

**LAKESIDE ASSOCIATION
RULES and REGULATIONS**

FEBRUARY 2017

TABLE OF CONTENTS

| | |
|--|----|
| 1-1. Introduction | 2 |
| 1-2. Obligations of Homeowners | 2 |
| 1-3. Expectations of the Association | 3 |
| 1-4. Admission to Association Property | 4 |
| 1-5. Canvassing | 5 |
| 1-6. Yard Sales | 5 |
| 1-7. Businesses | 5 |
| 1-8. Alcohol and Illegal Drugs | 7 |
| 1-9. Signs and Advertising | 7 |
| 1-10. Pets and Animals | 8 |
| 1-11. Proper Conduct and Quiet Hours | 8 |
| 1-12. Recreation Facilities | 8 |
| 1-13. Property Maintenance Standards | 8 |
| 1-14. Rental Property | 10 |
| 1-15. Parking | 10 |
| 1-16. Open Burning and Fire Pits | 11 |
| 1-17. Traffic and Vehicle Control | 11 |
| 1-18. Sidewalk Repair and Replacement | 12 |
| 1-19. Tree Removal, Trimming, and Replacement | 13 |
| 1-20. Bicycles, Skateboards, and Similar Devices | 14 |
| 1-21. Firearms Prohibited | 14 |
| 1-22. Smoking Prohibited | 14 |
| 1-23. Association’s Enforcement Authority | 14 |
| 1-24. Levels of Discipline | 15 |
| 1-25. Appeal of Fines and Penalties | 16 |

1-1. INTRODUCTION

- (A) The Lakeside Association (defined as the Association) is a not-for-profit corporation chartered by the State of Ohio, found by Methodists, and affiliated with the United Methodist Church. Members of other denominations and faiths have always been welcomed.
- (B) The mission of the Association is to enrich the quality of life for all people, foster traditional Christian values, and nurture relationships through opportunities for renewal and growth (spiritual, intellectual, cultural, and physical) while preserving Lakeside's heritage.
- (C) The vision of the Association is a Chautauqua community dedicated to Christian values and cultural excellence that nurtures mind, body, and spirit.
- (D) The Association is not a municipality but has analogous powers under the terms of the Association leases, Consents to Assignment of Lease, Island View deed restrictions, and Bylaws of the Lakeside Association. The Association is the owner of the streets, parks, Association buildings, and land within the Lakeside fences (defined as Lakeside) and the streets and parks of Island View subdivision of Danbury Township, Ottawa County, Ohio (defined as Island View).
- (E) The Lakeside Association Rules (defined as the Rules) are effective at all times for the safety, security, health, and welfare of everyone present on Association grounds. The Rules apply within Lakeside, Island View, and all other properties owned or leased by the Association (collectively defined as Association Property).

1-2. OBLIGATIONS OF HOMEOWNERS

- (A) All lessees in Lakeside have the following obligations, among others, to the Association:
 - (1) To ensure that potential new lessees meet with the Association's president or designee to review these Rules prior to securing a new lease or when transferring an existing lease.
 - (2) To sign a new lease agreement or Consent to Assignment of Lease with the Association to complete a property transfer.
 - (3) To pay the Association a transfer fee of three mils or three-tenths percent per dollar of the consideration paid in a lease transfer at the closing regarding the transaction or before a transfer is otherwise completed.
 - (4) To only utilize and contract with realtors authorized by the Association when buying or selling a home in Lakeside.

Title 1 – Regulations and Ground Rules

(B) All lessees in Lakeside and all grantees in Island View (collectively defined as Homeowners) have the following obligations, among others, to the Association:

- (1) To timely pay all Association fees, charges, and assessments, including those for services provided such as, but not limited to, garbage and rubbish removal, street and sidewalk repair and replacement, street lighting, recycle pick-up, leaf pick-up, and snow removal.
- (2) To timely pay the Association any money that is due including, but not limited to, any fines, penalties, monetary damages, interest, costs, or payments for work performed pursuant to these Rules.
- (3) To conform all structures and landscaping, as well as all changes to structures and landscaping, to the applicable requirements of the lease or deed, these Rules, the Code of Construction Regulations, the Historic Preservation and Design Review regulations, the zoning ordinances and building codes of Danbury Township, Ottawa County, and the State of Ohio, and all other requirements of law.
- (4) To maintain their premises, structures, and landscaping in a safe, sanitary, and neat condition that is satisfactory to the Association.
- (5) To notify the Municipal Services Committee of the Board of Directors of any request for a property variance, split, or subdivision according to the Code of Construction Regulations.
- (6) To comply with all applicable terms of their lease, deed, these Rules, the Code of Construction Regulations, and the Historic Preservation and Design Review regulations of the Association.
- (7) To insure that their guests and renters comply with the Association's Rules and policies.

1-3. EXPECTATIONS OF THE ASSOCIATION

(A) The Association shall use its best efforts, within its limited resources and exclusive discretion, to do the following:

- (1) Collect all of the money owed to the Association including, but not limited to, the assessments, fines, charges, costs, penalties, interest, monetary damages, payments for work performed by the Association, and fees in order to provide the necessary funds to meet its responsibilities;

Title 1 – Regulations and Ground Rules

- (2) Enforce the Rules and policies enacted by the Association's Board of Directors;
 - (3) Provide access to Homeowners' premises subject to the Association Rules and policies, including the payment of the proper Chautauqua fee;
 - (4) Provide for garbage and rubbish removal, street and sidewalk repair and replacement, street lighting, recycle pick-up, leaf pick-up, snow removal and security pursuant to the Rules and policies adopted by the Association; and
 - (5) Review and approve sales and transfers of leases subject to the reasonable, nondiscriminatory standards and fees established by the Association. The Chief Financial Officer will monitor any changes in the names of the individuals paying assessments on any property. When a change occurs, the Chief Financial Officer or designee will notify the previous owner of the requirement to pay the three mil fee and both the previous and new owner of the requirement to complete a Consent to Assignment form.
- (B) These expectations shall not be construed so as to create any legal obligations or liability on behalf of the Association to anyone.

1-4 ADMISSION TO ASSOCIATION PROPERTY

- (A) The land owned by the Association is private property. People may enter onto and use Association Property only with the consent of the Association. The Association's consent is given in the manner and subject to the limitations stated in its Bylaws, Rules, and policies adopted by the Board of Directors.
- (B) All access to and from Association Property, and all use of its streets, parks, buildings, and other facilities, is subject to the following limitations that apply equally to everyone who desires access to the grounds:
- (1) A Chautauqua fee schedule is established by the Board of Directors. Prior payment of the Chautauqua fees, which provide funds for the Lakeside Chautauqua program and the maintenance, security, and improvement of Association Property, is required during the time period when the gates are in operation and a Chautauqua fee is charged.
 - (2) Agreement to comply at all times with the Rules and policies of the Association is implied by entry onto Association Property.
 - (3) Admission to Association Property will not be denied by reason of race, religion, gender, sexual orientation, age, national origin or disability. It is the express policy of the Association to welcome all who choose to enter the grounds subject only to the limitations stated in the Association's Rules and policies.

Title 1 – Regulations and Ground Rules

- (4) All meetings, conventions, seminars, classes, or gatherings as defined as a group by Lakeside Admission Policy held on Association Property must have the prior written permission of the Association unless they are presented by the Association or its staff.
 - (5) Profanity, suggestive materials, and any other kind of inappropriate behavior are prohibited on Association Property. Conduct that violates this Rule may result in admission privileges being revoked and all violators being escorted off Association Property in addition to the levying of any fines or penalties set forth under the enforcement provisions of sections 1-23 and 1-24.
- (C) Any individual who engages in conduct or otherwise causes anything to occur on Association Property that results in damage to that property, including but not limited to buildings or other structures, shall be liable to the Association for the damages and costs incurred. The damages and costs incurred shall be paid as a condition of continued access to Association Property.

1-5. CANVASSING

No person shall canvas individuals or homes on Association Property for the purpose of offering merchandise or services including home repair and handyman services or for soliciting gifts except with the prior written permission of the Association. Permission is not required, however, for the sale of Girl Scout or Boy Scout products, items to support local school projects, or for the collection of food products for local food banks or pantries.

1-6. YARD SALES

Yard, garage, porch, or similar sales are limited to two per property per year for a maximum of three consecutive days each. Items offered or sold at such sales shall be limited to the personal property of the person(s) conducting the sale. No items shall be offered for sale that were purchased or consigned for the purpose of resale.

1-7. BUSINESSES

- (A) No business shall be operated in Lakeside without the approval of the Enterprise Committee of the Board of Directors. A completed application for permission to operate a business shall be submitted to the Enterprise Committee no later than 30 days prior to its regularly scheduled meetings. The application information shall include, but not be limited to, the nature of the business, names and addresses of proposed owners, products or services to be offered, months of proposed operation, and daily hours of operation.

Title 1 – Regulations and Ground Rules

- (B) Businesses offering retail sales, food services, or other services involving an office or place of business frequented by clients or customers shall be conducted only in the Lakeside Business District, which is defined as being Maple and Walnut Avenues from Fourth Street to the lakefront and Second and Third Streets between Maple and Central Avenues.
- (C) In order to secure approval, a business shall meet the following criteria:
- (1) The nature of the business shall be compatible with the Association’s purpose and mission statement, be within the guidelines established by the Association as to the nature of desirable businesses for Lakeside, and be a complement to existing businesses.
 - (2) The business shall comply with the off-street parking regulations, Code of Construction Regulations, and Historic Preservation and Design Review regulations.
 - (3) The business shall comply with appropriate governmental laws and regulations, e.g., meeting the vendor’s license requirements and paying hotel/motel taxes.
 - (4) Food service businesses shall provide the Association with a copy of their food handlers’ permits.
 - (5) Businesses shall provide the Association with certificates of insurance indicating purchase of business or public liability insurance. In addition, businesses in space rented from the Association shall provide certificates of insurance indicating that adequate fire and comprehensive insurance has been obtained covering the business contents.
 - (6) Gate and auto Chautauqua fees shall be paid by business owners and their employees.
 - (7) The business shall maintain the cleanliness of the sidewalks and exterior areas around the business and provide suitable waste or refuse receptacles.
 - (8) The business shall comply with the sign requirements of the Code of Construction Regulations.
 - (9) No change in the ownership of a business can occur without the prior written permission of the Enterprise Committee.
 - (10) Individuals regularly conducting other types of businesses outside the Lakeside Business District (e.g., contractors, architects, lawyers, consultants, telephone sales, and the like) shall register the name and nature of their business with the Association. No sign shall be permitted at the location of such businesses.

Title 1 – Regulations and Ground Rules

- (11) Any business owner requesting approval of a new business or change of use to an existing business in the Lakeside Business District shall notify each adjacent lessee of their request by certified mail, return receipt requested. This written notification shall occur at least two weeks prior to the submission of such business request to the Enterprise Committee in order to allow each adjacent lessee sufficient time to comment to the Enterprise Committee regarding the request.

1-8. ALCOHOL and ILLEGAL DRUGS

There shall be no consumption of alcoholic beverages on any Lakeside Association Public Property. The illegal use or possession of drugs or controlled substances on Association Property is prohibited. Operating a motor vehicle on Association Property under the influence of alcohol and/or drugs is prohibited. Any violation of these prohibited activities shall be considered an affront to the history and purpose of Lakeside. In appropriate cases, individuals suspected of engaging in these prohibited activities shall be reported by the Association, in its sole discretion, to the appropriate law enforcement agency for investigation and action in addition to the Association levying any fines or penalties set forth under the enforcement provisions of sections 1-23 and 1-24.

1.9. SIGNS and ADVERTISING

- (A) No notice or advertisement of any kind shall be posted or distributed, and no bills shall be passed on or about Association Property without the prior written permission of the Association.
- (B) No person shall install or display lighted or unlighted signs on buildings, stores, rooming houses, concessions, or any buildings on Association Property without the prior written permission of the Association. Homeowners may display signs on their homes giving their names or the name chosen for their home without permission of the Association. Signs identifying the contractor responsible for construction may be displayed without the permission of the Association, but only during construction, and the Association may require the removal of a sign if it determines that construction is unreasonable prolonged.
- (C) Political signs are permitted only in private yards within 4 weeks before an election and shall be removed within 48 hours after the election.

1-10. PETS and ANIMALS

- (A) Pets are defined as tamed animals that are tagged or licensed and identified as being the property of an owner. Pets, including dogs and cats, shall at all times be under leash or confined to the premises of the Homeowner, renter, or guest who owns the animal.
- (B) Dogs and other animals, even under leash, shall not be permitted on the dock at any time. Walkers of pets on a leash shall clean up after their pets at all times and in all locations.
- (C) No barnyard animals, fowl, or exotic animals are allowed as pets on Association Property.
- (D) Pets on Association Property, which includes the property of Homeowners, shall only be fed inside the home of their owner. Any animal that does not have an owner or is wild shall not be fed or watered anywhere on Association Property.

1-11. PROPER CONDUCT and QUIET HOURS

- (A) No noise or other activity that disturbs the programs or meetings held in the buildings or facilities of the Association shall be permitted. No noise or conduct of any kind that might disturb slumber shall be permitted on Association Property after 11 p.m. (11:30 p.m. on Saturdays) or before 8 a.m. (noon on Sundays).
- (B) Barking dogs that disturb neighbors shall not be tolerated. Radios and other audio equipment shall not be played at a volume level that disturbs others.

1-12. RECREATION FACILITIES

Recreation facilities used at unannounced times shall be at the personal liability of the user.

1-13. PROPERTY MAINTENANCE STANDARDS

- (A) To fulfill the requirement that Association Property be kept in safe, sanitary, and neat conditions and in compliance with Lakeside’s designation as an Historic District, the following maintenance standards shall be met by all Homeowners as appropriate:
 - (1) All buildings shall be kept in good repair including, but not limited to, replacement of old and leaking roofs, maintaining stable porches, railings and floors, and assuring that windows properly open and close.

Title 1 – Regulations and Ground Rules

- (2) The painting of houses and other structures shall be done frequently enough to avoid extensive damage to surfaces and the peeling of paint.
 - (3) Unused construction materials and items such as old appliances, furniture, bedding, and fixtures shall be promptly removed from Association Property. The removal of large items can be accomplished by the company the Association contracts with for refuse collection for an extra charge.
 - (4) Garbage containers with securely-fastened lids shall be used for the disposal of all garbage and trash. No plastic bags shall be used.
 - (5) Building foundations shall be closed or have barriers to prevent animals from living under the building.
 - (6) Yards shall be kept free from litter, discarded items, and hazards such as holes, ditches, noxious weeds, and poison ivy.
 - (7) Yards and landscaping shall be well maintained, the grass cut to a height of no more than four inches, and the trees and shrubs trimmed and pruned regularly. Trees and shrubs shall not overhang onto Association Property, impede visibility at an intersection, or create problems for walkers. Yard waste shall be disposed of promptly and properly.
 - (8) Vacant lots shall be properly maintained so that brush is cut, trees and shrubs are trimmed, the grass or weeds are uniformly cut, and the lot does not detract from the neighboring areas.
 - (9) The exterior of chimneys shall be kept in good repair to avoid the possibility of falling bricks or stone, and the interior of chimneys shall be in good repair and clean to avoid fire hazards. All fireplaces shall be equipped with chimney spark protection screens.
 - (10) All dwellings shall be connected to the public water and sewer system.
 - (11) Shrubbery, tree limbs, and other obstructions that encroach upon traffic rights-of-way, present safety hazards, or are undue inconveniences shall be promptly corrected.
- (B) The Association shall provide a written notice to Homeowners who are in violation of the property maintenance standards. If the violation has not been resolved in the reasonable amount of time set by the Association and stated in the written notice, the Association has the authority to decide the appropriate action needed to resolve the violation and have the work performed. The Homeowner will then be billed for the work performed and any costs incurred by the Association in addition to the levying of any fines and penalties under the enforcement provisions of sections 1-23 and 1-24.

Title 1 – Regulations and Ground Rules

(C) Regulation regarding Lakeside Right of Way:

(1) Plantings/Maintenance of the Right of Way:

The Lakeside Right of Ways, paved and unpaved are owned by the Lakeside Association, and as such are not part of any leased property.

The Association recognizes the unpaved portions as a valuable resource for both the beautification of our streets and the provision of significant storm water drainage surface area, a scarce resource in much of Lakeside. To maintain this resource while allowing leaseholders to enjoy it, leaseholders are granted the privilege, and encouraged, to maintain plantings (gardens, yards, etc) on the unimproved Lakeside Right of Way between the property line of the lease and the street pavement. This excludes trees, unless they are approved by the Association. The leaseholder will be expected to maintain this space to the same standard required in Title 1 for the leased land. The Lakeside Association also reserves the right to plant trees in this right of way. Pre-approval of plantings by the leaseholder is not required; however, this privilege may be revoked if the plantings are found to be unacceptable by the Municipal Services Committee of the Lakeside Board of Directors. The granting of this privilege in no way alters the ownership or lease status of that Right of Way.

(2) Improvements to the Right of Way:

The privilege of use granted in part 1 does not extend to the placement of any permanent structure on the right of way. This includes any hardscape (pavement, pavers, patios, decks, fencing, walls, sidewalks). If hardscape is needed to facilitate access to the property from the pavement, demonstration of need and approval of plans will be required through the Municipal Services Committee of the Lakeside Association Board of Directors. If structures or hardscape are placed on Lakeside property without prior approval, the Lakeside Association may request them to be removed at the owner's expense. If improvements are approved by Lakeside and completed, it is with the understanding that those structures and improvements in no way alter the ownership or lease status of that Right of Way.

(3) Existing Structures:

The Lakeside Association recognizes that structures and hardscape have been placed on Lakeside Right of Way by leaseholders in the past. Those structures existing prior to the adoption of this regulation would not be subject to the limitations and requirements set forth in part 2 of this regulation, with the exception of any properties that have already been identified by the Municipal Services Committee to have violated current regulations on encroachment of the right of way, and are under consideration for enforcement. Lakeside reaffirms, however, that the tolerance of these structures and improvements in no way alters the ownership or lease status of that Right of Way. In addition, any change to or replacement of these structures would require approval as set forth in section 2.

Adopted 8/20/2016

1-14. RENTAL PROPERTY

- (A) Homeowner's premises on Association Property that are offered for rent shall be maintained according to reasonable standards of cleanliness, repair, and safety as determined by the Association. Smoke detectors and fire extinguishers shall be installed and maintained. Sleep capacity shall not exceed eight persons per bathroom. Kitchen and dining room equipment shall be in a quantity adequate to serve the sleeping capacity.
- (B) The Association may inspect rental properties to determine whether reasonable standards of cleanliness, repair, and safety are maintained and shall require Homeowners and realtors to cease renting substandard properties until they meet appropriate standards.

1-15. PARKING

- (A) Only automobiles, golf carts, pick-up trucks, and standard size vans may be parked on Association streets or parking lots overnight except by prior written permission of the Association.
 - (1) No semi-tractors or trailers are allowed at any time except moving vans required for moving lessees in and out of Association Property and those making commercial deliveries.
 - (2) Exterior parking on Association Property, except in specially-designated areas, is prohibited between first day of gated season and last day of gated season for the following items unless prior written permission for any variance has been obtained from the Association: mobile homes; boats other than canoes, row boats, or other boats that may be carried by two people; trailers, including boat trailers; house vehicles; vans over 20 feet in length; and trucks over three-quarters of a ton, dumpsters and other construction related equipment. A variance may be granted in case of undue hardship and shall be for a limited period of time.
 - (3) Restricted vehicles and boats may not be parked in a Homeowner's yard between first day of gated season and last day of gated season within three feet of the property line so long as this placement will not obstruct another Homeowner's view at the front or side of the property. This provision, however, is subject to any fire, health, or safety regulations of Ottawa County and the State of Ohio.
 - (4) No one shall live in any vehicle or boat at any time except in the trailer park and then only in accordance with the Health Department regulations of Ottawa County and the State of Ohio.

Title 1 – Regulations and Ground Rules

- (B) Nobody has any right to any parking spaces, reserved or otherwise, on the streets and right-of-ways of Lakeside except to the extent granted in writing by the Municipal Services Committee of the Board of Directors.
 - (1) No one shall by obstruction, signage, or any other method deny the public the right to park on Lakeside streets and right-of-ways except under such grant.
 - (2) The Association shall remove unauthorized signs or obstructions regarding public parking.
- (C) The Association confirms the rights of its Homeowners to park vehicles on their own premises subject to these Rules, private restrictions granted by the Municipal Services Committee, and applicable zoning laws.

1-16. OPEN BURNING and FIRE PITS

- (A) The provisions of Ohio EPA Rule OAC 3745-19, as amended, apply to Association Property. This rule prohibits the open burning of yard waste, excluding food preparation or ceremonial rites, in any location within 1,000 feet of an occupied building. Since all Association Property is within 1,000 feet of an occupied building, burning – including the burning of leaves -- is prohibited on Association Property.
- (B) Prior written permission shall be obtained from the Association for all campfires and ceremonial fires.
- (C) Recreational small fires shall be confined to an approved outdoor container (metal bowl with a protective screen, container like a chiminea, or outdoor fireplace). The container shall keep the fire size to less than three feet in width and two feet in height and shall be at least ten feet away from any structure or combustible surface. The fuel source shall be clean seasoned firewood or its equivalent, and a fire extinguisher, container of water, or attached hose shall be nearby. The fire shall be attended while it is burning, have no nearby combustible materials, and be totally extinguished when nobody is attending it.

1-17. TRAFFIC and VEHICLE CONTROL

The Association is authorized by Ohio law to make rules for the operation and control of vehicles on the streets within Association Property. Those rules are as follows:

- (A) No motor vehicle shall be operated upon Association streets unless it has been duly registered, the registration or license plates issued for it are attached according to the laws of the State of Ohio, and it is properly equipped for safety and the reduction of noise.

Title 1 – Regulations and Ground Rules

- (B) No motorcycles shall be operated on Association Property from Memorial Day to Labor Day.
- (C) No all-terrain vehicles or snowmobiles shall be operated on Association Property at any time.
- (D) All laws of the State of Ohio relating to pedestrians, the use, ownership, and operation of motor vehicles of any kind, and the conduct and responsibility of drivers of vehicles shall be in force on Association Property except as specifically modified by these Rules. No vehicle shall be operated in violation of the provisions of such laws and these Rules.
- (E) No vehicle shall be parked or left standing on any street in a manner that blocks, impedes, or obstructs traffic.
- (F) No motor vehicle or golf cart shall be operated upon an Association street that has been closed by the Association or its authorized agents for the purpose of maintaining peace, quiet, or security during a meeting, for street repair, or for any other purpose.
- (G) Operators of motor vehicles, golf carts, and bicycles shall observe a 20 mile per hour speed limit (or lower as posted), stop signs, one-way street signs, pedestrian crossing signs, and no parking signs.
- (H) Only golf carts that meet the Association's Golf Cart Standards shall operate on Association streets. These standards include an electric motor, horn, headlights, turn signals, tail lights, safety glass windshield, functional brakes, brake lights, and a seat belt for each occupant.
A 2 or 3 wheeled vehicle with any kind of a motor is not allowed in Lakeside unless it is being used by an owner who has a documented physical impairment that requires transportation.
- (I) All golf carts shall be electric powered. The only gasoline-powered golf carts allowed on Association Property are those being used during the tenure of the original owner who owned the golf cart on or before July 1, 2003, and whose use is "grandfathered in" under this Rule. No gasoline-powered golf cart that was grandfathered in under this Rule shall be used on Association Property by a second or other successive owner after November 15, 2003.
- (J) No golf carts shall be operated on sidewalks, the dock, parks, or lawns.
- (K) All golf cart operators shall be regularly licensed drivers.

1-18. SIDEWALK REPAIR and REPLACEMENT

The cost of the installation, repair, or placement of sidewalks parallel to the street shall be shared on a 50/50 basis between the Association and the adjacent business lessee or Homeowner. The Association shall determine when such work needs to be done, contract for the work, and

Title 1 – Regulations and Ground Rules

bill the Homeowner or business lessee for 50 percent of the cost. Unless this bill is paid within 30 days of its date, it will be subject to the levying of any fines and penalties under the enforcement provisions of sections 1-23 and 1-24.

1-19. TREE REMOVAL, TRIMMING, and REPLACEMENT

- (A) The proper maintenance, trimming, and care of trees is essential to the health, safety, and character of the Association's Property.
- (B) No tree three inches or larger in diameter shall be removed from Association Property without the prior written approval of the Association. If the tree is removed from a Homeowner's property, it shall be replaced on the same or another mutually-agreed property at the Homeowner's expense with a tree that is at least three inches or larger in diameter unless this requirement is waived or otherwise modified by the Association. In the case of undeveloped lots or the removal of trees to permit remodeling, the tree removal and replacement strategy shall be developed on a case-by-case basis with input from the Tree Advisory Team and shall be approved by the Association.
- (C) The Association is responsible, at its expense, for the maintenance, pruning, and removal of diseased, damaged, or otherwise unhealthy trees in the street right of ways and public areas such as parks. After consultation with the adjacent Homeowner, any tree that is removed will be replaced either at the same location or a nearby location based upon issues of public safety, parking access, or concerns of the Homeowner.
- (D) The Association may require any Homeowner to remove a diseased, damaged, or unhealthy tree (including, but not limited to, a tree infested with the Emerald borer) on the Homeowner's property at the Homeowner's expense. The Association may also require the Homeowner to replace the tree at the Homeowner's own expense.
- (E) The Association may trim or remove any tree on a Homeowner's property (other than on the right-of-way) whose branches or foliage encroach on the street right-of-way or impair visibility. The expense of such trimming or removal shall be equally shared by the Association and the Homeowner. If the Association determines that a replacement of the tree is proper, the cost of replacing the tree shall be equally shared by the Association and the Homeowner.
- (F) The Association shall provide a written notice to Homeowners who are in violation of its tree maintenance standards. If the violation has not been resolved in the reasonable amount of time set by the Association and stated in the written notice, the Association has the authority to decide the appropriate action needed to resolve the violation and have the work performed. The Homeowner will then be billed for the work performed and any costs incurred by the Association in addition to the levying of any fines and penalties under the enforcement provisions of sections 1-23 and 1-24.

Title 1 – Regulations and Ground Rules

- (G) Tree topping is not permitted on Association Property. Tree topping is the indiscriminate cutting of tree branches to stubs or lateral branches that are not large enough to assume the terminal role. Other names for tree topping include heading, tipping, hat-racking, and rounding over.

1-20. BICYCLES, SKATEBOARDS, and SIMILAR DEVICES

- (A) No bicycle, skateboard, in-line skates, or similar devices shall be ridden on the pier, the lakefront path, or within the parks on Association Property.
- (B) No skateboard, in-line skates, or similar devices shall be ridden within the Lakeside Business District, which is defined as being Maple and Walnut Avenues from Fourth Street to the lakefront, and Second and Third Streets between Maple and Central Avenues.
- (C) All laws of the State of Ohio relating to the use, ownership, and operation of bicycles, skateboards, in-line skates, and similar devices apply on Association Property.

1-21. FIREARMS PROHIBITED

- (A) Under Ohio's Concealed Carry Law, an association in control of private land or premises may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. A person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of Ohio R.C. 2911(A)(4) and is guilty of a misdemeanor of the fourth degree.
- (B) The Association, as both a private land owner and an employer, prohibits the presence of firearms on its property and premises except for law enforcement personnel. Notice signs have been posted at each gate pursuant to the Ohio Revised Code stating that "no person shall knowingly possess, have under the person's control, convey or attempt to convey a deadly weapon or dangerous ordnance onto these premises."

1-22. SMOKING PROHIBITED

Smoking is prohibited on Association Property except at the private dwellings of Homeowners.

1-23. ASSOCIATION'S ENFORCEMENT AUTHORITY

Acting in its sole discretion, the Association has the authority to enforce the Lakeside Association Rules as deemed appropriate under the circumstances presented. The Association would prefer not to have to exercise this authority, but it recognizes the importance of enforcing

Title 1 – Regulations and Ground Rules

the Rules equally and preserving the community's safety, security, health, welfare, and historic Chautauqua values. If the Association is required to exercise its enforcement powers, it would generally prefer to do so with incrementally increasing levels of discipline that quickly result in positive changes in conduct. Nonetheless, the Association has the authority to utilize the disciplinary fines and penalties stated below in any order, in any number, and at any time based upon the facts and circumstances presented by a failure to comply with its Rules.

1-24. LEVELS OF DISCIPLINE

- (A) The first disciplinary step that the Association will generally take when a violation of a rule occurs is to present an oral warning to the offending person. Information regarding this oral warning shall be recorded in case of subsequent violations of the Rules.
- (B) If the same rule is violated by a person who has already received an oral warning, the Association will generally present a written warning to the offending person. Information regarding this written warning shall be recorded in case of subsequent violations of the Rules.
- (C) If the same rule is again violated by a person who has already received a written warning, the Association will generally levy a fine. Any fine that is levied shall be paid in cash or by check to the Association by the date stated on the written Notice of Rule Violation. Failure to pay the fine by the deadline shall result in the possibility of increasing fines and other penalties, including those set forth in (D) below.
 - (1) A first occurrence fine shall be \$25.
 - (2) A second occurrence fine shall be \$50.
 - (3) A third occurrence fine shall be \$100.
- (D) Repeated violations of the same rule, or violations of multiple rules, can result in fines of increased dollar amounts or other penalties including, but not limited to:
 - (1) An assessment of monetary damages and costs incurred by the Association or an affected individual that shall be paid by the deadline stated in the Notice of Rule Violation.
 - (2) An assessment of interest upon unpaid monies owed to the Association.
 - (3) Impoundment, towing, or the placement of an immobilization device on any car, truck, boat, trailer, van, or other vehicle that is in violation of the Rules. A release of such property to the owner or designee shall not occur until payment of all of the costs incurred by the Association, payment of any fine levied, and the owner's compliance with the Rules and any other penalty that is levied.

Title 1 – Regulations and Ground Rules

- (4) A loss of specified privileges relating to activities, events and/or opportunities on Association Property.
- (5) The complete revocation or alteration of previously-granted parking privileges.
- (6) A limited or complete termination of a Homeowner's opportunity to purchase reduced price tickets for admission to Association Property during the Chautauqua season.
- (7) The termination of a business owner's opportunity to conduct business on Association Property.
- (8) A limited or permanent termination of admission privileges to Association Property.
- (9) The permanent termination of a Homeowner's lease or deed relating to Association Property.

1-25. APPEAL OF FINES and PENALTIES

- (A) A person subject to a fine or a higher level of penalty may appeal this disciplinary action to the Enforcement Appeal Committee established by the Board of Directors of the Association. The written appeal form shall be obtained from and submitted to the Chief Financial Officer of the Association within ten calendar days after receipt of the Notice of Rule Violation or the levy of the penalty being appealed. An appeal shall consist of the opportunity to submit a signed written statement, including any relevant attachments, to the Enforcement Appeal Committee. The Enforcement Appeal Committee shall issue a written decision within thirty days of the completed submission of the appeal, and it may affirm, modify, or reverse the fine or higher penalty being appealed. A copy of the decision shall be given to the person who filed the appeal, and the documents relating to the appeal shall be retained by the Association.
- (B) The Enforcement Appeal Committee shall be an ad hoc committee of the Board consisting of three members who are recommended by the Chairman of the Board and appointed by the Board to serve a three-year term.

LAKESIDE ASSOCIATION

INDEX

Section:

TITLE 1: REGULATIONS AND GROUND RULES

- 1-1. Introduction
- 1-2. Obligations of Homeowners
- 1-3. Expectations of the Association
- 1.4. Admission to Association Property
- 1.5. Canvassing
- 1.6. Yard Sales
- 1.7. Businesses
- 1.8. Alcohol and Illegal Drugs
- 1.9. Signs and Advertising
- 1.10. Pets and Animals
- 1.11. Proper Conduct and Quiet Hours
- 1.12. Recreation Facilities
- 1.13. Property Maintenance Standards
- 1.14. Rental Property
- 1.15. Parking
- 1.16. Open Burning and Fire Pits
- 1.17. Traffic and Vehicle Control
- 1.18. Sidewalk Repair and Replacement
- 1.19. Tree Removal, Trimming, and Replacement
- 1.20. Bicycles, Skateboards, and Similar Devices
- 1.21. Firearms Prohibited
- 1.22. Smoking Prohibited
- 1.23. Association's Enforcement Authority
- 1.24. Levels of Discipline
- 1.25. Appeal of Fines and Penalties

LAKESIDE ASSOCIATION

INDEX

Section:

TITLE 2: CODE OF CONSTRUCTION REGULATIONS

- 2-1. Plans, Specifications and Permits
- 2-2. Historic Preservation and Design Review Board (“HP-DRB”)
- 2-3. Setbacks, maximum Lot Coverage, parking and other requirements
- 2-4. Plumbing and Sewers
- 2-5. Electrical Work
- 2-6. Construction Work
- 2-7. Progress Reports
- 2-8. Inspection

TITLE 3: HISTORIC PRESERVATION AND DESIGN REVIEW

General Provisions

- 3-1. What constitutes change
- 3-2. Guidelines generally
- 3-3—3-14. [Reserved for future legislation]

Guidelines

- 3-15. General statement of purpose
- 3-16. Area
- 3-17. HP-DRB
- 3-18. The HP-DRB review process
- 3-19. Implementation of the HP-DRB’s decisions
- 3-20. Minimum maintenance standards
- 3-21. Landscape and Paving Guidelines

TITLE 2: CODE OF CONSTRUCTION REGULATIONS

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Section:

- 2-1. Plans, specifications and permits
- 2-2. Historic Preservation and Design Review Board (“HP-DRB”)
- 2-3. Setbacks, maximum lot coverage, parking and other requirements
- 2-4. Plumbing and sewers
- 2-5. Electrical work
- 2-6. Construction work
- 2-7. Progress permits
- 2-8. Inspection

Editor’s note:

The material contained herein has been revised and amended as follows: revised November 1992, amended November 1993, September 1996, November 1996, January 1997, January 1998, May 2001, September 2001, November 2001, February 2003, February 2004, November 2004, September 2006, revised and amended February 2012 and February 2016.

2-1 PLANS, SPECIFICATIONS AND PERMITS

(A) A copy of the plans and specifications for all new construction in Lakeside or of additions or alterations to existing structures and plans and specifications for any accessory buildings and fences shall be submitted as required by this code or by law and approved by the following before work is commenced:

- (1) To Lakeside Historic Preservation and Design Review Board, Lakeside Association, 236 Walnut Street, Lakeside, Ohio 43440 for permission for all new construction, alterations or additions to buildings for accessory buildings or fences;
- (2) To Danbury Township, Township Hall, 5972 E. Port Clinton Eastern Road, Lakeside-Marblehead, Ohio 43440 for a zoning permit for all new construction, alterations or additions and for accessory buildings or fences;
- (3) To the Building Inspection Department of Ottawa County, Court House, 315 Madison Avenue, Port Clinton, Ohio 43452 for a building permit for new construction, alterations or additions or for accessory buildings, including electrical, plumbing and heating and/or cooling system replacements or alterations; and
- (4) To the Ottawa County Sanitary Engineer, Court House, 315 Madison Avenue, Port Clinton, Ohio 43452 for a sewer permit when construction involves a sewer connection or sewer tap-in.

Title 2: Code of Construction Regulations

(B) Work shall proceed only in accordance with plans and specifications approved by the above entities. A copy of appropriate permits shall be displayed while work is in progress. All the above entities may charge fees for permits and for inspection of work. Failure to secure appropriate permits may result in fines and/or court action. By-law or zoning regulations, the governmental authorities may exercise such remedies as issuing stop orders to halt construction until appropriate permits are obtained, or may refuse to issue a certificate of occupancy which will prevent the owner from allowing anyone to occupy the dwelling or building. Failure to secure a permit or certificate of appropriateness from the Association or proceeding with construction contrary to approved plans may lead to revocation of gate passes, denial of municipal services or revocation of leaseholder's rights.

(C) Other than emergency repairs and ongoing maintenance there shall be no exterior construction on residential units or hardscape landscaping during the Chautauqua season.

2-2 HISTORIC PRESERVATION AND DESIGN REVIEW BOARD ("HP-DRB")

(A) The creation of the Lakeside district recognized the unique situation within the property owned by the Lakeside Association and is designed to accommodate the mix of residential, recreational, educational, and commercial uses therein. The Lakeside Historic District is listed on the National Register of Historic Places. Aside from Danbury zoning regulations, other design regulations may be enforced by the Lakeside Association through its Historic Preservation and Design Review Board. The HP-DRB is concerned with preserving Lakeside's historic character through such matters as design, texture and materials, exterior architectural features and landscaping. Leaseholders planning the construction, restoration, reconstruction, rehabilitation or razing of any buildings in Lakeside, must receive a certificate of appropriateness from the HP-DRB.

As a Historic District in the National Register of Historic Places the HP-DRB now and in all possible situations of construction, restoration, reconstruction, rehabilitation or razing (demolition) of any building in Lakeside accept and be guided by the STANDARDS OF GUIDANCE FOR REHABILITATING HISTORIC BUILDINGS ADOPTED BY THE SECRETARY OF INTERIOR NATIONAL PARK SERVICE AND STATED AS FOLLOWS:

1. A property will be used as it was historically or be given a new use that requires minimal changes to its distinctive materials, features spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relations that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

Title 2: Code of Construction Regulations

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction and new buildings will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment not be impaired.

(B) Size and Scale

1. The size and scale of new additions and adjacent or related new construction and new buildings shall be in conformance with the prevailing size of other structures within the local neighborhood so as not to diminish or visually overpower either the original historic building or its immediate neighborhood.

(C) For construction of new buildings, the applicant shall consult with the HP-DRB using preliminary drawings prior to submitting final working drawings for advice on being compatible with the historic aspects of the surroundings and the original design if the structure is being modified, altered or an addition made to it. Where available, the applicant shall obtain and submit with any preliminary drawings, photos from the "National Register Application" maintained by the Lakeside Heritage Archives showing the property and buildings thereon which is under consideration. Refer to "Historic Preservation Guidelines and Design Review Procedures for Lakeside, Ohio prepared by Gaede Serne Architects, Inc. dated September 1993. Application forms may be obtained from the Association office. When submitted, instructions on the form concerning photographs and approved letters from neighbors shall be followed. A complete set of working drawings must be submitted to the HP-DRB a minimum of two months prior to the start of construction. Drawings are to be prepared by an architect or professional designer registered in Ohio.

Title 2: Code of Construction Regulations

(D) Final working drawings shall include floor plan, foundation plan and four elevations all drawn at one-quarter inch to one-foot scale. The drawings shall include a typical wall section calling out all materials at three-quarter inch to one-foot scale. A site plan shall be submitted showing dimensions of property, existing trees larger than four inches in diameter, driveways and sidewalks. The site plan shall be drawn at a one-sixteenth inch to one-foot scale. Colors and materials (for roofing, siding, doors, windows, trim and exterior lighting) shall be submitted for approval of appropriateness. These items may be shown by submitting brochures or illustrations in color. In addition all final drawings for any new structure shall include surveyed grading plans and exterior elevations that accurately indicate final grading as well as accurate representations showing the comparative scale and congruity with adjoining and neighboring properties as the proposed new structure relates to height, density, lot coverage, and materials that have been used in these neighboring properties.

(E) No start of any construction is permitted prior to approval by the HP-DRB as evidenced by the issuance of a certificate of appropriateness and by permits issued by appropriate township, county and state authorities.

2-3 SETBACKS, MAXIMUM LOT COVERAGE, PARKING AND OTHER REQUIREMENTS.

(A) Regulations for setbacks, lot coverage, and other building requirements are contained in the Danbury Township L District zoning regulations. A copy of the complete Township zoning resolution may be viewed online at danburytownship.com by clicking on "Zoning Resolution." A copy may also be purchased from the Danbury Zoning Inspector for a nominal fee. A copy of the Land Use Plan can be purchased from the Regional Planning Commission located at the Ottawa County Courthouse, 315 Madison in Port Clinton. Phone: (419) 734-6780.

(B) Numerous Danbury Zoning Regulation amendments pertaining to Lakeside (the Danbury Township L District) were adopted in February 2012, and are as follows:

ix Amend the section in the front of the resolution "How To Use This Resolution"-Pages vii-ix to reflect an asterisk in the L column for each permitted use allowed in the Overlay District with the appropriate reference to the Overlay District for the asterisk appearing at the bottom of each of these pages.

Amend Zoning Resolution Section 2.2 to modify existing definition and add new definitions are shown below with numbering/renumbering as required:

Section 2.2

60. Dwelling/Dwelling Unit. A building, or portion thereof, designed, used, and intended to be used exclusively for permanent residential occupancy and excluding units designed for transients, recreational vehicles, and vehicles or residences designed to be moved. A manufactured home shall

Title 2: Code of Construction Regulations

be considered a dwelling as specified in Article 4 of this Resolution. Overnight rental and occupancy of dwelling units for periods of less than thirty (30) days shall be prohibited, except in the L district.

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

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

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

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

Park: A tract of land, designated and used by the public for active and passive recreation.

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

Amend Section 3.1.5 L Lakeside District to read as follows:

3.1.5 (L) Lakeside

A. INTENT

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

B. PERMITTED USES

- i. One-family dwellings
- ii. Parking area, lot
- iii. Accessory buildings and uses

C. CONDITIONAL USES

- i. Two-family dwellings
- ii. Bed and breakfast inn

D. DEVELOPMENT STANDARDS

Lot Size

| | |
|-------------------|-------------------------|
| Minimum lot area | Existing lots of record |
| Minimum lot width | Existing lots of record |
| Minimum lot depth | Existing lots of record |

Lot Coverage

Maximum lot coverage: 55%

Setbacks

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

Building Height

Maximum building height: 30 ft and 25 ft to the eaves

Building Width

Minimum building width: 20 ft

NOTES

Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.

Create a New Zoning District 3.1.5.0 Lakeside Business Overlay District

3.1.5.0 LBO Lakeside Business Overlay District

A. Overlay Districts

Where the property is classified in an overlay district (i.e. Lakeside Business Overlay District) as well as a general use district then the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying district. In the event of an express conflict between the standards set forth in the underlying district and the standards set forth in the overlay district, the standards set forth in the overlay district shall control.

B. Area

The district shall be comprised of the following areas of the Lakeside Subdivision plat: Blocks 11, 12, 19, 20, 22; lots 10, 11 and 12 of Block 33; lots 1 and 9 of Block 18; and that area of the plat designated as Hotel, Central Auditorium and the area between Maple Ave., Kenton Row and the lakefront designated as Park (see attached map.)

Lakeside Association – Code of Construction Regulations

C. Purpose

The purpose of the LBO Lakeside Business Overlay District is to provide for retail sales, food services or other services involving an office or places of business frequented by clients or customers and is designed to accommodate the mix of residential, recreational, educational, and commercial uses therein.

D. Permitted Uses

- i. All uses permitted in the L district
- ii. Business, neighborhood
- iii. Business, recreational
- iv. Grocery store
- v. Hotel/motel
- vi. Indoor theatres
- vii. Miniature golf
- viii. Personal services
- ix. Professional activities
- x. Restaurant
- xi. Recreation Facility, Commercial
- xii. Recreation Facility, Private
- xiii. Entertainment Facility

E. Conditional Uses

All conditional uses permitted in the underlying zoning district.

F. Accessory Buildings and Uses

All accessory building and uses that are permitted in the underlying zoning district are permitted.

G. Setbacks

The front, side, and rear yard setbacks shall be the same as those required in the underlying zoning district.

H. Parking

The parking requirements in Section 5.2 shall not apply.

I. Signs

The requirements in Section 5.5 shall apply.

Amend Section 3.3 Floor Area Requirements for Residential Dwellings as follows:

3.3 FLOOR AREA REQUIREMENTS FOR RESIDENTIAL DWELLINGS

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

Lakeside Association – Code of Construction Regulations

| District | One Story | One and one half Stories (first floor) | Two Story (per floor) | Multiple Level (above grade) |
|----------|-----------|--|-----------------------|------------------------------|
| L | 600 | 600 | 600 | not permitted |

Amend Section 3.5 General Regulations To All Districts to include the following:

Section 3.5 General Regulations Applicable To All Districts

New Subitem 11.

11. For residential uses, all building and structures must conform to the requirements of either the Ohio Basic Building Code or the Manufactured Housing Construction and Safety Standards Act of 1974. For manufactured homes, the standards in Section 4.1 of the Danbury Township Zoning Resolution shall also be met.

For non-residential uses, only buildings and structures that conform to the Ohio Basic Building Code may be occupied for commercial and industrial purposes.

Any structure designed or intended to be used for temporary residential use, for transporting materials on the highway, or for the temporary sale of food, drink, food products, and any other products or services, shall not be located in the township. The exception is where these vehicles are allowed as a part of an approved temporary amusement/philanthropic event or activity such as a flea market, carnival, festival, etc. or where such concessions are permitted by zoning regulations and/or variances and conditional uses.

Amend Section 5.1.2 to read as follows:

5.1.2

2. All Accessory buildings in the L district shall be permitted only on lots with a principal building already in existence and are permitted in the side or rear yard. The minimum setback shall be three (3) feet from the side and rear lot line. Such buildings shall not exceed fifteen (15) feet in height.

Amend Section 5.5 Signs to include 5.5.8 - Signs permitted in the Lakeside District, 5.5.9 - Signs permitted in the Commercial districts, and 5.5.10 - Signs permitted in the Manufacturing district.

8. Signs permitted in the Lakeside district.

- A. No person shall install or display signs, lighted or unlighted, on buildings, stores, rooming houses, concessions, or any building without obtaining a zoning permit. No sign shall be erected having a greater dimension than twelve (12) square feet and it shall not be erected at a height greater than twelve (12) above the average grade of the lot.
- B. Property owners may display signs on their homes giving their names or the name they have given to their home without obtaining a zoning permit from the township.

Lakeside Association – Code of Construction Regulations

- C. Signs identifying the contractor responsible for construction may be displayed without the permission of the Township, but only during construction and the Township will require removal of a sign if it determines the zoning permit is no longer valid or the construction is substantially complete.

Amend Section 5.6 Fences and Hedges to read as follows:

Section 5.6 Fences and Hedges

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

1. No fence may conflict with utilities or drainage flow.
2. Fence height shall be determined by measuring the height of the body of the fence. A space of not greater than four (4) inches for drainage and/or landscaping purposes, is permitted between the bottom of the body of the fence and the natural grade.
3. Fence posts are permitted to extend a maximum of five (5) feet above the natural grade where four (4) foot fences are permitted, seven (7) feet above the natural grade where six (6) foot fences are permitted and eight (8) feet above the natural grade where seven (7) foot fences are permitted.
4. No fence, wall, hedge, shrubbery, sign, or other structure or planting shall be placed over three (3) feet in height within the clear vision triangle as defined in Section 5.7 Corner Clearance.
5. If the natural grade has been raised for landscape purposes, the creation of a berm, retaining wall, or other method for the primary purpose of increasing the elevation of the fence, the measurement will be taken from the natural grade prior to any modifications.
6. A fence may be located up to the lot line as long as the entire fence, including fence footings, is located on the fence owner's property. The "ugly side" or exposed framework of the fence must face the fence owner.
8. The following height and opacity requirements shall apply in the Lakeside (L) District.
 - Front Yard Height – 4 feet
 - Side Yard Height – 4 feet
 - Rear Yard Height – 6 feet

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

2-3 Lakeside Code of Construction (continued)

- (C) Prior to any leaseholder's request for any property split or subdivision not relating to setback rules, the leaseholder must file a request for such change with the Municipal Services Committee of the Board of Directors of the Association. The Association will notify all adjacent leaseholders of the request by certified mail, return receipt requested, and give the adjacent leaseholders two weeks to comment prior to consideration for approval by the Municipal Services Committee.
- (D) Association is interested in preserving Lakeside as a place with many trees and attractive lawns. When construction of new buildings or additions to existing buildings is being planned, priority should be given to the preservation of green space.
- (E) The Lakeside Association cannot resolve any property line dispute. Any dispute regarding property lines must be resolved by the parties and/or a registered land surveyor.

2-4 PLUMBING AND SEWERS.

- (A) All residential and commercial buildings shall be connected to the sanitary sewer operated and maintained by Ottawa County. Size and quality of pipes, vents, traps and other materials shall conform to the requirements of the Ottawa County Building Inspection Department and the State of Ohio.
- (B) All connections into sewer mains shall be in accordance with the requirements of Ottawa County Sanitary Engineers Department concerning laterals and connections including requirements for use of licensed contractors, dimension of pipe, depth of cover and payment of permit processing fee, inspection fee and any other charges imposed by Ottawa County.
- (C) No roof drains or other sources of surface or ground water may be connected to the sanitary sewer system.

2-5 ELECTRICAL WORK.

- (A) All electrical materials and installations used in existing or new structures shall be in accordance with the requirements of Ottawa County Building Inspection Department and the State of Ohio.
- (B) Each service shall be at least 200 amperes and shall be located in accordance with the requirements of the Ohio Edison Company.

2-6 CONSTRUCTION WORK.

- (A) No construction work shall be performed by contractors on Sunday; nor shall construction work be permitted at any time when it will disturb meetings or programs held in the buildings or facilities of the Association.
- (B) Leaseholders shall see that contractors keep sidewalks clear during construction and that excavation and other hazards are appropriately marked with lights and barricades at night.
- (C) Leaseholders shall require contractors to arrange for removal of construction waste to dumpsite locations off Lakeside grounds.

2-7 PROGRESS PERMITS.

Every person or contractor desiring to proceed with any work or installation referred to in the *Code of Construction Regulations* of the Lakeside Association shall apply to the Association for a permit to do so and pay a fee of \$30 for an addition or exterior alteration and a fee of \$60 for construction of a new dwelling. Such permit holder shall thereafter abide by all provisions and requirements of the Code; shall provide adequate notice for and opportunity of inspections and approval wherever required under the code, and upon completion of work shall furnish the Association with a certificate of final inspection and approval from the inspecting authority of Ottawa County.

2-8 INSPECTION.

- (A) All trenches and excavations required to be made for the installation or extension of sanitary sewer and drainage systems or for any other plumbing constructed or added shall be kept open until the same have been inspected by Ottawa County Sanitary Engineer.
- (B) All electrical work shall be kept open and uncovered to provide thorough inspection, until inspected.
- (C) Parties in charge of any work shall give written notice to the Ottawa County Building Inspection Department 48 hours before such work is ready for inspection. The Ottawa County Building Inspectors will make such inspection and forthwith issue written clearance if the work is satisfactory. If unsatisfactory, written notice thereof with recommendations for correction will be given and no work shall proceed until such recommendations are followed and performed.

TITLE 3: HISTORIC PRESERVATION AND DESIGN REVIEW

TITLE 3: HISTORIC PRESERVATION AND DESIGN REVIEW

Section

General Provisions

- 3-1. What constitutes change
- 3-2. Guidelines generally
- 3-3—3-14. [Reserved for future legislation]

Guidelines

- 3-15. General statement of purpose
- 3-16. Area
- 3-17. HP-DRB
- 3-18. The HP-DRB review process
- 3-19. Implementation of HP-DRB's decisions
- 3-20. Minimum maintenance standards
- 3-21. Landscape and Paving Guidelines

GENERAL PROVISIONS

3-1 WHAT CONSTITUTES CHANGE.

- (A) However static a neighborhood, a street or a whole community may seem to be, change is forever underway. Obviously, a new building rising on an empty corner lot is a change visible to all. But, a myriad of little subtractions and additions continues as building occupants fill in porches, lop off wood brackets, take out original windows for new ones of a different size and shape, add on lean-tos and remove board-and-batten siding for horizontal vinyl. Corner boards vanish, original wood railings are replaced by aluminum, shutters fall away and carports appear over a weekend.
- (B) The natural tendency for building materials to decay confronts owners with difficult decisions of replacement, restoration or substitution. There are also the decisions produced by the changing tastes of time and of new ownership faced with the care and maintenance of a building. What was revered by one is ignored by another.
- (C) Change is, therefore, persistent and, when largely unrestricted, results often in the erosion of original architectural quality of a neighborhood or community. It benefits everyone when change is objectively considered before it is put in place. There may well be other options less diminishing to the property and its neighbors.
- (D) It would be difficult to enumerate all possible situations involving change, but the following list is representative:

Title 3: Historic Preservation and Design Review

- (1) Re-roofing in a new material, a new pattern or a new color. Introduction of roof skylights;
 - (2) Re-siding in a new material, a new pattern or a new color;
 - (3) Changes to a chimney, its height, style or material;
 - (4) Changes to eaves, their depth, overhang and to built-in-gutters;
 - (5) Removal of original architectural features such as wood fret work;
 - (6) Removal of corner boards, window casings, door casings and other wood trim;
 - (7) Changes to windows: their shape, size, basic materials;
 - (8) Changes to doors: their shape, size, basic materials;
 - (9) Changes to canopies, cupolas, porches: their shape, size, basic materials; and
 - (10) If masonry is affected, changes to new masonry surfacing and new mortar mixes.
- (E) Change applies to front, side and rear yards as well. Some of these areas are already subject to the *Lakeside Association Regulations and Ground Rules*, but are surely subject to review. Items in this category include:
- (1) Adding or subcontracting out-buildings such as garages, sheds, gazebos and carports;
 - (2) Removing major natural growth;
 - (3) Introducing or removing fencing; and
 - (4) Installing major ornamental or landscape features such as fountains.

3-2 GUIDELINES GENERALLY.

For the creating and the functioning of an HP-DRB to serve the purposes of the Lakeside Historic District in Danbury Township, Ottawa County, Ohio.

3-3—3-14 [RESERVED FOR FUTURE LEGISLATION].

Title 3: Historic Preservation and Design Review

GUIDELINES

3-15 GENERAL STATEMENT OF PURPOSE.

- (A) It is the purpose of these guidelines to establish procedures whereby those structures, buildings, sites, areas and places within Lakeside that are a part of the historic fabric of the community shall be allowed a measure of protection from incompatible alteration and demolition, and that a thorough study of proposed changes be made prior to acts of construction, alteration and demolition, so that the following objectives are achieved:
- (1) To maintain and enhance the distinctive character of historic buildings and areas in Lakeside;
 - (2) To safeguard the architectural integrity of Lakeside and the historic resources within the District;
 - (3) To seek alternatives to demolition or incompatible alterations before such acts are performed;
 - (4) To insure the widest possible scope of continuing vitality through private renewal and architectural creativity within appropriate controls and standards;
 - (5) To promote a positive partnership for sensitive restoration between the Lakeside Association and Lakeside's property owners; and
 - (6) To encourage development of vacant properties in accordance with the architectural standards of the Lakeside Historic District.
 - (7) To objectively review any development plans for construction, alteration or demolition in conjunction with existing neighborhood scale, density design features guided by the National Standards of Rehabilitation of Historic Buildings as promulgated by the Secretary of Interior {See Section 2-2(A)}
- (B) The guidelines shall apply to structures and areas owned by the Lakeside Association as well as to structures and areas owned by private individuals or entities.

3-16 AREA.

The Lakeside Historic District is all of the area included within the Lakeside Association boundary maps as they are recorded in the Ottawa County Recorder's office.

Title 3: Historic Preservation and Design Review

3-17 HP-DRB.

- (A) There shall be established an Historic Preservation and Design Review Board (“HP-DRB”) by the Board of Directors of the Lakeside Association.
- (B) The HP-DRB shall consist of five members who shall be appointed by the Chairperson of the Lakeside Board of Directors for three-year terms.
 - (1) Effective January 1, 2004, term limits for HP-DRB members shall be for three calendar years with two new members each year. If a member of HP-DRB resigns during his or her term, the named successor shall serve the balance of that calendar year’s term and shall not serve three full years from the appointment. The named successor may be eligible for appointment to a new term at the discretion of the Chairperson of the Lakeside Board of Directors. Members shall, whenever possible, be selected from several areas of expertise as follows:
 - (a) Two design professions, one of whom should be an architect;
 - (b) Historic preservation;
 - (c) Landscape architecture;
 - (d) Architectural historian;
 - (e) Planning and urban design;
 - (f) Real estate;
 - (g) Law, especially zoning, planning or real estate law;
 - (h) Construction, especially restoration and renovation; and
 - (i) Engineering, especially related to the building field.
 - (2) At least four members shall be Lakeside or Island View property owners.
- (C) The President of the Lakeside Association or his or her designee shall serve the Board in a staff capacity without voting privileges.
- (D) There shall be a minimum of nine meetings per year of the HP-DRB with dates to be published in advance. Special meetings may be called by the Chair of the HP-DRB (“the Chair”).

Title 3: Historic Preservation and Design Review

- (E) A quorum shall consist of three HP-DRB members. An approval or disapproval of a proposed change will require a minimum of three votes. If the HP-DRB cannot convene in a timely manner, the business at hand may, at the Chair's discretion, be carried out via mail and/or telephone.
- (F) Minutes of each meeting shall be carefully drawn and promptly entered into the Lakeside Association's records and be available for review by any applicant or property owner.
- (G) All decisions of the HP-DRB shall be subject to appeal by the applicant to the Municipal Services Committee of the Lakeside Association Board of Directors, as set forth herein.

3-18 THE HP-DRB REVIEW PROCESS.

(A) *Powers and functions.*

- (1) The HP-DRB shall have responsibility for permitting, by approval of application of any property owner including the Lakeside Association, construction, preservation, restoration, reconstruction or rehabilitation or other structure within the Lakeside Historic District.
- (2) The HP-DRB shall have the power to determine the razing or demolition of any structure within the District. [Demolition process see Section 3-18 (D)]
- (3) The HP-DRB shall have the power to determine the appropriateness of applications regarding construction, preservation, restoration, reconstruction and rehabilitation of structures and changes to any landscaping within the District in accordance with the following considerations:
 - (a) Overall design, placement on the lot;
 - (b) Congruity with the existing structure;
 - (c) Texture, materials and architectural features proposed;
 - (d) Relationship to adjacent buildings; [Refer to Section 2-2 (B) Size and Scale] and
 - (e) Landscape features: planting, paving, fencing, detached structures.
- (4) The HP-DRB shall be subject to all applicable zoning and building codes of Danbury Township and Ottawa County and of the Ohio Basic Building Code.
- (5) The HP-DRB shall also be governed by guidelines and procedures established by the Board of Directors of the Lakeside Association, including the *Code of Construction Regulations of Lakeside* and the *Lakeside Regulations and Ground Rules*.

Title 3: Historic Preservation and Design Review

- (6) The chief function of the HP-DRB is to review proposed changes to properties with the intention of issuing a certificate of appropriateness for the work proposed. Such approval must be earned and the HP-DRB may disapprove an applicant's proposal or approve with specific conditions. A disapproval does not limit an applicant from making a new presentation reflecting recommendation by the HP-DRB at a subsequent meeting.

(B) *Application procedures.*

- (1) Applications for certificates of appropriateness shall be filed with the Lakeside Association at the office of the Association, 236 Walnut Avenue, Lakeside, Ohio 43440. Applications must be received no later than thirty (30) days before the HP-DRB meeting at which the applicant seeks a decision.
- (2) Property owners, including the Lakeside Association, shall apply for a certificate when one or more of the following changes is planned:
 - (a) Additions to an existing structure;
 - (b) Subtractions from or razing an existing structure; [See Section 3-18 (D)]
 - (c) Exterior alterations to an existing structure;
 - (d) Addition of a new free-standing structure; and
 - (e) Major modifications to the site and landscape features of property.
- (3) At least 30 days prior to consideration by the HP-DRB, the applicant shall notify all abutting property owners, including those whose properties abut across a street right-of-way, of the nature and location of any planned alteration. The notification shall include a plan drawing and a site plan drawing as specified in Section 3-18 (B) (1) (c) and (d). The notification will be made by certified mail (or any other form evidencing delivery) and in the absence of personal delivery shall be made to the property owner's tax mailing address, as recorded in the Ottawa County Auditor's website. The applicant shall furnish certified mail receipt to the HP-DRB. A delivery receipt indicating refusal of delivery or unclaimed mail is adequate notification under this section.
- (4) The HP-DRB may establish a fee to be paid to the Lakeside Association for the application. Such fee or fees shall be stated in the published form.
- (5) With the exception of an application for permit for Demolition, Razing of Part or all of an Existing Structure the HP-DRB will review the application and take action at a meeting within 30 days thereof; [See Section 3-18 (D) for Demolition].

Title 3: Historic Preservation and Design Review

(C) Application materials.

- (1) Each application shall include the following information:
 - (a) A written or typed summary of the change(s) intended. The exact location of the property for which the certificate is requested, plus the complete name(s), address(es) and telephone number(s) for all owners of the property and the person or persons making the application;
 - (b) Photographs of the existing building(s) subject to change and of the adjacent structures on abutting lots. Standard three-inch by five-inch color prints are recommended;
 - (c) A plan drawing of an addition/subtraction or new structure proposed for the site, preferably at one-eighths inch or one-fourth inch equals one-foot scale;
 - (d) A site plan drawing showing the proposed change(s). A scale of one inch equals 20-foot minimum is required, one inch equals ten feet or one-eighths inch equals one foot is satisfactory;
 - (e) Elevations of the existing building affected by the proposed change showing all of the changes. The same for a new, free-standing building. A color rendering may also be used;
 - (f) Samples of the materials to be used in the proposed change(s). The HP-DRB may accept a color photograph of a proposed material if a sample is not readily available; and
 - (g) Approval from the Municipal Services Committee of the Lakeside Association Board of Directors to any deviations from setback requirements or encroachment in the right-of-way.
- (2) A pending application will be available for inspection and review during the regular business hours of the Lakeside Association.

(D) Review and Permit for Demolition of Part or all of an Existing Structure

- (1) It is the goal of these guidelines to seek alternatives to demolition before such acts are performed:

Title 3: Historic Preservation and Design Review

- (2) Demolition is defined as the act of demolishing or removing (a) 50% or more of the roof area as measured in plan view or (b) 50% or more of the exterior walls or a building a measured contiguously around the building or (c) any exterior façade facing a public street, park or lake front.

- (3) In order to protect the historic character of Lakeside, the demolition of a structure shall only be permitted in the rarest of circumstances such as where demolition is required by severe damage to or deterioration of a structure (not caused by the owner). For example, if a structure is in such poor condition that it is condemned by a local governmental authority, it is likely that the HP&DRB would grant a Demolition Application. An important component of a Demolition Application is the replacement structure that will be constructed on the property. In protecting the historic character of Lakeside, the HP&DRB may look favorably upon a Demolition Application which would involve only partial demolition of a structure and the construction of a replacement structure which incorporates the most historic portions of the prior structure. Similarly, although less preferable, the HP&DRB may look favorably upon a Demolition Application which involves a replacement structure which is a reproduction of the prior structure, or a replacement structure which differs from the prior structure due to the unique circumstances of the property but is still consistent with authenticated historical styles recognized as inherent to the community. In contrast, a Demolition Application which merely seeks to provide the property owner with greater flexibility in the sale of a property will generally be denied. Be advised that these are only general statements of the HP&DRB, and the HP-DRB evaluates each particular Demolition Application on its own facts and circumstances.

- (4) Review process by HP-DRB
 - (a) Upon receipt of application for demolition the applicant shall prominently post a copy of the application at the building and continue said posting until the application is approved or denied by HP-DRB.

 - (b) Applicant shall notify all property owners abutting or across the street of the application in the same manner as required in Section 3-18 (B) (3).

 - (c) HP-DRB shall be allowed a maximum period of six (6) months from date of receipt of application to determine and receive community input on the application, schedule and hold public hearings on application, and to allow the assessment by the HP-DRB of the historical merit of the building and its relation to surrounding properties and to the historic district.

Title 3: Historic Preservation and Design Review

3-19 IMPLEMENTATION OF HP-DRB'S DECISIONS.

- (A) A certificate of appropriateness culminates successful dialogue between the HP-DRB, abutting property owners and an applicant seeking a change. An Ottawa County building permit and approval from Danbury Township will also be needed. The certificate of appropriateness must be applied for first and a copy of the certificate must accompany the plans being submitted to Danbury Township and Ottawa County when applying for the appropriate permits from those governmental entities.
- (B) Normally, the applicant and/or architect or designer will come before the HP-DRB, so that there will be the opportunity for questions and an exchange of ideas. The HP-DRB is empowered to administer the guidelines and, while some judgment will be required, it is intended that few, if any, outright exceptions to the guidelines will be granted. If, at any time after approval of the certificate of appropriateness, alterations that will result in a visual change are required or desired, these modifications must be resubmitted to the HP-DRB. The HP-DRB or Association may assign an individual to visit the work being done and affirm that it meets the conditions described in the presentation drawings and approved by the HP-DRB.
- (C) Any abutting property owner may also be heard upon any application, either in person or in writing. The abutting property owner's specific objections to any proposed alteration shall be recorded in the event of an appeal to the Municipal Services Committee.
- (D) (1) Upon examination of the application submitted by the property owner, the HP-DRB will take one of three actions:
 - (a) Approve as submitted; or
 - (b) Approve with changes; or
 - (c) Disapprove as submitted.
- (2) The applicant, and/or agent, will be informed of this decision in writing with a list of required alterations to the submitted plan or reasons for disapproval. Any abutting property owner exercising rights under division (C) above will also be notified of the HP-DRB's action.
- (3) In the event that the plans are approved with changes, the property owner must agree in writing to those changes before the certificate of appropriateness is issued. A disapproval does not limit an applicant from making a new presentation reflecting recommendations by the HP-DRB at a subsequent meeting.

Title 3: Historic Preservation and Design Review

- (E) If the property owner refused to comply or proceeds with construction contrary to the submitted and approved plans, the HP-DRB will turn to the Lakeside Association and its Board of Directors, who may exercise its rights under the Lakeside Lease Agreement. Non-compliance can lead to denial of any or all Association provided municipal services, as well as ultimate revocation of leaseholder rights.
- (F) Every effort will be made to apply these guidelines in a manner that will not place an undue hardship upon property owners. However, the level of thought and planning that goes into the remodeling of Lakeside property must be increased and improved.
- (G) Within five days of being notified of the HP-DRB decision on any application, an applicant or an abutting property owner who has recorded objections during the initial consideration of an application may appeal the decision of the HP-DRB to the Municipal Services Committee. During the appeal, the certificate of appropriateness will be withheld.
- (H) Within 30 days of the submission of any appeal, the Municipal Services Committee will determine whether or not to issue a certificate of appropriateness. The Municipal Services Committee's consideration of any appeal will be limited to those matters and objections that have specifically been brought before the HP-DRB and will not consider issues not previously raised. The Municipal Services Committee may make its determination upon the written submissions to the HP-DRB and may consider such other information as it determines. The decision of the Municipal Services Committee will be final.
- (I) A Certificate of Approval granted by the HP-DRB shall be valid for a period of two (2) years to permit the completion of the project. If the project is not completed within two (2) years, the Certificate will expire and be void, and may require the property owner to resubmit an application as a new project.

3-20 MINIMUM MAINTENANCE STANDARDS.

- (A) If historic preservation and design review guidelines are to provide the desired long-term impact on preserving the Lakeside Historic District, they will need to be coupled with a fairly rigid set of maintenance standards. Only by faithful upgrading and maintaining of all Lakeside's properties can the fullest enjoyment of Lakeside be achieved.
- (B) Perhaps the single greatest incentive to improved maintenance standards is their effect on property values. Lakeside property has become very desirable, increasing demand and thereby driving up prices. With this dramatic increase in value has come a greater attention to appearance and maintenance. As these guidelines are being prepared, only a very few examples of gross neglect are evident within Lakeside. However, a continued upgrading of standards by both the Lakeside Association and Lakeside's property owners is necessary if the gains made since the mid-1970s are to be improved upon.

Title 3: Historic Preservation and Design Review

- (C) While this is by no means an exhaustive list, the following are some of the areas of concern:
- (1) Failure to repair and replace old and leaking roofs;
 - (2) Lack of timely repainting of housing and other structures;
 - (3) Neglect of yards, including the lack of pruning of trees and shrubs;
 - (4) Failure to properly dispose of items removed from cottages, including old appliances, bedding and fixtures;
 - (5) Improper or inappropriate storage of materials in an unsightly or unsafe manner; and
 - (6) Any form of deferred maintenance, such as not having heaters and furnaces checked regularly, or ignoring buildups in chimneys, that may result in greater chance of fire loss.
- (D) The President of the Lakeside Association has the responsibility for enforcing adherence to the Lakeside maintenance standards. An annual inspection of the Lakeside grounds shall be made and all properties which do not meet the standards necessary to preserve and protect the Historic District shall be noted and the owners informed in writing by the President.

3-21 LANDSCAPE AND PAVING GUIDELINES

- (A) Paving for sidewalks, driveways or other purposes on or across Lakeside right-of-way areas must be permeable. Acceptable permeable surfaces are gravel, grass paver systems or paver products that allow movement of stormwater through the surface to percolate to the soil below.
- (B) Permeable paving is encouraged for all new areas of sidewalks, driveways or patios within the property lines of a site.
- (C) With the goal of reducing additional stormwater runoff as a result of new construction, a stormwater management system must be included in all submissions that include roof area or impermeable paving area. The stormwater management system may include drywells or connection to the existing stormwater drainage lines if available.
- (D) Location of accessory equipment (air conditioning condensers, generators, etc.) must be included in submissions showing relationships to adjacent buildings or properties.

BY-LAWS
OF
THE LAKESIDE ASSOCIATION

ARTICLE I - NAME

Section 1. Name. The name of this organization shall be THE LAKESIDE ASSOCIATION (“the Association”).

Section 2. Status. The Association is a corporation not for profit organized under the laws of the State of Ohio. It is a tax exempt organization as defined by Section 501(c) (3) of the United States Internal Revenue Service Code.

ARTICLE II - MISSION STATEMENT

Section 1. Mission. The mission of the Association is to enrich the quality of life for all people, to foster traditional Christian values and to nurture relationships through opportunities for renewal and growth...spiritual, intellectual, cultural and physical...while preserving Lakeside’s heritage.

Section 2. Vision. The vision of the Association is a Chautauqua community dedicated to Christian values and cultural excellence, nurturing mind, body and spirit.

Section 3. Policy. The actions and policies of the Association shall be in harmony with the Discipline of the United Methodist Church.

ARTICLE III - MEMBERSHIP

Section 1. The members of the Board of Directors shall be the voting members of the Association. All persons, other than Board members, who contribute funds or services to the Association, shall be non-voting members for the years in which they contribute.

ARTICLE IV - MEMBERS OF BOARD OF DIRECTORS

Section 1. Members. The Board of Directors shall be composed of twenty-five (25) voting members as follows:

- (a) three persons selected by the East Ohio Conference of the United Methodist Church, including at least one clergy and one layperson, whose appointment must be confirmed by an action of the Board of Directors.

- (b) three persons selected by the West Ohio Conference of the United Methodist Church, including at least one clergy and one layperson, whose appointment must be confirmed by an action of the Board of Directors.
- (c) thirteen (13) members who are elected at the annual meeting by the Board of Directors, at least four (4) of whom shall be members of the United Methodist Church and at least eight (8) of whom shall be leaseholders, commonly called property owners, in Lakeside.
- (d) three (3) ex-officio members with voting privileges, namely; (i) the Resident Bishop of the East Ohio Conference of the United Methodist Church or a designated representative; (ii) the Resident Bishop of the West Ohio Conference of the United Methodist Church or a designated representative; and (iii) the Minister of the Lakeside United Methodist Church or a designated congregant.
- (e) the President of the Lakeside Property Owners Association, ex-officio , with voting privileges.
- (f) one person elected by the Lakeside Property Owners Association, whose appointment must be confirmed by an action of the Board of Directors.
- (g) The President of the Lakeside Chautauqua Foundation, ex-officio, with voting privileges.

In addition, the President of the Association shall be a member of the Board without vote.

Section 2. Terms. Except for the ex officio members, the term of office for Board members shall be three (3) years beginning April 1. No member shall serve more than two (2) consecutive terms. A person appointed to fill an unexpired term shall be considered to have served a full term if the unexpired term exceeded one and one half years in length at the time of the appointment.

A person having served two (2) terms may become eligible for election to one additional three year term after a lapse of six (6) years.

Section 3. Honorary Trustees or Directors. Persons who have served two (2) terms as Trustees or Directors (members) may be elected honorary directors for life. No more than two shall be elected annually at the May Board meeting. Honorary Directors and a guest shall be invited to dinner at the September Board meeting.

Section 4. Vacancies. Vacancies in the positions filled by the East and West Ohio Conferences, the Property Owners Association and the Lakeside Chautauqua Foundation shall be filled by those organizations subject to confirmation by the Board. Vacancies in the positions elected by the Board of Directors shall be filled by the Board.

Section 5. Conflict of Interest. The Conflict of Interest Policy dated February 13, 2010 shall apply to all Board members.

Section 6. Leave of Absence. Any Board member arrested or charged with the alleged commission of a crime shall report the accusation to the Chairperson of the Board. If, in the sole judgment of the Chairperson, the accusation could reflect poorly or bring discredit upon the Board, then the member shall be placed on an immediate leave of absence and may also be asked to resign voluntarily from the Board.

If the Chairperson of the Board is arrested or charged with the alleged commission of a crime, the Chairperson shall report the accusation to the Vice-Chairperson of the Board. If, in the sole judgment of the Vice-Chairperson, the accusation could reflect poorly or bring discredit upon the Board, then the Chairperson shall be placed on an immediate leave of absence and may also be asked to resign voluntarily from the Board.

Section 7. Removal from Board. Any Board member may be removed from the Board upon a vote of two-thirds of members of the quorum of the Board at any regularly scheduled meeting. A vote on a Motion to Remove a Board Member shall not be called unless two weeks' notice is given to all members that the Motion to Remove will be brought before the Board.

ARTICLE V - DUTIES OF BOARD OF DIRECTORS

Section 1. Responsibilities. The Board of Directors shall govern the Association by exercising such responsibilities as the setting of priorities; adoption of annual and long range plans; adoption of budgets; enactment of rules, regulations, and policies; employment of a President of the Association and such other actions as give general direction to the conduct of the affairs of the Association.

The Board may acquire real or personal property by purchase, gift, bequest or other means and may sell, lease, or otherwise convey real or personal property upon such terms and conditions as the Board deems proper; provided however, that no property, real or personal shall be encumbered by real estate mortgage, chattel mortgage, deed of trust, lien or other encumbrance upon property of the Association unless the following conditions are met:

- (a) Members are notified in writing of the terms and conditions and at least thirteen (13) members agree in writing; or
- (b) At a meeting of the Board, at least thirteen (13) members vote in the affirmative for such terms and conditions provided however, that written notice was mailed to each member at least two (2) weeks prior to the meeting stating the nature of the proposed action and its terms and conditions.

Section 2. Regular Meetings. There shall be four (4) regular meetings of the Board of Directors held at Lakeside on a quarterly basis. The Chairperson shall establish the meeting dates and

announce them within thirty (30) days after the annual meeting.

Section 3. Special Meeting. Special meetings may be called by the Chairperson and shall be called on the written request of five (5) Board members.

Section 4. Notice of Meetings. Notice of time and place of regular meetings shall be given by mail, e-mail or fax at least two (2) weeks prior to the meeting date. Notice of special meetings shall ordinarily be given by mail, e-mail, telephone or fax at least one week prior to the meeting but in the event of emergency may be given on forty-eight (48) hours notice. The notice of special meetings shall contain the time; place and purpose of the meeting and no action shall be taken which is not consistent with the stated purpose.

Section 5. Third Quarter and Annual Meeting.

The Lakeside fiscal year shall be April 1 to March 31.

- a) Annual assessments, service charges and gate fees shall be adopted at the meeting held during the third quarter of the fiscal year.
- b) The annual meeting shall be held in the fourth quarter of the fiscal year. Officers and Directors shall be elected and the budget shall be adopted at the annual meeting.

Section 6. Quorum. At all meetings of the Board, thirteen (13) Directors must be present to constitute a quorum for the transaction of business.

Section 7. Attendance at Meetings. Any member of the Board of Directors, except members who serve ex-officio, who fails to attend at least two (2) full sessions of the regular meetings held by the board in a calendar year or two (2) consecutive meetings, will cause the Board member's position to be reviewed by the Nominating Committee for possible replacement. A full session is considered to include all committee and related meetings.

Section 8. Voting. Unless otherwise specified herein, all business before the board shall be decided by the votes of a simple majority of the quorum.

Section 9. Voting by Mail, Facsimile or E-Mail. Special circumstances or the nature and timing of a proposed Board action may require voting outside of the regular meetings of the Board. Whenever the Chairperson, after consultation with the Executive Committee, determines that circumstances or the particular nature of a proposed action should have full Board consideration, a vote may be conducted outside of the regular meetings by mail, facsimile, e-mail or such other transmission as the Chairperson decides. Preference should be given to e-mail, which will facilitate discussion and debate by the Board. Nothing in this Section 9 shall restrict the Executive Committee from taking action on behalf of the Board.

If the Chairperson decides to conduct a vote under this Section, the resolution upon which the vote is taken must be clearly drafted and clearly provide reasons requiring voting under this Section. Whenever possible, the Chairperson must consult with the appropriate committee

chairpersons for drafting the resolution. Because of the logistical limitations of taking votes under this Section 9, no amendment to proposed resolutions under this Section will be permitted.

In taking a vote under this Section 9, the Chairperson will provide each member with a Notification of Vote, which will be given by a method evidencing receipt (which can include e-mail, telephone confirmation or other means.) The Notification of Vote and proposed resolution shall include all pertinent information for members to make an informed decision, consistent with their fiduciary obligations. The Notification of Vote will fix a period for consideration of the matter of no less than five business days from the notification of the vote. The Notification of Vote should also include this Section of the By-laws and apprise all members of the applicable procedures.

Votes will be returned to the Secretary, who shall retain all votes received under this Section 9 as part of the official records of the Association, available for review by any member. Members may return their vote by whatever means is most expeditious to the member. Member votes may be reconsidered and changed any time up to the conclusion of the voting, as fixed by the Notification of Vote. The Secretary shall announce the results of the vote within forty-eight hours of the conclusion of voting.

Passage of a vote taken under this Section requires a majority of the eligible membership of the entire Board. The eligible membership includes all members of the Board, whether or not voting or abstaining on the Resolution, except those members with conflicts of interest requiring recusal from the vote. A failure to vote or abstention will therefore be considered a vote against the Resolution.

ARTICLE VI – OFFICERS

Section 1. Officers. The officers of the Association shall be the Chairperson, Vice Chairperson, Secretary, Assistant Secretary, Treasurer, and Assistant Treasurer.

Section 2. Election and Term. Officers shall be elected from among the members of the Board of Directors at the annual meeting of the Board for one year terms to begin April 1.

Section 3. Vacancies. A vacancy in any office shall be filled by appointment of the Chairperson except that the Vice Chairperson shall succeed to the office of Chairperson.

Section 4. Term Limit. The Chairperson and Vice Chairperson shall be eligible to serve no more than four consecutive terms in the same office.

ARTICLE VII - DUTIES OF OFFICERS

Section 1. Chairperson. The Chairperson shall preside at all meetings of the membership, the Board of Directors, and the Executive Committee. The Chairperson shall give leadership to the

Board; assure that a comprehensive long range plan for development of the Association's program and property is in place; appoint standing and special committees; appoint persons to other positions created by the Board; and serve as an ex officio member of standing committees.

The Chairperson shall confer regularly with the President of the Association and shall conduct the President's annual performance evaluation after due consideration with the full Board. The Chairperson shall report the results of the evaluation to the Board at the annual meeting of the Association.

The Chairperson shall perform all other duties usually incident to the office and such other duties as may from time to time be required by the Board.

Section 2. Vice Chairperson. The Vice Chairperson shall perform the duties of the Chairperson in the event of the Chairperson's absence or inability to act and shall perform such other duties as may be assigned. The Vice Chairperson shall succeed to the office of Chairperson if that office becomes vacant due to death, resignation, or other cause.

The Vice Chairperson shall participate with the Chairperson in preparing and conducting the President's annual written performance evaluation.

Section 3. Secretary and Assistant Secretary. The Secretary shall keep an accurate record of the proceedings of the Board of Directors and of the Executive Committee and see that such records are maintained in the office of the Association. The Secretary shall see that notices of Board of Directors meetings and of Executive Committee meetings are issued. The Secretary shall perform such other duties usually incident to this office or which may be assigned by the Board of Directors.

The Assistant Secretary shall perform the duties of the Secretary in the event of the Secretary's absence or inability to act; and shall perform such other duties as may be assigned.

Section 4. Treasurer and Assistant Treasurer. The Treasurer shall be responsible for the custody of all funds and investments including all savings, checking and stock accounts. The Treasurer shall provide reports of all financial transactions at each meeting of the Board of Directors and as requested by the Chairperson. The Treasurer shall be an ex-officio member of the Finance Committee and shall perform such other duties to this office or which may be assigned.

The Assistant Treasurer shall perform the duties of the Treasurer in the event of the Treasurer's absence or inability to act. The Assistant Treasurer shall also be an ex-officio member of the Finance Committee and shall perform such other duties as may be required.

ARTICLE VIII - EXECUTIVE COMMITTEE

Section 1. Members. The Executive Committee shall be composed of the Chairperson, Vice-

Chairperson, Secretary and Treasurer, chairpersons of standing committees, and the chairpersons of the Lakeside Chautauqua Foundation and the Nominating Committee. The President of the Association shall be a member without vote. When a chairperson of a committee is unable to attend, the vice chairperson of the committee may attend and vote. When the Secretary or Treasurer is unable to attend, the Assistant Secretary or Assistant Treasurer may attend and vote.

Section 2. Meetings. One (1) regular meeting of the Executive Committee shall be held at least one month prior to the regular meetings of the Board of Directors. A schedule of meetings shall be announced by the Chairperson at the time a schedule of Board of Directors' meetings is presented. Special meetings may be held at the call of the Chairperson or upon written request of two (2) members of the Executive Committee. Notice of regular meetings shall be given at least two weeks prior to the meeting, and notice of special meetings shall be given at least twenty-four (24) hours before the meeting in person or by telephone, e-mail or fax.

Section 3. Quorum. Seven(7) members shall be present to constitute a quorum for the transaction of business.

Section 4. Duties. The Executive Committee may take such action as may be required between the meetings of the Board of Directors; provided, however, that the Executive Committee shall not have the power to adopt the budget or to buy, sell, or encumber any real property. All action taken by the Executive Committee must be reported to the Board of Directors at its next regularly scheduled meeting.

ARTICLE IX - COMMITTEES

Section 1. Standing Committees. There shall be six (6) standing committees as follows: (1) Enterprise; (2) Finance; (3) Governance; (4) Guest Services & Marketing; (5) Municipal Services; and (6) Program.

Section 2. Membership. Within thirty (30) days after the annual meeting, the Chairperson shall appoint committee chairpersons from among the membership of the Board of Directors for one year terms. Additionally, in consultation with the committee chairpersons, the Chairperson shall appoint members of committees for one year terms.

Organizations not directly related to the Lakeside Association but still having a vital interest in helping to fulfill the Mission and Vision of Lakeside may be invited to name a representative to the appropriate Board committee or advisory team to serve as a linking person. The group shall report their choice to the Chairperson prior to the first meeting of the Board of Directors. Except for the chairpersons, membership on the Board of Directors shall not be a prerequisite for committee membership.

Section 3. Special Committees. From time to time, the Chairperson may appoint such special or ad hoc internal committees as needed.

- (a) Advisory teams shall be named as needed. The teams shall consist of five (5) to seven (7) persons including two (2) Board members, chosen on the basis of interest or expertise, nominated by the Board Chairperson in consultation with Senior Staff and affirmed by the Board of Directors at its first meeting of the year. One team member, chosen by the team, will be a member ex-officio of the appropriate Board Committee with vote.

Section 4. Duties of Committees. The standing committees shall perform the following duties:

- (a) The Enterprise Committee shall:
 - 1. identify and implement best practices to optimize Lakeside's retail mix, maximize revenue opportunities, upgrade the business district and encourage new business development consistent with the Lakeside mission and needs of stakeholders.
 - 2. work with staff to insure that the Association is acting prudently with regard to management and stewardship of Association-owned properties used for business and commercial purposes and provide advice and counsel to staff regarding implementation of the Lakeside Association Strategic Plan as it relates to business and commercial activities.
 - 3. implement appropriate rules and regulations governing the conduct of business within Lakeside.
 - 4. receive and review all applications for new businesses and determine their suitability for inclusion in Lakeside's business community.
 - 5. with the guidance of the Finance Committee and in consultation with staff, determine appropriate lease terms and rents for business space in Lakeside and review the status of compliance with lease terms by Lakeside businesses as necessary. Review delinquent rent and/or other lease non-compliance issues and determine appropriate actions necessary to enforce lease terms.
 - 6. establish and implement such licensing fees as may be necessary and appropriate for the conduct of business within Lakeside, both by on-site merchants and off-site vendors who conduct business on Lakeside grounds.
 - 7. work collaboratively with the Lakeside Trade Association to address issues of common concern and interest.
 - 8. evaluate potential prospects for the Lakeside Association to pursue business opportunities on its own behalf, consistent with its mission and tax-exempt status.

(b) The Finance Committee shall:

1. prepare and recommend the annual budget to the Board of Directors which shall include the Lakeside Chautauqua season fee schedule and projections for revenues and expenses for the fiscal year.
2. recommend such plans and policies necessary to safeguard the assets of the Association including: completing financial analysis; securing the services of independent auditors; assuring that adequate internal financial controls are in place; obtaining and investing funds; securing insurance coverage for properties and providing bonds for persons handling monies.
3. maintain liaison with the Lakeside Chautauqua Foundation regarding fund raising activities including the annual fund campaign, capital gifts, grant applications, bequests, and other deferred giving.
4. recommend guidelines to be followed by staff in making short term leases of Association owned property for retail, restaurant, or other purposes. The Finance Committee shall review and approve the terms of all leases before they are executed .

(c) The Governance Committee shall:

1. review and/or recommend proposed changes to the By-Laws, Lakeside Regulations and Ground Rules, Code of Construction Regulations, Historic Preservation and Design Review, Conflict of Interest Policy, Ethical Practices and Rules, and any other sets of rules or successors to the above named rules.
2. make recommendations to the Board of Directors regarding potential and real conflicts of interests, including the review and consideration of any affiliations that may be disclosed by Board members or nominees.
3. review and advise the Board of Directors regarding the procedural requirements contained in these By-Laws.

(d) The Guest Services & Marketing Committee shall:

1. maintain liaison with the Lakeside staff, listening to the challenges and opportunities of serving 21st century guests.
2. provide advice and potential solutions to address specific challenges of Guest

Services and Marketing.

3. provide forward thinking, long term, strategic ideas to anticipate and serve the evolving needs of 21st century guests.
- (e) The Municipal Services Committee shall:
1. recommend to the Board plans, policies and rules and regulations, related to construction, renovation, and maintenance of Association owned buildings, parks, parking areas, dock, lakefront, streets, street lighting, parking facilities, water and sewer systems, and other facilities.
 2. prepare an annual budget for facilities upgrades to be used by the Finance Committee as a part of the overall budget.
 3. recommend to the Board policies, rules and regulations concerning use of Association owned facilities and lands.
 4. recommend to the Board policies, rules and regulations for construction on and use of properties leased by the Association with ninety-nine (99) year lease provisions.
 5. make recommendations concerning security, parking, traffic control and public transportation.
 6. serve as the appeal agency for decisions made by the Historic Preservation and Design Review Board and by the Lakeside Tree Commission. All decisions of the Municipal Services Committee shall be final and binding.
- (f) The Program Committee shall:
1. oversee Lakeside's religious, educational, cultural and recreation program activities to assure that they are consistent with Lakeside's Mission, Vision and Chautauqua ideals.
 2. annually evaluate each of Lakeside's program activities, note areas of concern and make recommendations as needed to meet the goal in Item 1.

ARTICLE X - NOMINATING COMMITTEE

Section 1. Membership. There shall be a Nominating Committee composed of five (5) members. Three (3) of the members shall be from the Board of Directors and must be nominated from the floor. The three (3) members will be arranged in two classes, elected by the Board for

two (2) year terms from among members who have served at least one year on the Board prior to the date of assuming this office. The remaining two members shall be the Chairperson of the Board and the President of the Association who will serve on the Nominating Committee ex-officio, without vote.

Nominations will be made at the third quarter meeting. All biographical data must be sent to the Board within thirty (30) days of the Annual Meeting, at which elections will be held.

Members of the Nominating Committee may serve only one term and a year must elapse before being eligible for re-election. Vacancies may be filled by appointment of the Chairperson.

Section 2. Duties. It shall be the duty of the Nominating Committee to:

- (a) Present a single slate of Officers, including pertinent biographical data, for possible election by the Board.
- (b) Present a single slate of candidates, including pertinent biographical data, for possible election as members by the Board.
- (c) Present recommendations, including pertinent biographical data, for confirmation by the Board of Directors for persons selected by the East and West Ohio Conferences of the United Methodist Church.
- (d) Present one person from the Lakeside Property Owners Association for confirmation by the Board of Directors.
- (e) Develop a diverse and representative Board with the skill-sets needed to support the Mission and Vision of Lakeside.
- (f) Collect and maintain pertinent biographical data from persons who are potential candidates for membership on the Board of Directors.
- (g) The slates for all positions to be acted upon at the annual meeting along with pertinent biographical data shall be provided by mail, e-mail or fax to members of the Board of Directors with the notice of the meeting. Nominations for all offices may also be made from the floor, including pertinent biographical data of each nominee, for the Board's consideration.

ARTICLE XI - PRESIDENT OF THE ASSOCIATION

Section 1. Employment. With assistance from a Search Committee, appointed by the Chairperson and confirmed by the Board, the Board of Directors shall employ a President of the Association, who shall be responsible for the implementation of the plans, policies, and budget adopted by the Board.

Section 2. Duties. As chief executive officer, the President shall be responsible for administering the budget, carrying out plans, overseeing day to day operations, and enforcing policies, rules and regulations adopted by the Board. The President or a staff member designated by the Board shall, with the Treasurer or Assistant Treasurer, sign all checks, orders for withdrawal or transfer of funds, stock, or other investments.

The President shall serve as a member of the Board, without vote, and shall provide staff service to the Chairperson, the Board of Directors, and its committees. The President shall annually present to the Board short and long term plans for Lakeside's operations.

The President shall give leadership to the employed staff whose positions have been funded in the budget. The President, in consultation with any search committees appointed by the Chairperson, shall employ year round administrative staff and all other staff. The President shall be responsible for the supervision, training, retention, evaluation and release of all employees.

The President shall perform such other duties usually incident to such office and such other duties as may be assigned.

Section 3. Housing. The President is expected to live on the Lakeside grounds or in the Island View Sub-Division adjacent to the Lakeside grounds.

ARTICLE XII- FISCAL AFFAIRS

Section 1. Fiscal Year. The fiscal year shall be April 1 to March 31. The Board calendar year shall be the same as the fiscal year.

Section 2. Audit. All books and accounts of the Association shall be audited annually by a certified public accountant and the report reviewed by the Finance Committee and Board of Directors. A copy of the audit shall be on file in the Association office where it will be available for review by leaseholders, commonly called property owners, and by other Association members.

ARTICLE XIII - PARLIAMENTARY AUTHORITY

Section 1. The parliamentary authority for the conduct of business shall be the current edition of Robert's Rules of Order, Newly Revised.

ARTICLE XIV - AMENDMENTS

Section 1. By-laws may be amended at any meeting of the Board of Directors by affirmative vote of three-fourths of those present and voting provided that a written copy of the proposed amendment was mailed to each member at least thirty (30) days prior to the meeting.

Adopted 5/21/94
Amended 2/17/96
Amended 11/15/97
Amended 5/16/98
Amended 5/15/99
Amended 5/19/01
Amended 9/29/01
Amended 5/18/02
Amended 11/16/02
Amended 11/15/03
Amended 05/15/04
Amended 09/24/05
Amended 11/12/05
Amended 2/11/06
Amended 5/19/07
Amended 11/10/07
Amended 02/13/10