that are seventy (70) feet wide or less. 4/97 (Rv.7/02) 12/04
2. An accessory building on a lot not containing a main dwelling, but contiguous to a lot containing a main dwelling, and under the same ownership, shall not exceed twenty-five (25) feet in height. The front setback line shall be established using the criteria contained in Section 8, I, A, 4 & 5 of this Resolution. It shall not be closer than fifteen (15) feet to the rear lot line and not closer than ten (10) feet to the side lot lines. The structure shall not be used as a dwelling or for lodging. 4/97 12/04
3. Not more than one (1) accessory building of less than two hundred (200) square feet area shall be allowed on any one lot.

C. All Other Districts: ("A", "R-C", "C-1", "C-2", "C-3", "I-1", "I-2", and "G-1")

1. An accessory building in all other district as noted above may not exceed twenty-five (25) feet in height and shall not occupy more than (30) percent of a required rear yard. No accessory building shall be closer than fifty (50) feet to the front lot line and not closer than five (5) feet to the main building. There shall be a twenty-five (25) foot side yard on the side of any lot abutting a "R-1", "R-2", or "R-3" Zoning District. In cases where the lot abuts property in the "A" or "R-C" district, the side yard setback shall be fifteen (15) feet. No side yard is required in any other zoning district. 4.97 (Rv.7/02) 12/04

III. Signs:

- A. **Intent:** The purpose of this section is 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 the township.
- B. **Temporary Signs:** Signs of a temporary nature such as election signs, garage sale signs, for sale or rent signs and the like shall be removed within a period of fourteen (14) days after the identified event is completed or concluded. This is the responsibility of the owner of the property. 12/04
- C. **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, not visible to the public, are also excluded.

Signs six (6) square feet or less which indicate the private right of usage of roadways are permitted. (Rv.7/02)

- 1. **Agricultural and Residential Districts:** In all agricultural and residential districts, non-illuminated signs may be erected as follows: 4/00 12/04
 - a. For one (1) family dwellings, one (1) name plate not exceeding one and one-half (1.5) square feet in area, including the name and address of the occupant and one (1) sign not exceeding (9) square feet in area indicating the name and permitted home occupation of the occupant.
 - b. Multiple-family dwellings and for buildings other than dwellings in residential districts, 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, but not to be located in a required front yard. 4/00
 - c. Not to exceed thirty-two (32) square feet of advertising of roadside stands as permitted in Section 5; or directory signs indicating services, commodities, or facilities available within a distance of ten (10) miles.
- 2. **All Other Districts:** The following shall apply in all other Zoning Districts not previously discussed:
 - a. Advertising signs located at the place of business may be erected provided their total area does not exceed two (2) square feet in area for each lineal foot of frontage occupied by the business for which the sign is erected, and provided they do not exceed sixty-four (64) square feet in total area.
 - b. Advertising signs for businesses not located at the place of business shall not exceed twenty-four (24) square feet in total area.
 - c. Signs suspended from any building shall not project more than forty-two (42) inches from the building and the bottom of such sign shall be not less than nine (9) feet above the finished grade, or extend beyond the lowest portion of any main roof.
 - d. On lots abutting any residential district, signs may not be located closer to the side lot lines than the required side yard for the specific residential district.

e. For churches, one (1) church bulletin board not exceeding fifteen (15) square feet in area and one (1) identification sign not exceeding thirty-two (32) square feet in area, including the supporting structure.

3. **Commercial Outdoor Advertising:** Commercial outdoor advertising signs, billboards, and etc., and their structures, are not permitted in Residential, Institutional and Governmental Districts and must meet the yard setbacks in all districts. 4/00

IV. **Fences:**

A. The following conditions shall apply to fences:

1. In any district, except as otherwise stipulated herein, no fence or hedge shall exceed six (6) feet in height and no barbed wire fences shall be permitted. (Rv.7/02)
2. On property located at street and/or highway intersections in any District established by the Resolution, no fence, wall, hedge, shrubbery or other structures 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 on the respective right-of-way, twenty-five (25) feet distance from their point of intersection. 12/04

V. **Swimming Pool Requirements**

A. **Private:** No private swimming pool shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended to be and is used solely for the enjoyment of the occupants of the property on which it is located.
2. It may not be located closer than the required setback line for the District in which it is located.
3. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access from the street or adjacent properties. Such fence or wall shall be maintained in good condition with a gate and lock.

Temporary inflatable pools intended for the private use of the property owner shall not be required to meet these requirements. 12/06

B. **Public:** Any pool other than those intended to be and used solely for the enjoyment of the occupants of the property on which it is located, or any pool for which a fee is involved in order to have access, shall meet the following conditions and requirements:

1. The pool and accessory structures thereto, including any areas accessible to bathers, shall have minimum yard setbacks of: one hundred (100) feet front yard and seventy five (75) feet side and rear yards.
2. The pool, its accessory facilities, and all areas accessible to bathers shall be walled or fenced as to prevent uncontrolled access from the street or adjacent properties. Such fence or wall shall be maintained in good condition with a gate and lock. The area

- surrounding the enclosure, including parking spaces, shall be suitably landscaped and maintained in good condition.
3. Exterior lighting shall be so shaded, or directed that it does not cast light directly on adjacent property.
 4. Such pool facilities shall not operate before the hour of 9:00 A.M. or later than 10:00 P.M. local time.

VI. **Dwelling Size:**

- A. In the Districts listed below, stated minimum floor areas shall be provided as specified. Any one-family dwelling shall have a **primary livable floor area** which totals less than the number of square feet indicated: (Rv.7/02) **12/06**
- B. A dwelling shall have a minimum building width of twenty-two (22) feet. 4/00
- C. The foregoing areas shall be exclusive of open or enclosed porches, patios, decks, breezeways, and garages.

DISTRICT	NUMBER OF STORIES			
	One Story	1.5 Stories	Two Stories	Multiple Levels
"A"	850	900	950	950
"R-1"	850	900	950	950
"R-2"	650	800	900	900
"R-3"	576	800	900	900
"R-C"	576	800	900	900
"C-1"	576	800	900	900
"C-2"	576	800	900	900

VII. **Land Under Water:**

- A. All submerged land below five-hundred and seventy-three point four (573.4) feet IGLD are a part of that District to which their abutting natural above-water lands are assigned and shall be bounded by the extension of the boundary lines of each abutting natural above-water property. Two (2) or more adjacent Districts which extend onto submerged lands shall be separated by extension of their above-water common boundary line. 4/00

Section 9

Supplemental Regulations

The uses specified in this section shall require a zoning permit, which may be obtained upon payment of the appropriate fee, from the Zoning Inspector and may require a conditional use permit from the Zoning Board of Appeals.

I. **Recreational Camps:** 4/00

A. **Uses Permitted:** A tract of land shall be used only for the following purposes, but no such use shall be permitted unless the requirements and conditions described hereafter are met and approval is granted by the Board of Zoning Appeals and a valid zoning permit is obtained.

1. Recreational Camps 4/00
2. Accessory Buildings and Uses

B. **General Standards for Recreational Camps:** 4/00

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed trailer camp in terms of the following standards and shall find evidence showing that the trailer camp development:

1. Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
2. Will not be hazardous or detrimental to existing or future neighboring uses.
3. Will be served adequately by essential public services and facilities, such as highways, streets, police and fire protection, drainage and refuse disposal; or that the person(s) or agencies responsible for the establishment of the trailer camp shall be able to provide adequately for such services.
4. Will not create excessive additional requirements at public cost for public facilities and services.
5. Will be consistent with the intent and purpose of this Resolution.
6. 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.
7. Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance.
8. Will meet all the requirements of the Ohio Revised Code, Ohio Administrative Code, and other governmental agencies.
9. If problems are created or result from the use of the property as a camp, or if the foregoing provisions shall have been violated by the owner thereof, the zoning permit may be revoked by the Zoning Inspector after a review of the circumstances by the Zoning Board of Appeals.

C. **Contents of Application:** A written application shall be filed with the Chairman of the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

1. Name, address and phone number of applicant.
2. Legal description of property.

3. Present land use.
4. Present Zoning District.
5. Proposed Zoning District.
6. A vicinity map at a scale approved by the Board of Zoning Appeals showing property lines, streets, existing and proposed Zoning Districts and other such items as the Board may require to evaluate the relationship of the proposed development to the surrounding areas.
7. A plan at a scale approved by the Board of Zoning Appeals, showing the location and dimensions of street and other roadways; all individual camp sites; improvements; recreation areas; all accessory buildings and parking areas; buffering, screening or fencing; provisions for garbage and trash removal; provisions for restrooms, water supply, etc.; location of utilities including lighting, walkways, etc.; and other such things that the Board deems necessary.
8. The fee as established by the Board of Township Trustees.
9. The owner shall notify the Zoning Inspector in writing of his intention to use the structure in this manner each year.

D. **Recreational Camp Requirements:** All recreational camps shall meet the following requirements: 4/00

1. **Size:** A recreational camp shall contain a minimum of ten (10) acres and provide a minimum of fifty (50) camp sites upon opening. 4/00
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 recreational camp shall not be less than three-hundred (300) feet. The ratio of width to depth shall not exceed one to five (1:5) ratio. 4/00
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 recreational 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 recreational camps that have direct access onto an arterial street. 4/00
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 recreational camps shall have pedestrian walkways at least four (4) feet in width. The location of necessary walkways shall be decided by the Board of Zoning Appeals and may vary relative to location, intensity of use, and location of recreational areas and service facilities. 4/00
8. **Recreation and Open Space:** At least thirty-five (35) percent of the gross land area shall be reserved for recreational and open space use. 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 recreational 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 vehicles, 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 of Zoning Appeals and may include fencing, screening, and/or the planting of trees and bushes. 4/00
 10. **Records:** The camp owner or operator shall keep a record of occupants, by name, home address, date and duration of stay, and license number which shall be available at all times for inspection by the Zoning Inspector.
 11. **Inspection:** The County Board of Health and the Zoning Inspector shall have the right of entry and access to recreational 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. 4/00
 12. **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 provisions 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.
 13. **Sale of Camp Sites:** The sale, or long-term lease of individual camp sites shall be prohibited.
 14. **Campfires:** If campfires are permitted, suitable facilities shall be provided and necessary precautions taken.
- E. **Individual Camp Site Requirements.** Individual camp sites within recreational camps shall meet the following requirements: 4/00
1. **Camp Site Area:** Each individual camp site shall be at least two-thousand four-hundred (2,400) 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, tent, or structure used for camping purposes and any such camp site boundary line. The width and/or length of the vehicle, 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 of Appeals.
 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.
- F. **Recreational Camp Utilities and Other Services:** All recreational camps shall conform to the requirements for utilities and other services as follows: 4/00
1. **Storm Drainage:** Within each recreational camp, storm drainage shall be provided in accordance with the following requirements: 4/00

- a. All areas 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:** The requirements of Section 3701-25-37 of the Ohio Administrative Code shall be met.
 3. **Sewage:** The requirements of Section 3701-25-57 of the Ohio Administrative Code shall be met.
 4. **Toilet Facilities:** The requirements of Section 3701-25-61 of the Ohio Administrative Code shall be met.
 5. **Other Requirements:** The requirements of Sections 3701-25-51 through 3701-25-75 inclusive (Ohio Administrative Code) shall be met.
- E. **Penalty for Violation:** The violation of any part of this Resolution shall be punishable under Section 10. The appropriate prescription of conditions and safeguards, in conformity with this Resolution, shall be met. Violations of such conditions and safeguards, when made a part of the zoning permit, shall be deemed a violation of this Resolution and punishable under Section 10.

II. **Boat, Boat Trailer, Boat Cradle and Boat Rack Storage:** 12/04

- A. Boat, boat trailer, boat cradle and boat rack storage shall meet the following conditions:
1. A valid zoning permit must be obtained.
 2. Such areas shall be properly maintained in an orderly fashion. Weeds and grass shall be kept mowed.
 3. Such uses, if not confined to a building or structure, shall be kept properly screened from adjacent residential areas. Such screening shall be masonry or solid fence eight (8) feet in height and maintained in good condition and free of any advertising or other signs. Landscaping provided in lieu of such wall or fence 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.
 4. No such storage buildings shall be erected or enlarged to exceed thirty-five (35) feet in height.
 5. The proposed storage building shall not be located closer than seventy-five (75) feet from any public right-of-way and such facility shall maintain a twenty-five foot setback from all other lot lines.
 6. Such storage uses shall not be in conflict with existing residential areas and shall not create any unreasonable nuisance, hazard, or traffic problem.
 7. Comply with all governmental requirements. 4/97
 8. If problems are created or result from the use of the property as a storage site, or if the foregoing provisions shall have been violated by the owner thereof, the zoning permit may be revoked by the Zoning Inspector after a review of the circumstances by the Zoning Board of Appeals.

III. **Bed and Breakfast:**

- A. A valid zoning permit must be obtained and the following conditions must be met for all bed and breakfast operations: 12/04
1. The Bed and Breakfast must be owner-operated; it must be the principal residence of the owner, and occupied by the owner.
 2. One (1) individual not residing in the Bed and Breakfast may be employed in its operation.
 3. No more than four (4) rooms shall be offered for rent. The Board of Zoning Appeals may permit more rooms in Residential Zoning Districts which permit multi-family dwellings.
 4. Each room rented shall contain a minimum of one hundred (100) square feet. No rented room shall have independent outside entrance (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. 4/00
 9. One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a "Bed and Breakfast".
 10. Comply with all governmental requirements. 4/97
 11. Any other condition or safeguard deemed appropriate by the Board of Zoning Appeals.
 12. If problems are created or result from the use of the dwelling as a bed and breakfast, or if the foregoing provisions shall have been violated by the owner thereof, the zoning permit may be revoked by the Zoning Inspector after a review of the circumstances by the Zoning Board of Appeals.
 13. The owner may provide a maximum of one (1) golf cart per room for use by or rental to each occupant. 4/00

IV. Dwelling, One-Family, Temporary Use and Apartment: (Rv.7/02, 12/04, 12/06, 04/09)

- A. A one (1) family dwelling designed or intended to be used by a single-family **for not more than ninety (90) days**. This dwelling may be rented/**leased solely by the owner** if all of the following conditions are met and a valid zoning permit is obtained. (Rv. 12/06, 04/09)
1. The dwelling is rented **solely by the owner** for a minimum of one (1) week at a time. (Rv. 04/09)
 2. The dwelling is not occupied by more than one (1) family.
 3. The owner will provide for the orderly parking of vehicles used by the renters/**lessees** and insure no damage to adjoining property occurs. (Rv. 04/09)
 4. Comply with all governmental requirements. 4/97
 5. If problems are created or result from the use of the dwelling as a dwelling, one-family, temporary use or if the foregoing provisions shall have been violated by the owner thereof, the zoning permit may be revoked by the Zoning Inspector after a review of the circumstances by the Zoning Board of Appeals.
 6. **Individuals wishing to have their conditional use reapproved for another calendar year shall file notice in writing to the zoning inspector before March 1st of the calendar year citing their intent.**

All of those individuals with valid permits from the previous calendar year shall be acted upon by the Board of Zoning Appeals in one public hearing. (Rv. 04/09)

All others will be required to file a new application for a conditional use permit, pay the required fee, and have a separate hearing before the Board of Zoning Appeals. (Rv. 04/09)

V. **Rental Unit:** (Rv.7/02) 12/04

- A. An owner occupied building where a dwelling unit is provided for compensation within the main building. This unit may be rented out if all of the following conditions are met and a valid zoning permit is obtained.
1. The dwelling unit is rented for a minimum of one (1) week at a time.
 2. The dwelling unit is not occupied by more than one (1) family.
 3. Not more than one (1) dwelling unit may be rented.
 4. The owner will provide for the orderly parking of vehicles used by the renter and insure no damage to adjoining property occurs.
 5. Comply with all governmental requirements. 4/97
 6. If problems are created or result from the use of the dwelling as a rental unit, or if the foregoing provisions shall have been violated by the owner thereof, the zoning permit may be revoked by the Zoning Inspector after a review of the circumstances by the Zoning Board of Appeals.
 7. Any other conditions deemed necessary by the Zoning Board of Appeals.

VI. **Home Occupation:** 4/00 12/04 12/06

- A. The use of a part of a single-family dwelling or accessory building containing not more than twenty-five (25) percent of the floor area or 600 square feet, whichever is less of the dwelling or accessory building, for pursuits compatible with a domestic household. Such uses include, but are not limited to the following: offices for professionals such as architects, doctors, insurance agents, lawyers, real estate agents, etc.; personal services including barber shops beauty parlors, manicure & pedicure shops, pet grooming, etc.; instructional services such as music, dance, arts & crafts, etc.; babysitting services; studios for artists, musicians, photographers, etc.; workrooms for tailors, dressmakers, carpenters, etc.; and repair services including watch & clock, small appliance, computers, lawnmowers, etc. 12/06

An occupation wholly within a dwelling unit or accessory building, on the same lot as the residence, requiring a conditional use permit is allowed if the following conditions are met and a valid zoning permit is obtained: 4/97

1. No more than three (3) person shall be engaged in such occupation conducted in the dwelling or accessory building.
2. Permitted activities shall include the making, servicing or repairing of goods, wares, or merchandise or the providing of goods or services for hire or gain.
3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

4. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign as permitted by Section 8 of this Resolution;
5. No external storage of goods or materials outside of the dwelling or garage shall be permitted;
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met using off-street parking;
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
8. The home occupation shall not create or become a public nuisance;
9. The hours of operation shall commence and conclude as determined by the Board of Zoning Appeals based on the type of home occupation;
10. Comply with all governmental requirements; and
11. The Board of Zoning Appeals, after due process including at a minimum an investigation by the zoning inspector and a public hearing, shall have the authority to revoke the authorization of the single-family dwelling or accessory building containing 600 square feet or less as a home occupation if any of the above conditions are violated. 12/06

VII. Boat Dock Rentals: 4/00 12/04

- A. Boat dock rentals are permitted in districts provided a valid zoning permit is obtained and the following conditions are met:
 1. Provide for proper disposal of trash.
 2. Provide at least one (1) parking space for each thirty (30) feet of lineal seasonal dockage, ninety (90) feet of lineal transient dockage available. 3/93
 3. Shall not create traffic congestion, noise or similar inconvenience to adjoining property owners.
 4. Comply with all governmental requirements. 4/97
 5. Any other condition deemed necessary by the Board of Zoning Appeals.
 6. Accommodations aboard a boat shall not be rented. 3/93
 7. If problems are created or result from the renting of docks, or if the foregoing provisions shall have been violated by the owner thereof, the zoning permit may be revoked by the Zoning Inspector after a review of the circumstances by the Zoning Board of Appeals.
- B. Boat dock rentals on an annual basis shall be considered seasonal. Boat dock rentals other than on an annual basis shall be considered transient.

VIII. Pond/Retention Pond: 4/00

- A. Ponds are permitted in districts provided the following conditions are met: 4/00
 1. A valid zoning permit is obtained.
 2. May only be constructed in the rear yard.

3. Depth may not exceed fifteen (15) feet.
4. Occupy no more than thirty (30%) of the lot on which it is constructed.
5. A minimum of twenty-five (25) foot side yard and thirty-five (35) foot rear yard setbacks measured from the waters edge.
6. Be surrounded by earthen levy or bunker to a height not to exceed six (6) feet or less than three (3) feet above the average surrounding finished grade.
7. Be fenced to a height not to exceed four (4) feet above the average surrounding finished grade.
8. Meet the design specifications for ponds of the Ottawa County Soil and Water Conservation District. Be inspected by and receive written confirmation of inspection by the District Program Administrator.
9. Comply with all governmental requirements. 4/97

IX. Other Categories: 4/00

- A. The following categories also require zoning permits and must comply with all state and governmental requirements.
 1. Airplane storage rental sites.
 2. Hotels.
 3. Motels.
 4. Motor vehicle storage rental sites.
 5. Motorized land or water vehicle rental.
 6. Non-motorized land or water vehicle rental.

X. Special Events: 4/00

- A. All special events require a Special Event Permit and are subject to the following conditions:
 1. The special event shall not last longer than seven (7) days, nor occur more than once in each calendar year.
 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 the public's safety.
 5. Comply with all governmental requirements. 4/97
 6. Other conditions which the Board of Zoning Appeals feels are necessary to protect the public's health, safety and welfare shall be imposed.

XI. Flammable Fluids & Gas Storage 4/00

- A. The storage of all flammable fluids and gases must be meet or exceed the current standards as set forth by the National Fire Protection Association (N.F.P.A.)
- B. The maximum water capacity per container of liquefied petroleum gases and the number of containers by district shall not exceed the following.
 1. Residential Districts: Two thousand (2,000) gallons total capacity, contained in no more than two (2) tanks, not to exceed

one thousand (1,000) gallons each. Containers having a water capacity of one hundred (100) pounds or less are exempt from the two (2) container limit.

2. Other Districts: Three thousand (3,000) gallons total capacity, contained in no more than three (3) tanks, not to exceed one thousand (1,000) gallons each. Containers having a water capacity of one hundred (100) pounds or less are exempt from the three (3) container limit. Facilities in the Industrial District, utilized as a propane storage facility for resale, shall be exempt from these requirements.
3. Storage tanks may not be kept on lots which are not contiguous to the lot on which the fuel is to be consumed.

XII. Mini Storage Buildings 4/97 & 4/00

- A. Mini storage buildings are permitted in certain Districts provided a valid zoning permit is obtained and the following requirements are met.
 1. The building use is for rental to the public for storage of non-hazardous personal goods. Outside storage on the property is not permitted.
 2. The building shall not be more than twenty (20) feet in height nor more than forty (40) feet in depth, with separate storage spaces of not more than two hundred (200) square feet each.
 3. No living quarters shall be maintained nor any business/manufacturing practices allowed within the building, or on the property.
 4. The building may not contain within, natural gas/propane, water, electricity, or other similar utilities.
 5. Exterior security illumination may be permitted but shall be shaded so as to not to project onto adjoining property or thoroughfares.
 6. Access to the building shall be limited to the hours between 7:00 a.m. and 9:00 p.m. local time and no equipment shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference.
 7. The building must comply with all government requirements.
 8. If problems are created or result from the use of the building by its renters or owners, or if the foregoing provisions shall have been violated by the owner, a citation may be issued and/or the zoning permit may be revoked by the Zoning Inspector.

XIII. Adult Sexually Oriented Business 4/00

1. This requirement establishes reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the Township. This requirement has neither the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this requirement to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors or exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this requirement to condone or legitimize the distribution of obscene materials. 4/00

2. Such uses shall be permitted subject to the following conditions as well as those addressed in Section 6. 4/00
 - a. The applicant shall file in writing a report containing the following information: 4/00
 1. The address where the sexually oriented business is operated or is to be operated. 4/00
 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 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. 4/00
 3. The application must contain the address where the sexually oriented business is to be located and shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. 4/00
 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. 4/00
 5. Any other information determined by the Board to be necessary. 4/00

3. In addition, such uses shall be permitted subject to the following conditions: 4/00
 - a. 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. 4/00
 - b. Adult sexually oriented business uses shall be located at least one thousand (1,000) feet from any boundary of any residential district in an abutting local unit of government. 4/00
 - c. Adult sexually oriented business uses shall be located at least one thousand (1,000) feet from any other adult entertainment uses. 4/00
 - d. Adult sexually oriented 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. 4/00
4. A permit or license issued under this section to an adult sexually oriented business shall expire one year after the date of issuance. An application for a renewal permit shall be filed not later than forty-five (45) days of the expiration of the permit. An application for renewal shall be acted upon within thirty (30) days of receipt of the application. The information contained with the initial application for a permit and the supplementary information stated 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 date of the permit. 4/00

XIV. Low Impact Wind Powered Electric Generator subject to the following conditions: 12/06

1. The proposed wind powered electric generator/windmill shall be a distance of at least 125% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.
2. The maximum tower height shall not exceed one hundred and fifty (150) feet.
3. The noise level measured at the closest off-site residence shall not exceed 60 dBA.
4. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
5. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW.
6. The wind powered electric generator/windmill shall service only one residence.
7. All necessary township and County permits shall be obtained. 12/06

XV. High Impact Wind Powered Electric Generator subject to the following conditions: 12/06

1. The proposed wind powered electric generator/windmill shall be a distance of at least 150% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.
2. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
3. The wind powered electric generator/windmill shall have a rated capacity of more than 100 kW.
4. All high impact wind powered electric generator/windmill locations must be pre-approved by the U.S. Department of Fish and Wildlife and the Ohio Department of Natural Resources based upon their determination on the impact that the proposed windmill will have on eagles, wildlife, and migratory birds.
5. All necessary township and County permits shall be obtained. 12/06

Section 10

Administration

I. Enforcement of Regulations.

- A. **Zoning Inspector:** This Zoning Resolution shall be administered and enforced by a Zoning Officer or his designated representative who shall be appointed by the Township Trustees as is prescribed by Section 519.16 Ohio Revised Code, and is hereby empowered:
1. **Certificate of Zoning Compliance:** To issue Zoning Certificates, Special Event, Temporary Uses and Zoning Permits according to the provisions of Section 10,I,B when these regulations have been followed to or refuse to issue the same in the event of non-compliance.
 2. **Collection of Fees:** To collect the designated fees as set forth in the current fee schedule for Zoning Certificates, application for amendment or changes, Appeal or Conditional Use, Special Event, Temporary Use and Zoning Permits.
 3. **Making and Keeping Records:** To make and keep all records necessary and appropriate to the office, including record of the issuance and denial of all Certificates of Zoning Compliance and of receipt of complaints of violation of this Zoning Resolution and action taken on the same.
 4. **Inspection of Building or Land:** To inspect any building or land to determine whether any violations of this Zoning Resolution have been committed or exist.
 5. **Enforcement:** To enforce this Zoning Resolution and take all necessary steps to remedy any condition found in violation by ordering in writing the discontinuance of illegal uses or illegal work in progress, and may request the Ottawa County Prosecuting Attorney to commence appropriate action.
 6. **Advise Zoning Commission:** To keep Put-in-Bay Township Zoning Commission advised of all matters other than routine duties pertaining to the enforcement of this Zoning Resolution and to transmit all applications and records pertaining to supplements and amendments. The Zoning Inspector shall make monthly reports to the Trustees which document all actions taken during that period of time. Copies of the report shall be given to the Zoning Commission and the Board of Zoning Appeals.
 7. **Advise Board of Appeals:** To keep the Board of Zoning Appeals advised of all matters pertaining to Conditional Use Permits, Appeals or Variances and to transmit all applications and records pertaining thereto.
 8. **Conflict of Interest:** The Zoning Inspector shall not officially represent any applicant at any public hearing. If the Zoning Inspector is involved with the property in question as an agent, it shall be so noted in the minutes of the hearing.

An Assistant Zoning Inspector shall be appointed by the Township Trustees. The Assistant Zoning Inspector shall perform as enforcement officer of the zoning resolution in the event of the unavailability of the Zoning Inspector. (Rv.7/02)

- B. **Zoning Certificates and Permits:** The Board of Township Trustees shall adopt a system of Zoning Certificates and Permits, and may establish and

collect reasonable fees therefore, and may amend such fees or adopt new fees, from time to time when necessary.

No unoccupied or vacant land shall hereafter be changed in its use in whole or part, including any structure as defined by this Resolution, until the Certificate of Zoning Compliance shall have been issued by the Zoning Inspector. No existing or new building shall hereafter be changed in its use in whole or in part until the Certificate of Zoning Compliance shall have been issued by the Zoning Inspector. This section shall in no case be construed as requiring a Certificate of Zoning Compliance in the event of a change in ownership or tenancy only, without a change in use or intended use, providing that no structural alterations or additions are proposed for building.

1. **Requirements:** No person shall locate, erect, construct, convert, add to, moved or structurally alter any building or structure within the Township, or make any change of nonconforming use, without obtaining a Zoning Certificate. No Zoning Certificate shall be issued unless the plans for the proposed building or structure fully comply with the zoning regulations.
2. **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, are requested.
3. **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.
4. **Building Permit:** No building permit for the extension, erection or alteration of any building shall be applied for before an application for a certificate of Zoning Compliance has been made and until such certificate is approved.
5. If the work described in any Zoning Certificate/permit, including a variance, has not begun within one (1) year from the date of issuance thereof, said permit will expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the person affected. If the work described in any zoning permit has not been completed within two (2) years to the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector and written notice shall be given to the person affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension is granted by the Zoning Board of Appeals. If a new zoning permit or extension is not obtained within two and one-half (2.5) years of date of issuance, the unfinished structure must be removed, at the owners expense, within the succeeding six (6) months. 4/97

C. **Enforcement and Penalties for Violation:**

1. **Enforcement:** This Resolution shall be enforced by the Township 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.

2. **Penalty for Violation of Zoning Resolution:** Any person violating any provision of any part of this Zoning Resolution, or who shall violate or fail to comply with any order made thereunder; or who shall falsify plans or statements filed thereunder; or who shall continue to work upon any structure after having received written notice from the Zoning Inspector to cease work, shall be guilty of a misdemeanor, and subject to the penalty provided in Section 519 Ohio Revised Code.

Section 11

Zoning Commission

I. Membership:

- A. The Zoning Commission, hereafter called the Commission, 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 Board of Zoning Appeals) who are residents of the unincorporated area of the Township.
- B. Of the five (5) members of the Commission,
 - 1. One (1) shall serve until the first Monday of the second January following the appointment.
 - 2. One (1) shall serve until the first Monday of the third January thereafter;
 - 3. One (1) shall serve until the first Monday of the fourth January thereafter;
 - 4. One (1) shall serve until the first Monday of the fifth January thereafter;
 - 5. One (1) shall serve 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.

- 6. The Board of Township Trustees may appoint two (2) alternate members to the Township Zoning Commission for terms as designated by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission according to procedures prescribed by Resolution of the Board of Township Trustees. All alternate members 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. 4/00

II. Rules of the Commission:

- A. The Commission shall by majority vote of its members elect a Chairman, Vice Chairman 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.
- B. Meeting of the Commission shall be at the call of the Chairman 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.

- C. If any member of the Commission 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.
- D. All meetings shall be conducted in accordance with Roberts Rules of Order, Newly Revised, except as otherwise provided in these rules and regulations. A quorum shall consist of three (3) members of the Commission which shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, staff shall postpone or cancel items requiring a vote and may proceed with items presented for information only. 4/97

III. Powers and Duties of the Commission:

- A. Prepare the Zoning Resolution recommended for the unincorporated area of the Township and hold the required public hearings as required by Section 519.06.
- B. Amendments or Supplements to Zoning Resolution:
 - 1. **Change or Amendment by Put-in-Bay Township Trustees:** The Township Trustees may change or amend the text of this Zoning Resolution or the Zoning District Map.
 - a. **Initiation by Resolution:** Proposed changes or amendments may be initiated by the Township Trustees by Resolution or by motion of the Township Zoning Commission.
 - b. **Initiation by Application:** Proposed changes or amendments may be initiated by one or more owners or lessees of land within the area that is proposed to be changed by amendment of the Zoning District Map or by one or more owners or lessees of land to be affected by change or amendment of other provisions of this Zoning Resolution.
 - 2. **Initiation of Action by Owner or Lessee of Land:** Two (2) copies of a provided application form shall be filed with the Zoning Inspector, together with the fee specified in subparagraph (b) below. Such determination relates to form only and does not reflect on the substantive merits of any application. 4/00
 - a. **Application:** The application for any proposed change or amendment shall contain:
 - 1. A description or statement of the present and proposed provisions of the Zoning District Map.
 - 2. A legal description by map and text of the property to be affected by the proposed change or amendment.
 - 3. A statement of the relation of the proposed change or amendment to the general health, safety and welfare of the public in terms of need or appropriateness within the area by reason of changed or changing conditions and

the relation to appropriate plans for the area. Also approval by the controlling health agency, and where applicable, the county engineer.

4. A list of owners of property within, contiguous to, directly across the street from, and within two-hundred (200) feet of such area proposed to be rezoned. Such list to be in accordance with the Ottawa County Auditor's current tax list, and shall include all owner's addresses.

- b. **Fees:** A fee shall be paid to Put-in-Bay Township for each application for any proposed change or amendment to cover the necessary administrative and advertising costs. Reference the current fee schedule, available from the Township Clerk or Zoning Inspector.

3. **Procedure for Consideration of Proposed Change or Amendment:**

- a. **Establishment of Public Hearing:** The Put-in-Bay Zoning Commission, upon the certification of a resolution by the Trustees, or the adoption of a motion by the Zoning Commission, or the filing of an application by a property owner(s), shall set a date for a public hearing. Said hearing may not be sooner than twenty (20) days after the filing of said application or the passage of said resolution by the Trustees or Zoning Commission and can not be later than forty (40) days from said date.
- b. **Written Notice:** Written notice of the public hearing shall be mailed by first class mail by the Zoning Commission at least ten (10) days before the date of the public hearing to all property owners within, contiguous to, and directly across the street and within two hundred (200) feet from such area proposed to be rezoned as shown on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.
- c. **Public Notice:** Notice of such hearing shall also be given by the Zoning Commission by one publication in one or more newspapers of general circulation in the township and post such notice in one (1) or more conspicuous places on the island on which the change or amendment is to take place, at least ten (10) days before the date of said public hearing.
- d. **Transmittal to Regional Planning Commission:** After the adoption of the resolution or the filing of such application, the Zoning Commission shall transmit a copy thereof, together with the text and map, within five (5) days to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment, or the approval of some modification thereof, and shall submit such recommendation to the Commission. Said recommendation shall be considered at the public hearing held by the Commission on said proposed amendment or supplement, but shall not be binding upon the Zoning Commission.
- e. **Ten or Fewer Parcels:** 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 and mailed notices shall set forth the time, date, and place of the public hearing, and shall include 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 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.

f. **More than Ten Parcels: Put-in-Bay Township zoning officials shall not initiate changes to more than ten parcels of land without notifying the property owners by first class mail, return receipt requested.** 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 time, date, and place of the public hearing, and shall include all of the following: **12/06**

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 may be examined 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 on this basis, 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.

Section 12

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 Township 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, and post such notice in one (1) or more conspicuous places on the island on which the change or amendment is to take place, at least ten (10) days before the date of said public hearing.
- II. Ten or fewer Parcels:** 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 time, date, and place of the public hearing and shall include all of the following:
- A. The name of the board that will be conducting the public hearing.
 - B. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
 - C. 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.
 - D. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.
 - E. 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.
 - F. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
 - G. Any other information requested by the board.
- III. More Than Ten Parcels:** 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:
- A. The name of the board that will be conducting the public hearing on the proposed amendment.
 - B. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
 - C. 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.
 - D. The name of the person responsible for giving notice of the public hearing by publication.
 - E. Any other information requested by the board.
- IV. 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, the **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.
(Rv. 04/09)

- V. 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 not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general elections 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. All requirements relating to the petition, as specified in Chapter 519.12 Ohio Revised Code shall be complied with. 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 effect.

Section 13

Board of Zoning Appeals

I. Membership:

- A. 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. 4/97
- B. The members of the Board shall serve the same length of terms, and appointments shall be staggered in the same manner as provided for the Township Zoning Commission in Section 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.
- C. The Board of Township Trustees may appoint two (2) alternate members to the Township Board of Zoning Appeals for terms as designated by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals according to procedures prescribed by Resolution of the Board of Township Trustees. All alternate members 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. 4/00

II. Rules of the Board:

- A. 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.
- B. 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.
- C. All meetings shall be conducted in accordance with Roberts Rules of Order, Newly Revised, except as otherwise provided in these rules and regulations. A quorum shall consist of three (3) members of the Board which shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, staff shall postpone or cancel items requiring a vote and may proceed with items presented for information only. 4/97
- D. The Board shall not grant any variances or conditional use permits not properly processed. The Board does not have the authority to change an application nor grant additional conditional uses or variances not included in the application. (Rv.7/02)

III. **Jurisdiction:**

- A. **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.
- B. **Variances:** To authorize upon appeal, where, by reason of exceptional narrowness, shallowness or shape, practical difficulty, or exceptional topographic conditions, or other extraordinary situation or condition of a lot, the strict application of the terms of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship upon the owner thereof, a variance from such strict application to relieve such difficulties or hardship, provided said relief may be granted without substantial detriment to the public good and without substantially impairing the intent of the Resolution. 4/00
- C. **Conditional Use permits:** As provided for in Section 5 of this Resolution.
- D. **Special Event and Temporary Use Permits:** As provided for in Sections 5 and 9 of this Resolution.
- E. **Exceptions:** To authorize, upon appeal, the following exceptions:
 - 1. Permit in districts limiting the height 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 or such buildings are complied with and fire-fighting equipment is available.
 - 2. Authorize a permit for a temporary office, construction or storage building, in any district, which use is indicated to development of the property of which it is located, such permit to be issued for a period of not more than one (1) year for exceptionally large projects when renewal may be authorized.
- F. **Conditions:** In approving applications for variances, conditional use, special event and temporary use permits, the Board shall have authority to impose such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood. 4/97

IV. **Procedures:**

- A. **Meetings:** Meeting of the Board shall be at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths, and the Board may compel the attendance of witnesses. All meeting 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 every 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.

- B. **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. A fee shall be paid to the Township Clerk upon the filing of each appeal for the purpose of defraying the costs of the proceedings described herein. 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.
- C. **Public Hearing and Decision:** The Board of Zoning Appeals shall fix a date for a public hearing of the appeal 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 streets from the property involved in the appeal; this notice shall be mailed to the addresses of such owners appearing on the County Auditor's current tax list of the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any action taken on the appeal. The Board of Zoning Appeals shall also give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the township and to post such notice in one (1) or more conspicuous places on the island on which the appeal is being considered, at least ten (10) days before the date of such hearing. Upon the hearing, any person may appear in person or by attorney. The Board shall decide the appeal 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 and the property owners who were notified of the appeal.
- D. **Variances:** A public hearing will be required and will follow the procedure described under appeals (Section 13, IV, C).
1. Two (2) copies of a provided application accompanied by a copy of a denied Certificate of Zoning and a statement of the reason of denial shall be filed with the Zoning Inspector not more than twenty (20) days from the date of such denial. The application shall include the following statement:
 - a. The nature of the variance including the specific provisions of the Zoning Resolution upon which the variance is requested.
 - b. A legal description of the property.
 - c. A statement of the general or special circumstances or conditions applying to the land or structure and not applying in other areas.
 - d. A statement showing that the granting of the application is necessary to the preservation and enjoyment of substantial property rights.

- e. A list of property owners within, contiguous to, and directly across the street from the property involved in the application. Such list is to be in accordance with the latest County Auditor's tax list and shall include all owners and addresses.
- f. Such other information regarding the application for variance as may be pertinent or required for action by the Board.
- g. A plot plan showing the boundaries and dimensions of the lot, the size and location of existing structures with measurements shown, the location of adjoining structures, and other features of the parcel in question.

- 1. There are two types of variances which the township may grant: an area variance and a use variance. The factors to be considered by the Board of Zoning Appeals differ for the two types of variances. 4/00

AREA VARIANCE - FINDING OF FACT 12/04

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

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

- 1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

- 2. Whether the variance is substantial.

3. 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.

4. Whether the variance would adversely affect the delivery of governmental services (for example, water, sewer, garbage).

5. Whether the property owner purchased the property with knowledge of the zoning restriction.

6. Whether the property owner's predicament feasibly can be prevented through some method other than a variance.

7. Whether the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variance.

DECISION

It is therefore the decision of the Put-in-Bay Board of Zoning Appeals that this area variance petition is _____. Any conditions stated in the minutes are conditions incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20__.

USE VARIANCE - FINDING OF FACT 12/04

A use variance involves the development or conversion of land for a use not permitted in the specific zoning district. The factors or standards applied to a use variance are those related to the concept of "unnecessary hardship".

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

1. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity and were not created by the applicant.

2. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve a convenience to the applicant.

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

DECISION

It is therefore the decision of the Put-in-Bay Board of Zoning Appeals that this use variance petition is _____. Any conditions stated in the minutes are conditions incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20__.

3. **Notice of Board's Action:** Notice of the Board's action shall be sent to the applicant within ten (10) days of the decision stating their approval and/or conditions of same. In either type of variance request, the variance as granted shall be the minimum variance necessary to accomplish the reasonable use of the land or building. The granting of a variance runs with

the land and is not approved for the present landowner only. The Board may attach conditions and require such guarantees or bonds as it may deem necessary to assure compliance with the objectives of this Resolution. 4/00

- E. **Conditional Uses:** A public hearing will be required and will follow the procedure described under appeals (Section 13, IV, C). Specifically listed Conditional Uses are provided for in Section 5 of this Resolution. Although often desirable, these uses will more intensely affect the surrounding area in which they are located and as such require special review.
1. **Application Requirements:** Written application for a conditional use shall be submitted in duplicate on forms provided by the Township to the Zoning Inspector. The application shall include the following statements:
 - a. A legal description of the property.
 - b. The proposed use of the property.
 - c. A statement concerning the need or desirability of the proposed use to the neighborhood or community.
 - d. A statement concerning how the proposed conditional use might impact the adjoining properties.
 - e. A list of the adjoining owners of land within, contiguous to and directly across the street from the property involved in the application. The names and addresses shall be obtained from the latest County Auditor's tax list.
 - f. A plot plan including the boundaries and dimensions of the lot, the size and location of existing structures on the lot, the location of structures and/or use on the adjoining land, and other features of the parcel of land involved. Measurement shall be shown and be accurate.
 - g. Such other information regarding the property and the surrounding area as may be pertinent to the application or required by the Board.
 2. **Conditions Required for Approval:** Approval of a conditional use may be granted if the following conditions are met as well as those listed in Sections 5-9 of this Resolution.

CONDITIONAL USE - FINDING OF FACT 12/04

A conditional use is a use authorized in a particular zoning district upon showing that such use in a specified location will comply with all of the conditions and standards for the location or operation of the use as specified in Sections 9 and 13 of the Put-in-Bay Zoning Resolution and as authorized by the Board of Zoning Appeals.

The following factors shall be analyzed by the Board of Zoning Appeals:
Section 13 Requirements:

1. The location, size and character will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the Zoning District in which it is to be located.

2. The proposed development is in accord with the overall development plans of the area.

3. The proposed development will be in keeping with the existing land use character and physical development potential of the area.

4. The necessity or desirability of the proposed use to the neighborhood or community has been proven.

5. If permitted, the use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the District involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.

6. The use will be designed as to its location, size, intensity, site layout and periods of operation to eliminate any possible nuisances emanating therefrom which might be injurious to the occupants or damaging to their property of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights.

7. The use will be such that the proposed location and height of buildings or structures and the location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

8. The use will relate harmoniously with the physical and economic aspects of the adjacent land uses regarding prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

9. The use is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected.

10. The use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

Section 9, Specific Supplemental Regulations Requirements

All of the specific supplemental regulations for the requested conditional use, as listed in the Put-in-Bay Zoning Resolution, are met and any objections to the contrary have been addressed as noted below for each listed item.

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____
- 13. _____
- 14. _____

DECISION

It is therefore the decision of the Put-in-Bay Board of Zoning Appeals that this conditional use application is _____. Any conditions stated in the minutes are incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20__.

- 3. **Modifications:** If a modified approval of the original request is deemed appropriate, such modification may be a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan of lighting, control of access, or other conditions of development deemed appropriate. Recommendations regarding the modification of plans or other appropriate

action shall be stated with the reasons for each recommendation.

4. **Notice of Board's Action:** Notice of the Board's action shall be sent to the applicant within ten (10) days of their decision stating their approval and/or conditions of same or disapproval if that be the case. Upon application by the applicant, a certificate of zoning compliance may be issued within one (1) year of the Boards final action. Failure to apply for said zoning certificate within that time frame will require resubmission for the conditional use.

MATRIX

The chart on the following pages is provided as a convenience only. Please refer to Section 5, Individual Zoning Districts.

	DISTRICT										
	A	R-1	R-2	R-3	R-C	C-1	C-2	C-3	I-1	I-2	G-1
Adult Oriented Business								C			
Agriculture	P	P	P	P	P	P	P	P	P	P	P
Airplane Storage Site, Rental (Enclosed)	C				C	C	C	C	C	P	
Airplane Storage Site, Rental (Open)	C				C	C	C	C	C	P	
Airport										P	
Antique, Novelty Shops						P	P				
Athletic Fields, Tennis Courts	C				P	C	C				
Auto Repair (Enclosed)							P		P		
Auto Sales & Services							P		P		
Automats, Self-Service Car Washes							P				
Bakery, Dairy, Egg, Ice Cream, Candy Retail						P	P				
Banks, Saving & Loan Institutions						P	P				
Bars, Taverns, Saloons, Liquor Retail							P				
Beauty & Barber Shops						P	P				
Bed and Breakfast	C	C	C	C	P	P	P				
Blueprint & Photocopy Offices						P	P				
Boat, Cradle/Trailer/Rack Storage, Rental Sites (Enclosed, Four or Less)	P	P	P	P	P	P	P		P		
Boat, Cradle/Trailer/Rack Storage, Rental Sites (Enclosed, Five and More)	C				P	C	P				
Boat, Cradle/Trailer/Rack Storage, Rental Sites (Open)					C		C				
Boat Launching Ramp (Private)	P	P	P	P	P	P	P		P	P	P
Boat Launching Ramp (Public)					P	C	C		C		C
Bottling, Soft Drink & Similar Works									P		
Business Consulting Services						P	P		C		

DISTRICT

	A	R-1	R-2	R-3	R-C	C-1	C-2	C-3	I-1	I-2	G-1
Bus, Motor Freight, Taxi-cab, Farm Equipment Storage & Repairs (Enclosed)							P		P		
Camera, Photo Studio Shops						P	P				
Cave Tours	C				P	P	P				
Cemeteries & Mausoleums	C					C	C				
Cleaning Services						P	P				
Clothing, Shoe, Tailor & Dry Goods Store						P	P				
Clubs						C					
Community Buildings, Recreational Fields Swimming Pools & Community Facilities (Privately Owned & Operated by Neighborhood Organizations)	C	C	C	C	P	C	C				
Dance Halls						C	C	P			
Day Care Facilities	C					C	P	P			
Die-cut Products Mfg. & Processing										P	
Drug, Proprietary & Variety Stores							P	P			
Dwelling, One-Family, Permanent Use	P	P	P	P	P	P	P				
Dwelling, One-Family Temporary Use	C	C	C	C	P	P	P				
Dwelling, Rental Unit, as Defined	C	C	C	C	C	C	C				
Dwelling, Multiple-Family/condominiums					C	C	C	P			
Dwelling, Two-Family			C	P	C	C	C				
Electrical, Appliance, Upholstery, Carpentry, Roof, Sheet Metal, Plumbing Shops							P	P		P	
Emergency Medical Services, Non-Govt.	C	C	C	C	C	C	C				
Employee Housing/Dormitory					C	C	C	C			
Fiber & Clothing Goods & Materials Mfg.											P
Food Products Manufacturing & Processing											P
Freight & Transfer Terminals							C	P		P	

DISTRICT

	A	R-1	R-2	R-3	R-C	C-1	C-2	C-3	I-1	I-2	G-1
Fuel, Volatile Materials Storage & Distribution										C	
General Merchandise Stores						P	P				
Go-Cart And Commercial Race Track										C	
Go-Kart Track										C	
Golf Course	C				P						
Golf Course, Miniature					C	C	P				
Golf Driving Ranges					C						
Governmental Service Buildings						C	P		P		P
Greenhouses, Nurseries	C					C	P				
Grocery, Fish, Meat, Food Stores						P	P				
Guest House	C	C	C	C	C						
Hardware, Paint, Glass, Electrical, Drapery, China, Appliance Stores						P	P				
Heliports	C				C	C	C		C	C	
High Impact Wind Powered Electric Generator	C										
Historical Sites, Monuments, Buildings	C	C	C	C	C	C	C				
Home Occupations	C	C	C	C							
Home Office	P	P	P	P	P	P	P				
Hotel				C	C	P					
Household Goods Stores						P	P				
Incinerators											P
Jewelry & Lapidary Products Mfg & Processing							C		P		
Kennels	C						C				
Landing Fields	C				C	C	C		C	C	
Laundry and Dry-Cleaning						P	P		P		
Laundry, Self Service					C	P	P				

	DISTRICT										
	A	R-1	R-2	R-3	R-C	C-1	C-2	C-3	I-1	I-2	G-1
Libraries, Museums	C				C	P	P				
Low Impact Wind Powered Electric Generator	C										
Lumber Sales, Storage & Mill Work						C	P		P		
Mailing Services						P	P				
Marine Repairs, (Enclosed)					C		P		P		
Marine Sales & Service					C	P	P		P		
Medical Related Services						C	P				
Mini-Storage Building					P	P	P		P		
Motels					C	C	P				
Motor Vehicle Storage (Enclosed, Four or Less)	P	P	P	P	P	P	P		P		
Motor Vehicle Storage (Enclosed Five or More)	C				P	C	P				
Motor Vehicle Storage (Open)					C		C				
Movie Theaters							P	C			
Offices, Administrative						P	P		P	P	
Offices, Business & Professional						P	P				
Offices, Sales						P	P		P		
Offices, Veterinarian	C					C					
Outdoor Theater/Drive-in Movies						C	C	C			
Parks, Public	P	P	P	P	P	P	P		P		
Parking, Public, Free as Defined	C	C	C	C	C	P	P		P	P	
Parking, Public, Pay as Defined	C				C	P	P			C	
Playgrounds, Public	P	P	P	P	P	P	P		P		
Ponds, as Defined	P				P	C	C		P		
Pool Halls, Bowling Alleys							P	P			
Printing, Publishing						P	P				
Radio Stations						C	C				

	DISTRICT										
	A	R-1	R-2	R-3	R-C	C-1	C-2	C-3	I-1	I-2	G-1
Recreation Camps					C						
Rental, Boat Dock Sites (Seasonal, Four or Less)	P	P	P	P	P	P	P		P		
Rental, Boat Dock Sites (Seasonal, Five or More)	C	C	C	C	P	C	P		C		
Rental, Boat Dock Sites (Transient, Four or Less)					P	C	P		P		
Rental, Boat Dock Sites (Transient, Five or More)					P		C		C		
Rental Vehicle, Motorized (Land or Water)					P	P	P				
Rental Vehicle, Non-Motorized (Land or Water)					P	P	P				
Restaurants & Eating Places					C	C	P				
Retail Business						P	P				
Riding Stables	P				P		C				
Schools	P	P	P	P	P	P	P			P	
Screen Printing						P	P		P		
Services, Personal					C	P	P				
Skating Rink (Indoor) Private				P	P						
Skating Rink (Indoor) Public					P						
Skating Rink (Outdoor) Public	C				P	C	C				
Skating Rink (Outdoor) Private	P	P	P	P	P	P	P				
Souvenirs					P	P					
Special Events, as Defined	C				C	C	C		C		
Sporting Goods Stores					C	P	P				
Stadiums								P	P		
Storage Site/Rental	C					P	P				
Swimming Pools, Private	P	P	P	P	P	P	P				
Swimming Pools, Public					P	P	P				

DISTRICT

	A	R-1	R-2	R-3	R-C	C-1	C-2	C-3	I-1	I-2	G-1
Television, Radio, & Other Transmission Towers	C					C	C		C		
Temporary Use, as Defined	C	C	C	C	C	C	C	C	C	C	C
Transfer Stations											P
Transportation Terminals (Rail, Bus, Air, Marine)					C	C	P		P		
Vending Machines							P				
Warehousing & Storage Related Directly to Retail Outlets	C					P	P		P		
Watch & Jewelry Repair Shops						P	P				
Wildlife, Forest Preserves	P	P	P	P	P	P	P		P		
Wineries & Breweries							P		P		

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Put-In-Bay Township

South Bass, Middle Bass, and North Bass Islands

Zoning Resolution

South Bass Island

Adopted, March 1966
Effective, November 10, 1966
Amended, August 8, 1985
Amended, April 24, 1987
Amended, May 9, 1991
Amended, March 22, 1993
Amended, April 1, 1994
Amended, Sept. 1, 1997
Amended, April 16, 2000
Amended, July 11, 2002
Amended, Dec. 10, 2004
Amended, Dec. 14, 2006
Amended, Apr. 17, 2009

North Bass Island

Adopted, April 9, 1991
Effective, May 9, 1991
Amended, March 22, 1993
Amended, April 1, 1994
Amended, Sept. 1, 1997
Amended, April 16, 2000
Amended, July 11, 2002
Amended, Dec. 10, 2004
Amended, Dec. 14, 2006

Middle Bass Island

Adopted, November 4, 1997
Effective, November 17, 1997
Amended, April 16, 2000
Amended, July 11, 2002
Amended, Dec. 10, 2004
Amended, Dec. 14, 2006

Latest Amended Effective Date, April 17, 2009

Township Trustees

William Burris
Glenn Cooper
Matthew Miller
Richard J. Rothert Jr., Fiscal Officer

Zoning Commission

Marsha Parker
John Domer
Eric Engel
Annie Auger
Lisa Neff - Alternate

Zoning Board of Appeals

Mary Ann McCann
Greg Auger
Eric Booker
Sharon Weisenbach
Rick Rothert

Zoning Inspector

Dennis Naylon

Zoning Secretary

Laureen Miller