

AMERICAN TOWNSHIP ZONING RESOLUTION

Prepared by:

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PREAMBLE

A Resolution of American Township of Allen County, Ohio, enacted in accordance with Chapter 519 of the Ohio Revised Code, dividing the unincorporated area of American Township into zones and districts, encouraging, regulating, and restricting therein the locations, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this Resolution, defining the powers and duties of the administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in this Resolution or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare; and, for the repeal thereof.

Therefore be it resolved by the Township Trustees of American Township, Allen County, State of Ohio, that a Zoning Resolution be adopted to provide for the division of the American Township, Allen County, Ohio, into districts for the purposes of limiting and the regulation of height, bulk and location, including percentage of lot lines and area and dimensions of yards, courts and other open spaces and the uses of buildings and other structures and to provide procedure for the change of such districts as may from time to time be required.

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ARTICLE 1

GENERAL PROVISIONS

1.0 TITLE

This Resolution shall be known and may be cited as the "Zoning Resolution of American Township," except as referred to herein, where it shall be known as "this Resolution."

1.1 PURPOSE

This Resolution is enacted for the general purpose of promoting the public health, safety, comfort, and welfare of the residents of American Township; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads and highways; to provide for the administration and enforcement of this Resolution, including the provision of penalties for its violation; and for any other purpose provided in this Resolution, the Ohio Revised Code, or under common law rulings.

1.2 INTERPRETATION

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

1.3 SEPARABILITY

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1.4 REPEAL OF CONFLICTING RESOLUTIONS

All Resolutions in conflict with this Resolution, or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

1.5 EFFECTIVE DATE

This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

ARTICLE 2

INTERPRETATION AND DEFINITION OF TERMS AND WORDS

2.0 PURPOSE

For the purposes set forth in this Resolution, the following interpretations and definitions are offered for purposes of clarification. In the event that specific terms and/or words are absent, the administration and enforcement of the zoning resolution shall be in accordance with Sections 519.01 through 519.99 of the Ohio Revised Code as amended and supplemented.

2.1 INTERPRETATION OF TERMS OR WORDS

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

2.1.1 The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;

2.1.3 The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied;" and,

2.2 DEFINITION OF TERMS OR WORDS

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

Abutting: Abutting shall mean bordering.

Accessory Building: A subordinate building located on the same lot as the main building, the use of which is naturally and normally incidental and subordinate to that of the dominant use of the main building or land.

Accessory Use (or Structure): Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, and which is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Resolution, an accessory use shall be a permitted use, subject to applicable setback restrictions.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, aquaculture, horticulture, hydroponics, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for housing, treating or storing the produce, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

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

Alcoholic Beverage: Alcoholic beverage embraces any liquid designed or commonly used for human consumption, as a beverage, containing any percentage of grain or ethyl alcohol by volume and shall not be limited to "intoxicating liquor" and "liquor" as defined in Section 4301.01(A)(1), of the Ohio Revised Code or in such statute as it may hereafter be amended.

Alignment: Alignment shall mean location with reference to a line touching the foremost enclosed portions of buildings.

Alley: Alley shall mean a public way, contemplated for the use of vehicular traffic, which affords secondary means of access to property abutting thereon.

Alley line: Alley line shall mean a lot line bordering on any alley.

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

Apartment: See DWELLING UNIT.

Apartment Hotel: A building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building may include accessory uses such as a cigar store or coffee shop when such uses are accessible only from the lobby.

Automotive, Mobile Home, Travel Trailer, and Farm Implement Sales: The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision services, painting and steam cleaning of vehicles.

Automobile Service Station: A building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or minor accessories, and other customary incidental service. When such dispensing, sale or offering for sale is incidental to the conduct of a public garage, the use shall be classified as a public garage.

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

Barn: An accessory or subordinate building located upon the same lot occupied by the main building or use, which use is predominantly agricultural for the storage of equipment, housing of animals or storage of food or fodder.

Basement: That portion of a building the floor of which is more than two (2) feet below grade and the ceiling of which is more than four (4) feet, six (6) inches above grade. A

basement shall be included for purposes of bulk and height measurement if used for selling or business purposes.

Beginning of Construction: The incorporation of labor and material within the walls of the building or buildings; the incorporation of labor and material at the site, lot or parcel where a building is to be constructed; or the incorporation of labor and material where land is to be used for purposes other than construction of a building.

Billboard or Signboard: Any sign situated on private premises on which the written or pictorial information is not directly related to the use of the land on which such sign is located. A display sign is a structure that is arranged, intended, or designed or used as an advertisement, announcement or direction.

Boarding House: A dwelling or part thereof where lodging and meals for three (3) or more persons are served for compensation by previous arrangement but not transients.

Building: Any structure constructed or used for residential, business, industrial or other public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, trailer, billboards, signs or similar structures whether stationary or movable located either under or above the surface of the ground.

Building - Front Line Of: The line of that face of the building nearest the front line of the lot including sun parlors and screened-in porches.

Building - Height Of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building Line: The line beyond which no building or part thereof shall project, except as otherwise provided by this Resolution.

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

Business: The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

Camp, Public: Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, tents, cabins or other camping outfits.

Cellar: That portion of a building, the ceiling of which is entirely below or less than four (4) feet six (6) inches above grade. No cellar or portion thereof shall be used as a complete dwelling unit; and the cellar shall not be included in bulk or height measurements.

Cemetery: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Certificate of Occupancy: A permit issued by the Zoning Inspector stating that the occupancy of any use, lot building, or premise which has been created, erected,

changed, converted, or wholly or partly altered or enlarged in its use or structure conforms to the requirements of this Resolution.

Channel: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Child Day-Care: Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child's own home. The following are child day-care facilities:

- a. Child Day-Care Center: Any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
- b. Type A Family Day-Care Home: A permanent residence of the administrator in which child day-care is provided for four (4) to twelve (12) children at any one time if four (4) or more children are under two (2) years of age. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A Family Day-Care Home" does not include a residence in which the needs of children are administered to if all such children are siblings of the same immediate family and the residence is their home.
- c. Type B Family Day-Care Home: A permanent residence of the provider in which child day-care or child day-care services are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B Family Day-Care Home" does not include a residence in which the needs of children are administered to if all such children are siblings of the same immediate family and the residence is their home.

Church: A building which has as its main purpose assembly to worship.

Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical and surgical attention, but who are not provided with room or board or kept overnight on the premises.

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

Commercial Storage Facilities: To include the necessary grounds and structures for the commercial housing of goods. The storage of goods, materials and personal property are permitted; however, storage is restricted to inanimate objects. Flammable or hazardous chemicals and explosives are prohibited. Appropriate landscaping, security, lighting and building height shall comply with the established criteria as documented elsewhere in this resolution. Any exterior storage of goods including automobiles, travel trailers, boats, and/or equipment shall be suitably screened so as not to be visible from the adjacent properties or roadway. Storage facilities should not be confused for salvage yards/operations where the lot or any structure will be used for the storage, dismantling or sale of inoperable motor vehicles, trailers, machinery and/or building materials or parts.

Composting: The activities undertaken to promote the biological decomposition of organic matter. Such organic matter is restricted to grass clippings, wood chippings, fruit and vegetable scraps, garden plants, weeds, and leaves.

Conditional Use: A use permitted within a district other than a principally permitted use requiring a Conditional Use Certificate and approval of the Board of Zoning Appeals. Additional uses permitted in each district are presented in the Official Schedule of District Regulations.

Construction: The erection of a new structure as compared with alteration.

Court: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two (2) sides by the walls of such building.

Cultivation: The planting, tending, improving, or harvesting of crops or plants.

Demolition Materials: Materials from construction operations and from demolition operations including but not limited to those items that are affixed to a structure, including driveways and highways being constructed or demolished, such as brick, concrete, asphalt, asphalt products, stone, glass, metal, wallboard, framing and finish lumber, roofing materials, wiring and insulation materials.

Directional Sign: See SIGN, DIRECTIONAL.

Disabled Vehicle: Any vehicle meeting either of the following conditions: (1) Extensively damaged as such damage including, but not limited to, any of the following: a broken windshield, missing wheels, tires, motor, or transmission; (2) Apparently inoperable as defined in Section 4513.65 of the Ohio Revised Code or in such statute as it may hereafter be amended.

Distribution: The movement of goods and services from the source through a distribution channel, right up to the final customer, consumer, or user, and the movement of payment in the opposite direction right up to the original producer or supplier.

District: All properties or lots of the same use, height and area classification which adjoin or are continuous without intervening property of another classification and regardless of any street, alley, easement or reserve that may intervene shall constitute a district. The greatest dimensions of the area included in a district shall be the length of the projection of the district upon the centerline of a street which passes through the district or upon which the property abuts, such projections being made at right angles to the street.

Dry Cleaning Establishment: Dry cleaning establishment is a use involving the cleaning or dyeing of fabrics by the use of mechanical appliances and the use of chemicals or products other than water.

Dwelling: Any building or structure (except a house trailer or mobile home as defined in Section 4501.01 of the Ohio Revised Code or in such statute as it may hereafter be amended) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling, Bed and Breakfast, Tourist Home: A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Dwelling, Multiple: A building or portion thereof containing three (3) or more dwelling units and designed for or occupied as the home of three (3) or more families living independently of each other.

Dwelling, Single Family: A detached building containing one (1) dwelling unit and designed for or occupied by only one (1) family.

Dwelling, Two Family: A detached or semi-detached building containing two (2) dwelling units and designed for or occupied by two (2) families.

Dwelling Unit: A group of rooms located within a building and forming a single-habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.

Dwelling Units Attached and/or Semi-Attached: A dwelling for human habitation with exterior walls in whole or in part attached to abutting dwellings within the same building or structure. Arrangements of dwelling units within such buildings include attachment horizontally by side and rear walls or vertically by ceilings and floors and combinations thereof.

Easements: Authorization by a property owner for the use by another, for a specified purpose of any designated part of this property.

Elderly Household: Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.

Elderly Housing Facility: A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for independent or semi-independent living. For the purpose of this Resolution, the definition of "elderly housing facility" shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.

Elderly Person: Any person who is sixty-two (62) years of age or older, or any person under sixty-two (62) years of age who is handicapped such that one's physical impairments are of a long-term duration and impedes one's ability to live independently without a suitable housing environment.

Erect: Erect shall mean construct, build, raise or establish either under, upon or above the ground surface.

Essential Services: The erection, construction, alteration or maintenance by public utilities or governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment, and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or government agencies or for the public health or safety or general welfare, including safety service buildings.

Explosive: A chemical or material used to create an explosion.

Extend: Extend shall mean to enlarge or increase area used or occupied.

Factory-built Housing: A factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, "factory-built housing" shall include the following:

- a. Manufactured Home: Any nonself-propelled vehicle transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three-hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.
- b. Modular Home: Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.
- c. Mobile Home: A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to be in compliance with it.

Family: One or more persons occupying a premises and living as a single house keeping unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five (5) persons.

Fence/Fencing: A structure requiring a zoning permit, comprised of wood, masonry, stone, chain link, vinyl or plastic used for the purposes of aesthetics, security or privacy.

Flood Stage: The highest point at which flood waters have risen in the specific area in question.

Floodplain: That land, subject to periodic flooding, which is shown on the American Township Official Zoning Map on file at the Office of the Zoning Inspector, and as identified as the Allen County Flood Insurance Rate Map Panels 390758-0038B, -0039B, -0050B, -0102B, -0105B, -0106B and/or any other designated Flood Insurance Rate Map (FIRM) hereafter.

Floodway: That portion of the floodplain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway. No development activity is allowed within the floodway.

Floodway Fringe: That portion of the floodplain, excluding the floodway, where development may be allowed under certain specific restrictions.

Floor Area: The sum of the gross horizontal areas of the stories of a building measured from the exterior faces of the building, but excluding basements, garages, breezeways and porches whether or not enclosed.

Freestanding Sign: See SIGN, FREESTANDING.

Front of a Building; Front Line of a Building; Building Line: Shall mean respectively, that portion, building line or yard line, adjacent to or fronting on a street or alley line in the sense of affording principal access to the building.

Frontage: All of the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or the entire street if not intersected; or if the street is dead ended then all of the property abutting on one side between an intersecting street and the dead end of the street.

Garage, Private: An accessory building or portion of a main building designed or used for the parking or temporary storage of motor vehicles owned or used by the occupants of the building to which it is accessory; not more than one (1) of such vehicles may be a commercial vehicle and shall not exceeding one and one-half (1½) ton capacity. Within a private garage no occupation, trade, business or service connected in any way with motor vehicles shall be permitted.

Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven or related vehicles.

Garage, Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

- a. Sales and service of spark plugs, batteries, and distributor parts;
- b. Tire servicing and repair, but not recapping or regrooving;
- c. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings, mirrors, and the like;

- d. Radiator cleaning and flushing;
- e. Radiator welding and repair;
- f. Greasing and lubrication;
- g. Providing and repairing fuel pumps, oil pumps, and lines;
- h. Minor servicing and repair of carburetors;
- i. Adjusting and repairing brakes;
- j. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
- k. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
- l. Provisions of road maps and other informational material to customers, provision of restroom facilities; and,
- m. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operational condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage or a body shop.

Garage, Storage: A building or portion thereof designed or used exclusively for storage of motor driven or related vehicles and at which motor fuels and oils are not sold and such vehicles are not equipped, serviced, repaired, hired or sold.

Grade:

- a. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street;
- b. For buildings having walls adjoining more than one (1) street, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets; and,
- c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists or where none of the walls adjoin a street line, for the purposes of this Resolution the grade shall be established by the Director of Public Services.

Group Residential Facility: A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two (2) classes of group residential facilities:

- a. **Class I:** Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff; and,
- b. **Class II:** Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

Hard Parking Surfaces: Hard parking surfaces are defined as either concrete, asphalt or brick supported with an aggregate base compacted to at least four (4) inches in depth.

Hazardous Wastes: Materials as are described in Section 3734.01(J) of the Ohio Revised Code or as in such statute as it may hereafter be amended.

Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the premises as a dwelling unit by conditional use permit, and does not change the character thereof. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall not involve more than three employees who are to be limited to immediate family only. The conducting of a clinic, hospital, barber shop, beauty parlor, tea room, tourist home, animal hospital or any similar use shall not be deemed to be a home occupation.

Home, Tourist: A building or part thereof where lodging is provided by a resident in their home for compensation, mainly for transients.

Hospital: An institution for surgical or medical care equipped for the overnight stay of sick, injured or infirm persons.

Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation in which ingress and egress to and from all rooms is made through an inside lobby or office normally supervised by a person in charge at all hours. As such, it is open to the public as distinguished from a boarding house, a lodging house or an apartment which are herein separately defined.

Industry: Industry embraces any operation involving the manufacture, production, processing or conversion of any material into a finished product, or product needing only

a relatively small degree of further processing to result in its suitability for sale as an article of use.

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

Junk: Pursuant to Section 4737.05 (A) of the Ohio Revised Code or in such statute as may hereafter be amended, junk as used in this Resolution shall be deemed to be any personal property which is or may be salvaged for reuse, resale, reduction or similar disposition or which is possessed, transported, owned, collected, accumulated dismantled or assorted for the aforesaid purposes.

Junk Motor Vehicle: Pursuant to Section 4513.63 of the Ohio Revised Code or in such statute as may hereafter be amended, junk motor vehicle as used in this Resolution shall mean any motor vehicle three (3) years old or older, extensively damaged, including but not limited to missing wheels, motor or transmission and apparently inoperable whether or not the vehicle has a valid motor vehicle registration.

Junk Yard: Pursuant to Section 4737.05(B) of the Ohio Revised Code or in such statute as may hereafter be amended, any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, salvaged machinery, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

Kennel, Animal: Any lot or premises on which four or more domesticated animals, other than horses, more than four months of age are housed, groomed, bred, boarded, trained, or sold which may or may not offer provisions for minor medical treatment.

Laundry - Automatic: A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises or operated for the benefit of retail customers who bring in and call for laundry.

Living Area: The total square footage of usable living floor space within the defined areas created by the walls of a dwelling. Such area does not include open patios, open terraces or courts, open breezeways, outside steps, garages and/or carports.

Least Dimension: The least dimension of a lot is the least of the horizontal dimensions of such lot; and if two opposite sides of a lot are not parallel, such least dimensions shall be deemed to be the mean distance between them, but shall be not less than sixty percent (60%) of the longest of such distance.

Loading Space: A space within the main building or on the same lot providing for the parking, loading or unloading of trucks. The space having a minimum dimension of twelve (12) feet wide by thirty-five (35) feet in length and a vertical clearance of at least fourteen (14) feet in height.

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such

vehicles when required off-street parking spaces are filled. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Lodging or Rooming House: A dwelling or part thereof where lodging is provided for three (3) or more but not more than twenty (20) persons.

Lot: For the purpose of this Resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of: (1) a single lot of record; (2) a portion of a lot of record; or (3) a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot, Area: The total area (depth times width) within the lot lines of a lot, not including any portion of a publicly dedicated street or road right-of-way.

Lot, Corner: A corner lot is defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot, Depth of: The average horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

Lot, Interior: A lot other than a corner lot or through lot, with frontage on only one street.

Lot Lines: Any line bounding a lot as herein defined. Lot lines for irregular shaped lots will be determined by the Township Zoning Commission prior to the time a final plat is approved. Established lots without a formal plat approval identifying the front lot lines must meet the existing regulations and/or secure approval from the Township Board of Zoning Appeals.

- a. **Front:** The lot line separating a lot from a street right of way. In the case of a corner lot, two (2) front lot lines exist, one along each street right of way.
- b. **Rear:** The lot line opposite and most distant from the front lot line. In the case of a corner lot, two (2) front lot lines exist opposite and parallel to each side yard.
- c. **Side:** Those lot lines which are not a front or rear lot line that serve to separate a lot from another lot.

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

Lot, Through: A lot having frontage on two (2) streets, as distinguished from a corner lot. Through lots abutting two (2) streets may be referred to as double frontage lots.

Lot, Width of: The distance measured between the side lot lines at the front building line.

Major Thoroughfare Plan: The portion of comprehensive plan adopted by the Regional Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

Manufactured Home Park: Any lot upon which two (2) or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.

Manufacturing, Heavy: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary. Heavy manufacturing activities are associated with the M-2 Manufacturing District zoning designation.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations involving relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances. Light Manufacturing activities are associated with the M-1 Manufacturing District zoning designation.

Manufacturing, Extractive: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

Medical Center: A principal building used by one or more physicians, surgeons or dentists as offices, clinics, laboratories and operating rooms for the diagnosis and treatment of human ailments and the care of patients before and after minor operations.

Medical Marijuana: Marijuana prescribed by a doctor and used as a medicine; also called medical cannabis. Medical Marijuana is used to relieve pain and treat disease.

Mineral: Any chemical compound occurring naturally as a product of inorganic processes.

Mini-Warehouse: A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of storage units are permitted on the premises. Appropriate landscaping, security, lighting and building height shall comply with the established criteria as documented elsewhere in this resolution. Any exterior storage of goods including automobiles, travel trailers, boats, and/or equipment shall be suitably screened as per Sections 13.20.1 through 13.20.6 so as not to be visible from the adjacent properties or roadway.

Mixed Occupancy: A single piece of property on which two (2) or more different uses, as defined in this Resolution are contemplated or in existence.

Mobile Home Park: Any site, or tract of land under single ownership, upon which three (3) or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Motel or Motor Hotel: A series of attached, semi-attached or detached sleeping or living units for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

Nonconforming Uses: A lawful use of land or of a building, or portion thereof, at the effective date of this Resolution or at the effective date of an amendment thereto, or change of the District Map which use does not conform after the passage of this Resolution or amendment thereto, or change in the District Map with the use requirements of the District in which it is situated.

Nursery, Nursing Home: A home of facility for the care and treatment of babies, children, pensioners, or elderly people.

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

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

Occupancy, Certificate of: A statement, signed by the Zoning Inspector, setting forth that the use of the land, building or structure at a specific location complies with the Zoning Resolution or is a nonconforming use and why.

Open Spaces: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas and any other recreational facilities that the zoning commission deems permissive. Streets, parking areas, structures for habitation and the like shall not be included.

Park: A public, private and/or commercial area which is to be used for recreational purposes.

Parking Lot: An area of land, the primary use of which is for the parking of motor vehicles.

Parking Space: A surfaced area, either enclosed in the main building or in an accessory building or unenclosed, having an area of not less than two hundred (200) square feet exclusive of driveways, for the parking of one (1) automobile and connected with a street or alley in a surfaced driveway which affords satisfactory ingress and egress.

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

approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

Pond: A natural or artificially formed structure with an enclosed body of water more than six hundred (600) gallons. American Township recognizes inherent differences in the character and use of ponds and regulates the following type of ponds: detention ponds, retention ponds, agricultural ponds and aesthetic ponds. Ponds shall be permitted as an accessory use in all districts subject to specific conditions and permit.

Porch: A roofed, open structure projecting from the front, side or rear wall of the building without any enclosed features of glass, wood or other material, except screens and support structures.

Premises: Premises shall include land and all things of a permanent nature which may be appurtenant thereto.

Private Residence: Private residence is a place of usual or customary abode.

Processing: The subjecting of something to a series of operations or events to produce desired change.

Professional Office: Office of members of recognized professions such as architect, artist, dentist, engineer, musician, physician, surgeon, surveyor or other professional person.

Public Notice: Public notice as used in conjunction with this Resolution shall mean and conform to the provisions of Section 519.06 of the Ohio Revised Code (1970 S159. Eff. 6/1/70, 128 v 128, 127 v 363) or in such statute as it may hereafter be amended.

Public Service Facilities: Utility installations, buildings and distribution facilities providing service to the general public, including electric power plants, water treatment plants, sewage disposal installations, communication facilities and repair and storage buildings and areas incident to such facilities not including railroads and railroad facilities.

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

Public Uses: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Public Utility: Any person, firm, corporation, government or board duly authorized to furnish under state or local legislation to the public electricity, sewers, gas, communication services, transportation or water.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walkway, bicycle path, or other ways in which the general public or a public entity has a right, or which is dedicated, whether improved or not.

Quarry, Sand Pit, Gravel Pit, Top Soil Stripping: A lot or land or part thereof used for the purpose of extracting stone, gravel, or top soil for sale, as an industrial or commercial operation, and is exclusive of the process of grading a lot preparatory to the construction of a building for which application for a zoning permit has been made.

Quasipublic Use: Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Rear of a Building, Rear Line of a Building, Rear Yard Line: Rear of a building, rear line of a building, and rear yard line shall mean respectively that portion, building line or yard line opposite to the front line of a building, whether or not affording service access to the building.

Recreation Camp: An area of land on which two (2) or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

Recreation Facilities: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. "Extensive" facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. "Intensive" facilities generally require less land (used more intensively) and include, but need not be limited to miniature golf courses, amusement parks, stadiums, and bowling alleys.

Regional Planning Commission: The Lima-Allen County Regional Planning Commission.

Research Activities: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings; and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

Residence: Residence shall be a general term implying a place of human habitation and embracing either single family house or multiple family house as defined in this Resolution.

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

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which a stand is located.

Satellite Signal Receiver: "Dish-type Satellite Signal-Receiving Antennas", "earth stations" or "ground stations," whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one (1), or a combination of two (2) or more of the following:

- a. A signal/receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources;
- b. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals; or,
- c. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

Setback: The minimum horizontal distance between the street line and the building or any projection thereof, excepting such projection as may be allowed by this Resolution and subsequent amendments thereto.

Sewers, Central or Group: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sidewalk: That portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic.

Sign: Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

- a. Sign, On-Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
- b. Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is offered.
- c. Sign Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
- d. Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
- e. Sign, Projecting: Any sign which projects from the exterior of a building.

Sign - Area of: The total exterior surface computed in square feet of a sign having but one (1) exposed exterior surface, one-half ($\frac{1}{2}$) of the total of the exposed exterior surface, computed in square feet, or a sign having more than one (1) such surface.

Sign, Directional: A sign located on private property which is used for the direction of traffic and parking; such as a no parking, disabled parking, entrance, exit, or delivery entrance sign, and which does not contain the name of the facility and does not contain any advertising matter.

Sign, Freestanding: A sign that is supported by a pole (sometimes more than one) otherwise separated from the ground by air, or a ground sign for which the entire bottom of the sign is in contact with or in close proximity to the ground and which is separate from buildings.

Small Storage Buildings (yard barns): Not to exceed one hundred ninety-two (192) square feet and no more than twelve (12) feet in overall height (e.g. 12'x16'x12') in size are permitted as ancillary uses in R-1 residential districts for use by the property owners. Such storage shall be restricted to the housing of inanimate objects only including, lawn and garden supplies and equipment, lawn furniture and recreational items. No commercial storage of saleable items is allowed, nor are any improperly stored hazardous materials as per Section (C)FM-2303.1 through F.2303.3 of the Ohio Fire Code. Such buildings shall be constructed with all-weather siding and roofing and maintained in good condition at all times. Zoning permits are required and all yard setbacks apply as specified in the Official Schedule of District Regulations.

Solid Wastes: Materials as are described in Section 3734.01(E) of the Ohio Revised Code or in such statute as it may hereafter be amended.

Stable: Any ancillary structure used for the domiciling of one (1) or more horses, cattle, sheep, swine, or other animal excepting dogs and cats. (see KENNEL).

Stable, Commercial: A stable for horses, donkeys, mules or ponies which are let, hired, used or boarded on a commercial basis and for compensation.

Stable, Private: An accessory building for the keeping of horses, donkeys, mules, or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.

Standard Equipment: A criterion for the control of specific types of industrial equipment and the placement (or installation) of said industrial equipment relating to a specific manufacturing plant or process.

Standard Performance: A set of standards (instructions) established by the manufacturer of industrial equipment concerning the proper operation of said manufacturing equipment. These standards being developed by the manufacturer in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent to or incidental to land uses affected by the industrial equipment.

Storage Shed/Building: A small building consisting of one hundred forty (140) square feet or less which is clearly identified by design and constructed as being intended for storage purposes only.

Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are more than two (2) feet, but not more than five (5) feet above the floor of such story; except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

Street: A public or private way, dedicated to public travel, thirty (30) feet or more in width. The word "street" shall include the words road, highway, and thoroughfare and shall also include avenue, drive, circle, parkway, boulevard, and/or other similar term.

Street Road Line - Alley Line: A dividing line between a lot, tract or parcel of land and continuous street, road or alley.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground, including but without limiting the generality of the foregoing; fences, buildings, shelters, advertising signs, billboards, backstops for athletic pursuits and pergolas.

Suitably Screened or Fenced: A neat, orderly and healthy screen of evergreen or other suitable plant material not less than three (3) feet in height and with an expected normal growth of at least five (5) feet in height within two (2) years, protected by a galvanized wire link fence of at least five (5) feet in height. A wooden or masonry fence or other landscaping may be substituted for the screening and wire link fence when appropriate. Bumper guards or wheel stops to prevent damage to the screen or fence by automobiles shall be provided when the required screen or fence surrounds parking lots or spaces.

Swimming Pool: An artificial pool or open tank containing at least one and one half (1½) feet of water at any point adapted for purpose of swimming. Swimming pools whether maintained by the owner or manager are considered structures for the purposes of this Resolution and require a zoning permit. Pools must be kept in good order and repair.

- a. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
- b. Community: Operated with a charge for admission; a primary use.

Terrace: A natural or artificial embankment between a building and its lot line. The "height of terrace" shall be the difference in elevation between the curb level and the top of the terrace at the center of the building wall.

Theater: A building or a part of a building devoted to the showing of live entertainment and/or moving pictures on a paid admission basis.

Thoroughfare: An officially designated federal or state numbered highway, county, township or village road designated as a thoroughfare on the Allen County Long Range Transportation Plan including any amendments thereto.

Thoroughfare, Street, or Road: The full width between property line bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- a. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- b. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- c. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- d. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- e. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- f. Local Street: A street primarily for providing access to residential or other abutting property.
- g. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- h. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial collector streets.

Trade: Trade embraces such commercial activities as are entailed in the interchange of goods and materials but does not include operations dealing with the manufacture of goods and materials.

Trailer Camp or Mobile Home Camp: A trailer camp or mobile home camp means any park, trailer park, trailer court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach and upon which any trailer coach is parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for use of the trailer camp and its facilities or not. Trailer camp or mobile home camp shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

Trailers and/or Mobile/Motor Homes: A transportable dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical conveniences as in immobile housing. The removal of wheels, frames, and/or other equipment used in transporting said mobile home and placement on a permanent foundation such as concrete blocks, poured concrete, or other materials used in permanent foundations shall not be cause for reclassification to that of a permanent or immobile home. In no event shall a mobile home, often referred to as a trailer, trailer coach, or trailer house, be considered as a permanent, immobile home.

Use: The purpose for which either land or building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

Variance: A variance is a relaxation of the terms of this Zoning Resolution where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Resolution would result in unnecessary and undue hardship. As used in this Resolution, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district, unless so authorized by this Resolution.

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Walkway: A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

Waterways: A channel or route for water (includes rivers, streams, channel, ditches, swales, etc.).

Wind Turbine Generator: A wind turbine is a device for converting the kinetic energy in wind into the mechanical energy of a rotating shaft. Usually that rotating mechanical energy is converted immediately by a generator into electrical energy.

- a. Accessory Structures: Structures such as sheds, storage sheds, pool houses, WTGs, unattached garages, and barns.
- b. Anemometer: An instrument that measures the force and direction of the wind.
- c. Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and -or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located at, the purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, any inhabited buildings, and will not intrude onto a neighboring property.

- d. Cowling: A streamlined removable metal that covers the turbine's nacelle.
- e. Decibel: A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.
- f. Nacelle: A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.
- g. Primary Structure: For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.
- h. Professional Engineer: A qualified individual who is licensed as a Professional Engineer in the State of Ohio.
- i. Wind Power Turbine Owner: The person or persons who owns the Wind Turbine structure.
- j. Wind Power Turbine Tower: The support structure to which the turbine and rotor are attached.
- k. Wind Power Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation.

Yard: An open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Front: An open, unoccupied space on the same lot with the building extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.

Yard, Rear: The open, unoccupied space on the same lot with the building extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

Yard, Side: An open, unoccupied space on the same lot with the building extending along the side lot line from the front yard to the rear yard and lying between the side lot line and nearest part of the principal building.

Zoning Board of Appeals: The Board of Zoning Appeals in American Township as established by Article 20.6 of this Resolution as pursuant to Section 519.04 of the Ohio Revised Code or in such statute may hereafter be amended.

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

Zoning Commission: The American Township Zoning Commission as established by Article 20.4 of this Resolution and as pursuant to Section 519.13 of the Ohio Revised Code or in such statute as may be hereafter amended.

Zoning Inspector: The Zoning Inspector of American Township, Allen County, Ohio, or the authorized representative.

Zoning Map: The Zoning Map of American Township, Allen County, Ohio, together with all amendments subsequently adopted.

ARTICLE 3

ESTABLISHMENT OF DISTRICTS

3.0 PURPOSE

The purpose of this Article is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Resolution, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

3.1 ESTABLISHMENT OF DISTRICTS

The following zoning districts are hereby established for the unincorporated area of American Township, County of Allen, State of Ohio:

R-1	Residential District
R-2	Residential District
R-3	Residential District
PBO	Professional Business Office District
B-1	Business District
B-2	Business District
M-1	Manufacturing District
M-2	Manufacturing District
MHP	Manufactured Home Park District
FP	Floodplain District

Nothing in this Article shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Resolution to provide the flexibility in its administration to allow future development.

3.2 ZONING DISTRICT MAP

The districts established in Section 3.1, as shown on the Official Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Resolution and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

3.3 ZONING MAP LEGEND

There shall be provided on the Official Zoning Map a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend. In addition to such legend, the Official Zoning Map shall provide sufficient space for compliance with Section 3.5.

3.4 IDENTIFICATION OF OFFICIAL ZONING MAP

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map:

- 3.4.1 Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;
- 3.4.2 Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
- 3.4.3 Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
- 3.4.4 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
- 3.4.5 Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated;
- 3.4.6 Where district boundaries are so indicated that they follow or approximately follow the limits of any political subdivision, such boundaries shall be construed as following such limits; and,
- 3.4.7 Whenever any street, alley, or other public way is vacated by official action (Board of Commissioners, Board of Township Trustees) the zoning district adjoining each side of such street, alley or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

3.5 ZONING MAP AMENDMENTS

Within thirty (30) days of the effective date of any change of a zoning district classification or boundary, the Zoning Inspector shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the resolution authorizing such change. The Official Zoning Map shall then be signed by the Chairman of the Township Board of Trustees and attested to by the Clerk.

ARTICLE 4

R-1 RESIDENTIAL DISTRICT

4.0 **PURPOSE**

The purpose of the R-1 Residential District is to provide an area for low intensity residential and associated land uses. In an R-1 Residential District no building or premise shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified uses.

4.1 **USES PERMITTED IN THE R-1 RESIDENTIAL DISTRICT**

- 4.1.1 Single-family dwelling, but excluding tents, cabins, trailers, trailer coaches, and mobile homes;
- 4.1.2 Accessory buildings and uses; and,
- 4.1.3 Church, school, public park playground and/or buildings pertaining to the use thereof, but only provided the main building, therefore, be not less than fifty (50) feet from adjoining property lines; and,

4.2 **CONDITIONAL USES - WITH APPROVAL BY THE TOWNSHIP ZONING BOARD OF APPEALS AFTER A PUBLIC HEARING**

- 4.2.1 Country clubs, private clubs or lodges, golf courses and similar uses and facilities. Buildings and structures shall be located not less than seventy-five (75) feet from any other lot line;
- 4.2.2 Utility sub-stations and pump houses providing that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety or welfare of the residents of the area;
- 4.2.3 Any person may maintain an office or may carry on a customary home occupation such as handicrafts, dressmaking, millinery, laundry, preserving and home cooking; provided that such occupations shall be conducted exclusively by resident occupants, that not more than one-quarter (1/4) of the floor area of said residence shall be used for such purpose, that no structural alterations involving features not customarily found in dwellings are required, and that the entrance to the space devoted to such use shall be from within the dwelling (See Section 12.7). An unlighted sign of not over two (2) square feet in area and attached flat against the building shall be permitted;
- 4.2.4 A tourist house having not more than five (5) guest rooms when located on a State or Federal Highway provided the building in which such use is housed shall be located at least twenty-five (25) feet from other lots in any R-District;
- 4.2.5 Library and college building;

4.2.6 Funeral home; and,

4.2.7 Essential services.

4.3 MAXIMUM HEIGHT REGULATIONS WITHIN THE R-1 RESIDENTIAL DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

4.4 REQUIRED FLOOR AREA IN THE R-1 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

4.5 REQUIRED LOT SIZE REGULATIONS AND FRONTAGE WITHIN THE R-1 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

4.6 REQUIRED YARD REGULATIONS WITHIN THE R-1 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

4.7 REQUIRED SETBACK REGULATIONS WITHIN THE R-1 DISTRICT

Any proposed or new dwellings and or structure shall conform to the existing setback. The existing setback is established by two (2) or more dwellings and or structures on the same side of the road/street of the proposed new construction and being between two (2) street or road intersections with existing setbacks in the range of fifty-five (55) feet to one hundred fifty (150) feet. All fronting structures within said range will be used to calculate an average, which will be used as the existing setback. New structures shall not be closer to the center line of the road/street than the existing setback.

Any building erected in any R-1 District shall be so maintained and situated to provide that no portion thereof shall be closer to the center line of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet.

No building permit shall be issued unless all setback regulations, including rear setback, centerline setback, side setback and existing setbacks can be met. If the lot or parcel of land, on which the proposed or new dwelling or structure is to be built, is insufficient in size or shape to meet all setback regulations, a permit shall not be issued unless a variance is applied for and granted pursuant to Article 18 of this resolution.

See "Official Schedule of District Regulations" Section 12.3.

ARTICLE 5

R-2 RESIDENTIAL DISTRICT

5.0 **PURPOSE**

The purpose of the R-2 Residential District is to provide an area for medium density single and multiple-family residential and associated land uses normally considered an integral part of the neighborhood they serve. In an R-2 Residential District, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified uses.

5.1 **USES PERMITTED IN THE R-2 RESIDENTIAL DISTRICT**

- 5.1.1 Any permitted use established within the R-1 District;
- 5.1.2 Multiple-family dwelling structures for occupancy by not more than two (2) families living independently of each other;
- 5.1.3 Church, school, library, college building, public park playground and/or buildings pertaining to the use thereof, but only provided the main building therefore, be not less than fifty (50) feet from adjoining property lines; and,
- 5.1.4 Accessory buildings and uses.

5.2 **CONDITIONAL USES - WITH APPROVAL BY THE TOWNSHIP ZONING BOARD OF APPEALS AFTER A PUBLIC HEARING**

- 5.2.1 Country clubs, private clubs or lodges, golf courses and similar uses and facilities. Buildings and structures shall be located not less than seventy-five (75) feet from any other adjoining property line;
- 5.2.2 Utility sub-stations and pump houses providing that such structure will not detract from the general appearance of the area nor adversely affect the comfort, safety or welfare of the residents of the area;
- 5.2.3 Any person may maintain an office or may carry on a customary home occupation such as, but not limited to, handicrafts, dressmaking, millinery, laundry, preserving and home cooking; provided that such occupations shall be conducted exclusively by resident occupants, that not more than one-quarter (1/4) of the floor area of said residence shall be used for such purpose, that no structural alterations involving features not customarily found in dwellings are required, and that the entrance to the space devoted to such use shall be from within the dwelling (See Section 12.7). An unlighted sign of not over two (2) square feet in area and attached flat against the building shall be permitted;

- 5.2.4 A tourist house having not more than five (5) guest rooms when located on a State or Federal Highway provided the building in which such use is housed is located at least twenty-five (25) feet from other lots in any R-District;
- 5.2.5 Funeral home;
- 5.2.6 Cemeteries; and,
- 5.2.7 Essential services.

5.3 MAXIMUM HEIGHT REGULATIONS WITHIN THE R-2 RESIDENTIAL DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

5.4 REQUIRED FLOOR AREA WITHIN THE R-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

5.5 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE R-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

5.6 REQUIRED YARD REGULATIONS WITHIN THE R-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

5.7 REQUIRED SETBACK REGULATIONS WITHIN THE R-2 DISTRICT.

Any proposed or new dwellings and or structure shall conform to the existing setback. The existing setback is established by two (2) or more dwellings and or structures on the same side of the road/street of the proposed new construction and being between two (2) street or road intersections with existing setbacks in the range of fifty-five (55) feet to one hundred fifty (150) feet. All fronting structures within said range will be used to calculate an average, which will be used as the existing setback. New structures shall not be closer to the center line of the road/street than the existing setback.

Any building erected in any R-2 District shall be so maintained and situated to provide that no portion thereof shall be closer to the center line of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet.

No building permit shall be issued unless all setback regulations, including rear setback, centerline setback, side setback and existing setbacks can be met. If the lot or parcel of land, on which the proposed or new dwelling or structure is to be built, is insufficient in size or shape to meet all setback regulations, a permit shall not be issued unless a variance is applied for and granted pursuant to Article 18 of this resolution.

See "Official Schedule of District Regulations" Section 12.3.

ARTICLE 6

R-3 RESIDENTIAL DISTRICT

6.0 PURPOSE

The purpose of the R-3 Residential District is to provide an area for high density multiple-family residential and associated land uses normally considered an integral part of the neighborhood they serve. In a R-3 Residential District no building or premise shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified areas.

6.1 USES PERMITTED IN THE R-3 RESIDENTIAL DISTRICT:

- 6.1.1 Single family and two (2) family dwelling units;
- 6.1.2 Multiple-family dwelling structures, including condominium properties as defined by the Ohio Revised Code;
- 6.1.3 Churches, schools, libraries, college buildings, public parks, playgrounds and/or buildings pertaining to the use thereof. Buildings and permanent structures shall be located not less than twenty-five (25) feet from any other lot in an R-District;
- 6.1.4 Private clubs, fraternities, sororities, lodges, and meeting places for other organizations not including any use that is conducted as a gainful business, provided that the buildings in which such uses are housed are located at least twenty-five (25) feet from any other lot in any R-District; and,
- 6.1.5 Accessory buildings; and,
- 6.1.6 Essential services.

6.2 CONDITIONAL USES - WITH APPROVAL BY THE TOWNSHIP ZONING BOARD OF APPEALS AFTER A PUBLIC HEARING

- 6.2.1 Rest homes, clinics, nursing homes;
- 6.2.2 A tourist house having not more than five (5) guest rooms provided the building in which such use is housed is located at least twenty-five (25) feet from other lots in any R-District;
- 6.2.3 Apartment hotels for any number of families or housekeeping units, but not primarily for transients;
- 6.2.4 Rooming or boarding houses, provided they are not primarily operated for transients and provided also that any building in which such uses are housed are located at least twenty-five (25) feet from any other lot in any R-District; and,

6.2.5 Building to be used exclusively to house the offices of civic, religious, or charitable organizations provided that the buildings in which such uses are housed are located at least twenty-five (25) feet from any other lot in any R-District.

6.3 MAXIMUM HEIGHT REGULATIONS WITHIN THE R-3 RESIDENTIAL DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

6.4 REQUIRED FLOOR AREA WITHIN THE R-3 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

6.5 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE R-3 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

6.6 REQUIRED YARD REGULATIONS WITHIN THE R-3 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

6.7 REQUIRED SETBACK REGULATIONS WITHIN THE R-3 DISTRICT

Any proposed or new dwellings and or structure shall conform to the existing setback. The existing setback is established by two (2) or more dwellings and or structures on the same side of the road/street of the proposed new construction and being between two (2) street or road intersections with existing setbacks in the range of fifty-five (55) feet to one hundred fifty (150) feet. All fronting structures within said range will be used to calculate an average, which will be used as the existing setback. New structures shall not be closer to the center line of the road/street than the existing setback.

Any building erected in any R-3 District shall be so maintained and situated to provide that no portion thereof shall be closer to the center line of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet.

No building permit shall be issued unless all setback regulations, including rear setback, centerline setback, side setback and existing setbacks can be met. If the lot or parcel of land, on which the proposed or new dwelling or structure is to be built, is insufficient in size or shape to meet all setback regulations, a permit shall not be issued unless a variance is applied for and granted pursuant to Article 18 of this resolution.

See "Official Schedule of District Regulations" Section 12.3.

6.8 LANDSCAPING AND SCREENING PROVISIONS

See Section 13.20 "Landscaping and Screening Provisions" located on page 13-7.

6.9 LANDSCAPING OR SCREENING PROVISIONS WITHIN THE R-3 DISTRICT

For R-3 residential uses abutting any other R-District, the minimum yards may be reduced to fifty percent (50%) of the minimum side or rear yard requirements if acceptable landscaping or screening consisting of a wall or solid fence approved by the Board of Zoning Appeals is provided. Such screening shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or solid fence shall consist of a well-maintained strip of land not less than ten (10) feet in width planted with evergreen hedge or dense planting of evergreen shrubs with interlocking branches not less than four (4) feet in height and closer than five (5) feet from the abutting property line at the time of planting.

See "Official Schedule of District Regulations" Section 12.3.

ARTICLE 7

PBO PROFESSIONAL AND BUSINESS OFFICE DISTRICT

7.0 PURPOSE

The PBO Professional and Business Office Districts are designed to accommodate and promote the availability of professional and personal services. The districts are to serve as a transition between residential and nonresidential districts. In a Professional and Business Office District, no building or land shall be used, and no building shall be erected except for one or more of the following specified uses.

7.1 USES PERMITTED IN THE PBO PROFESSIONAL AND BUSINESS OFFICE DISTRICTS

- 7.1.1 Office buildings for any of the following occupations: Accounting, legal, engineering, architectural or planning, clerical, and stenographic services;
- 7.1.2 Medical or dental offices;
- 7.1.3 Banks, credit unions, savings and loan associations;
- 7.1.4 Personal service establishments including barber shops and beauty shops;
- 7.1.5 Offices devoted to business management, trade associations, insurance companies, real estate, tax consultants, notary public; and,
- 7.1.6 Day care facilities.

7.2 CONDITIONAL USES WITH APPROVAL BY THE TOWNSHIP ZONING BOARD OF APPEALS AFTER A PUBLIC HEARING

- 7.2.1 Single-family dwelling units;
- 7.2.2 Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments;
- 7.2.3 Publicly owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, or gas regulator stations; and,
- 7.2.4 Churches, civic or charitable organization offices.

7.3 MAXIMUM HEIGHT REGULATIONS WITHIN THE PBO RESIDENTIAL DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

7.4 REQUIRED FLOOR AREA WITHIN THE PBO DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

7.5 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE PBO DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

7.6 REQUIRED YARD REGULATIONS WITHIN THE PBO DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

7.7 REQUIRED SETBACK REGULATIONS WITHIN THE PBO DISTRICT

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet, except any building appurtenant to a nonconforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the existing nonconforming building erected before the adoption of this zoning resolution, and any dwelling shall also be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

7.8 LANDSCAPING OR SCREENING PROVISIONS

For non-residential uses abutting an R-District, the minimum yards may be reduced to fifty percent (50%) of the minimum side or rear yard requirements if acceptable landscaping or screening consisting of a wall or solid fence approved by the Board of Zoning Appeals is provided. Such screening shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or solid fence shall consist of a well maintained strip of land not less than ten (10) feet in width planted with evergreen hedge or dense planting of evergreen shrubs with interlocking branches not less than four (4) feet in height and closer than five (5) feet from the abutting property line at the time of planting.

See "Official Schedule of District Regulations" Section 12.3.

ARTICLE 8

B-1 LOCAL BUSINESS DISTRICT

8.0 PURPOSE

The purpose of the B-1 Local Business District is to provide an area for a wide range of retail facilities and services of such nature as to be fully compatible with those residential areas immediately adjacent. In a B-1 Business District, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following described uses.

8.1 USES PERMITTED IN THE B-1 BUSINESS DISTRICT:

- 8.1.1 Business and Professional Offices: Banks, savings and loan institutions, public utility offices, insurance and real estate offices, office buildings, medical and dental office clinics, law, architectural, engineering, accounting and other professional offices;
- 8.1.2 Food, Drug and Beverages: Grocery stores, supermarkets, meat markets, fish markets, bakeries (in conjunction with retail sales), frozen food locker facilities, delicatessens, enclosed restaurant and ice cream parlors;
- 8.1.3 Specialty Shops: Gift shops, book, magazine and stationery outlets, florist shops, camera shops, photography studios, sporting goods and drive-in stores dealing entirely in the retail sale of any product and/or the servicing in conjunction with the sale of any product or service not restricted by the provisions of this Section;
- 8.1.4 Service and Recreation: Barber shops, beauty shops or any school engaged in the teaching of or instruction in any trade, shoe repair and tailor shops, appliance repair shops, laundromats using self-operating automatic washers, dryers and appliances and nonflammable fluids, dry cleaning establishments using nonflammable cleaning agents, retail printing shops, a funeral home or mortuary, hospital, radio or television studio, bowling alley, assembly hall, enclosed theater or recreation facility (pursuant to the provisions of Article 12);
- 8.1.5 Major Retail Outlets: Furniture, hardware, appliances, clothing, jewelry, shoe, paint and wall paper stores dealing entirely in the retail sale of any product not restricted by the provisions of this Section;
- 8.1.6 Rest homes, nursing homes, day care facilities and children's nurseries, churches, schools, libraries, college buildings, public parks, playgrounds and/or buildings and permanent structures shall be located not less than twenty-five (25) feet from any other lot in an R-district; and,
- 8.1.7 Essential services.

8.2 CONDITIONAL USES WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING:

- 8.2.1 Commercial storage facilities including garages;
- 8.2.2 Commercial parking lots;
- 8.2.3 Any business facility engaged in the distribution of both retail and wholesale industrial products; and,
- 8.2.4 Hotels, motels, and motor lodges.

8.3 MAXIMUM HEIGHT REGULATIONS WITHIN THE B-1 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

8.4 REQUIRED FLOOR AREA WITHIN THE B-1 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

8.5 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE B-1 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

8.6 REQUIRED YARD REGULATIONS WITHIN THE B-1 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

8.7 REQUIRED SETBACK REGULATIONS WITHIN THE B-1 DISTRICT

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter (1/4) section lines) or center of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet; except any building appurtenant to a non-conforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter (1/4) section lines) or center of the nearest road pavement than the existing non-conforming building erected before the adoption of this zoning resolution; and any dwelling shall also be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter (1/4) section lines) or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

8.8 LANDSCAPING OR SCREENING PROVISIONS

For non-residential uses abutting an R-District, acceptable landscaping or screening; approved by the Board of Zoning Appeals shall be provided. Such screening consisting of a wall or solid fence shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence

shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting.

See "Official Schedule of District Regulations" Section 12.3.

8.9 OTHER REQUIRED CONDITIONS

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste, and must comply with the performance standards of this Resolution.

ARTICLE 9

B-2 GENERAL BUSINESS DISTRICT

9.0 **PURPOSE**

The purpose of the B-2 General Business District is to provide for those businesses and services which require a location other than in the local business districts being either highway oriented or requiring larger tracts of land not normally available in local business districts abutting residential developments.

9.1 **USES PERMITTED IN THE B-2 BUSINESS DISTRICT**

- 9.1.1 Any permitted use within the B-1 District;
- 9.1.2 Bookbinding and upholstering shops;
- 9.1.3 Bottling works, plumbing heating and cooling, electrical, concrete masonry, and building material establishments (providing no assembly, construction, millwork or concrete block manufacture is done on premises);
- 9.1.4 Veterinary hospital for small animals;
- 9.1.5 Sale at retail of any industrial product, including the repair or maintenance of equipment or facilities used in any residential or industrial connection;
- 9.1.6 Automotive and Related Uses: Automobile sales rooms, farm implement sales and related repair garages, automobile repair garage, customer parking lots associated with a business establishment, motorcycle and bicycle sales and repair shops, motor bus and cab terminals, gasoline service stations, provided all volatile product are stored underground;
- 9.1.7 Accessory Uses or Buildings: Accessory buildings and uses customarily incidental to the above listed uses; and,
- 9.1.8 Essential services.

9.2 **CONDITIONAL USES - WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING**

- 9.2.1 Commercial storage facilities including garages;
- 9.2.2 Commercial parking lots or truck terminals;
- 9.2.3 Any wholesale distributing business, providing that such activities shall not include the wholesaling of or distribution of live animals in preparation thereof for sale;
- 9.2.4 Animal kennels, display and housing or boarding of pets and other domestic animals, provided that any enclosures or buildings in which the animals are kept shall be at least two hundred (200) feet from any R-

District and exercise runs shall be enclosed on four (4) sides by a sight obscuring, unpierced fence or wall at least five (5) feet in height; and,

9.2.5 Amusement arcades and adult entertainment businesses (pursuant to the provisions of Articles 12 and 13).

9.3 MAXIMUM HEIGHT REGULATIONS WITHIN THE B-2 GENERAL BUSINESS DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

9.4 REQUIRED FLOOR AREA WITHIN THE B-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

9.5 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE B-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

9.6 REQUIRED YARD REGULATIONS WITHIN THE B-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

9.7 REQUIRED SETBACK REGULATIONS WITHIN THE B-2 DISTRICT

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet; except any building appurtenant to a nonconforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the existing nonconforming building erected before the adoption of this zoning resolution; and any dwelling shall also be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

9.8 LANDSCAPING OR SCREENING PROVISIONS

For non-residential uses abutting an R-District, acceptable landscaping or screening, approved by the Board of Zoning Appeals shall be provided. Such screening consisting of a wall or solid fence shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a well maintained strip of land not less than fifteen (15) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs with interlocking branches not less than four (4) feet in height at the time of planting.

See "Official Schedule of District Regulations" Section 12.3.

9.9 OTHER REQUIRED CONDITIONS

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste, and must comply with the performance standards of this Resolution.

ARTICLE 10

M-1 LIGHT MANUFACTURING DISTRICT

10.0 **PURPOSE**

The purpose of the M-1 Manufacturing District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; and which operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and other less intense uses.

10.1 **USES PERMITTED IN THE M-1 MANUFACTURING DISTRICT:**

- 10.1.1 Any permitted use established within the B-2 District;
- 10.1.2 Bulk storage or warehousing for commodities such as building materials, contractor equipment, clothing fibers (raw or finished), dregs, dry goods, feed, fertilizer, food, solid fuels, furniture, hardware, ice, machinery, metals, paint and paint materials, pipe, rubber and rubber products, shop supplies, liquid fuels, petroleum or petroleum products or volatile oils and liquids, provided that the storage of liquid fuels, petroleum products, or volatile oils and liquids shall be underground in tanks of a maximum capacity of twenty thousand (20,000) gallons, built and constructed in accordance with the minimum regulations of the State of Ohio;
- 10.1.3 Laundry or dry cleaning plants and facilities;
- 10.1.4 Commercial printing or publishing establishments;
- 10.1.5 Cold storage plants, brewery, milk bottling, ice plants and storage, central distribution, wholesaling, or processing plants;
- 10.1.6 Freight terminal, truck terminals and railroad yards, to include the building of spur lines or switching facilities required or desirable in connection with any use permitted under this Section;
- 10.1.7 Lumber yard with planing mill;
- 10.1.8 Administrative, engineering, scientific research, design or experimentation facility, assaying of ore by laboratory methods, and such processing and fabrication as may be necessary thereto;
- 10.1.9 Manufacturing, compounding, processing, packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs and pharmaceutical products, soap (cold process only) and food products and bottling works, except the following: fish or meat products, sauerkraut, sugar beets, vinegar, yeast and the rendering or refining of fats and oils;

- 10.1.10 Manufacturing or processing of small items, including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors or generators, and textile products;
- 10.1.11 Assembling of electrical appliances, radios and phonographs and televisions, including the manufacturing of small parts only, such as coils, condensers, transformers, crystal holders, electric and electronic parts and equipment for wholesale, musical instruments, novelties, and light metal products; and,
- 10.1.12 Essential services.

10.2 CONDITIONAL USES - WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER PUBLIC HEARING

- 10.2.1 Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line; and,
- 10.2.2 Adult Entertainment Business (subject to provisions of Article 12).

10.3 ACCESSORY USES IN THE M-1 DISTRICT

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted uses in the M-1 District.

10.4 MAXIMUM HEIGHT REGULATIONS WITHIN THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

10.5 REQUIRED FLOOR AREA WITHIN THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

10.6 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

10.7 REQUIRED YARD REGULATIONS WITHIN THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

10.8 REQUIRED SETBACK REGULATIONS WITHIN THE M-1 DISTRICT

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet; except any building appurtenant to a nonconforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the existing nonconforming building erected before the adoption of this zoning resolution; and any dwelling shall also be maintained and situated to provide that no portion thereof shall be

closer to the section line (on roads centered about the section or quarter section lines or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

See "Official Schedule of District Regulations" Section 12.3.

10.9 LANDSCAPING OR SCREENING PROVISIONS

For M-1 Manufacturing uses abutting an R-District, screening must be approved by the Board of Zoning Appeals. Such screening consisting of a wall or solid fence shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting.

See "Official Schedule of District Regulations" Section 12.3.

10.10 OTHER REQUIRED CONDITIONS

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste, and must comply with the performance standards of this Resolution.

ARTICLE 11

M-2 GENERAL MANUFACTURING DISTRICT

11.0 **PURPOSE**

The purpose of the M-2 General Manufacturing District is to encourage the development of manufacturing facilities of a moderate and heavy nature.

11.1 **USES PERMITTED IN THE M-2 MANUFACTURING DISTRICT:**

- 11.1.1 Any permitted use established within the M-1 District;
- 11.1.2 Grain elevators, concrete plants and the manufacture, storage and sale of related products;
- 11.1.3 Metal fabrication and casting plants;
- 11.1.4 Establishments involved in the manufacturing, assembling, remodeling and distribution of new automobiles, trucks, boats, household goods, farm equipment, and construction and building equipment and products, and plastic and metal products; and,
- 11.1.5 Carpentry, woodworking and machine shops.

11.2 **CONDITIONAL USES - WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING**

- 11.2.1 Processing facilities for the storage or dressing for sale (as wholesale or retail) of poultry, meat or game or a meat packing, curing or dressing establishment;
- 11.2.2 Chemical plants not emitting corrosive or toxic fumes beyond the limits of the premises, including any plant the main operation of which is concerned with the processing or synthesizing of chemical compounds or derivatives, volatile in nature; and,
- 11.2.3 Any industrial manufacturing, storage or distribution establishment not specifically mentioned above but deemed acceptable by the Board of Zoning Appeals.

11.3 **ACCESSORY USES IN THE M-2 DISTRICT**

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted uses in the M-2 District.

11.4 **REQUIRED LOT AREA AND FRONTAGE WITHIN THE M-2 DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

11.5 BUILDING HEIGHT REGULATION WITHIN THE M-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

11.6 REQUIRED YARD REGULATIONS WITHIN THE M-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.3.

11.7 REQUIRED SETBACK REGULATION WITHIN THE M-2 DISTRICT

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet; except any building appurtenant to a nonconforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the existing non-conforming building erected before the adoption of this zoning resolution; and any dwelling shall also be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

See "Official Schedule of District Regulations" Section 12.3.

11.8 LANDSCAPING OR SCREENING PROVISIONS

For non-residential uses abutting an R-District, acceptable landscaping or screening must be approved by the Board of Zoning Appeals. Such screening consisting of a wall or solid fence shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting.

See "Official Schedule of District Regulations" Section 12.3.

11.9 OTHER REQUIRED CONDITIONS

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of cinders, gas, fumes, and refuse matter or water-carried waste, and must comply with the performance standards of this Resolution.

ARTICLE 12

REGULATIONS FOR SPECIFIC DISTRICTS, ACTIVITIES, USES AND STRUCTURES

12.0 PURPOSE

It is the purpose of the regulations contained within Article 12 to promote the public health, safety, and welfare and to establish regulations affecting uses and practices which, were they to be established and maintained without any guidance or restriction or control, would tend to result in dangerous situations threatening the safety of citizens, to contribute to circumstances undermining the morals of the youth of the community, or to generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.

12.1 FLOODPLAIN DISTRICT REGULATIONS

Sections 12.1 through 12.1.3 inclusive shall apply to the development of flood prone areas as defined herein.

12.1.1 The purpose of the Floodplain District Regulations is to guide development in the flood prone areas of any water course that is consistent with the requirements for the conveyance of flood flows and to minimize the expense and inconvenience to the individual property owners and the general public as a result of flooding. Permitted uses within the Floodplain Districts are generally associated with open space, recreational, and agricultural land uses that will not hinder the movement of floodwater.

12.1.2 The Floodplain Districts are areas of special flood hazard which have been identified by the Federal Emergency Management Agency (FEMA) after scientific engineering analysis. Such studies are documented in a report entitled Flood Insurance Study of Allen County, Ohio, Unincorporated Areas. FEMA mapped flood hazard areas in Flood Insurance Rate Maps 390758-0038B, -0039B, -0102B, -0105B, and -0106B dated November 15, 1989. The aforementioned study and maps, and any revisions thereto, are hereby adopted by reference and declared to be part of this Resolution.

12.1.3 No structure use, activity or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this Resolution.

12.1.4 Uses Permitted in the Floodplain (FP) District:

- a. Any agricultural use; and,
- b. Any public or private noncommercial recreation facility including fishing lakes, golf courses, parks and other similar uses.

12.1.5 Conditional Uses with Approval by the Board Of Zoning Appeals after a Public Hearing:

- a. Commercial recreation, such as commercial fishing lakes;
- b. Commercial mining in accordance with all provisions of the Ohio Revised Code or in such statute as it may hereafter be amended; and,
- c. Reclamation of lands subject to flooding, providing that no filling, draining, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be authorized by the Board of Zoning Appeals, unless the Board of Zoning Appeals finds that such reclamation work is in compliance with the objectives of the Comprehensive Plan and that any such work is approved and completed under the supervision of a competent, professional civil engineer.

12.1.6 No Zoning Permit will be issued by the Township Zoning Inspector prior to the review, completion and subsequent issuance of a Flood Plain Development Permit as approved by the Lima - Allen County Regional Planning Commission, which is the agency delegated to administer the Allen County Flood Plain Management Regulations.

12.2 REGULATION OF MANUFACTURED HOME PARKS

The provisions of Sections 12.2.1 through 12.2.6 inclusive provide for the location and regulation of Manufactured Home Parks as herein described.

12.2.1 The purpose of regulating Manufactured Home Parks is to foster their development and maintenance as an integral and stable part of the community.

12.2.2 The following definitions shall apply in the interpretation of this Resolution:

"Manufactured Home Park" means any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots, not for rent nor rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three (3) or more manufactured homes are parked thereon if the roadways are dedicated to the local government authority. "Manufactured Home Park" does not include any tract of land used solely for the storage or display for sale of manufactured homes; and,

"Manufactured Home" means any nonself-propelled vehicle transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when

connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

12.2.3 Approval Procedures:

Manufactured Home Parks shall be located only in the Manufactured Home Park District (MHP) and shall be developed according to the standards and regulations stated and referenced in Sections 12.2.3 through 12.2.6 inclusive. The procedure to amend the Official Zoning Map to establish the MHP District shall be that procedure for amendments specified in Article 19.

12.2.4 General Standards for Manufactured Home Parks:

The Zoning Commission and the Board of Trustees shall review the particular facts and circumstances of each proposed Manufactured Home Park development in terms of the following standards and shall find adequate evidence that such development meets these standards:

- a. The proposed park will be served adequately by essential public facilities and services such as highways, streets, drainage, refuse disposal, schools, police and fire protection, or that the persons or agencies proposing the establishment of the park shall be able to provide any such services adequately;
- b. The vehicular approaches to the proposed park property will be so designed as not to create traffic interference or congestion on surrounding public streets or roads;
- c. The establishment of the proposed park will not result in the damage, destruction, or loss of any natural, scenic, or historic features of major importance; and,
- d. The establishment of the proposed park shall not be demonstrably detrimental to the value of surrounding properties or to the character of the adjacent neighborhoods.

12.2.5 Specific Standards for Manufactured Home Parks:

In a manufactured home park, no building or premises shall be used and no building shall be erected or designed to be used for other than the following uses and shall conform to the following requirements:

- a. Shall contain a minimum of twenty (20) acres;
- b. Shall provide a clearly defined minimum lot size of six thousand two hundred (6,200) square feet;
- c. A safe, usable recreation area shall be conveniently located in each manufactured home park and shall not be less than ten percent (10%) of the gross area of the park;

- d. Where said manufactured home park abuts a residential district, said abutting area shall include landscaped screening as defined by Section 13.20;
- e. Shall provide a minimum of one thousand fifty (1,050) square footage of living space;
- f. Skirting shall be present on the bottom of the trailer to the ground level with the tongue removed; and,
- g. Shall not have greater than one (1) model in said park for sales purposes.

12.2.6 Additional Manufactured Home Park Requirements:

In addition to aforementioned standards, all Manufactured Home Parks must comply with the minimum requirements of Ohio Administrative Code, Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code or in such statute as it may hereafter be amended.

12.3 COMPLIANCE WITH THE OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

The regulations for each district set forth by this Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereafter provided:

- 12.3.1 No building, structure or land shall be used or occupied and no building or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- 12.3.2 No building or other structure shall be erected or altered to:
 - a. Provide for greater height or bulk;
 - b. Accommodate or house a greater number of families than which the structure was originally designed and/or constructed;
 - c. Occupy a greater percentage of lot area; or,
 - d. Have narrower or smaller rear yards, front yards, side yards, or other open spaces or in any other manner contrary to the provisions of this Resolution than herein required.
- 12.3.3 No yard or lot existing at the time of the passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.
- 12.3.4 District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be part of this Resolution.

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS
WITH CENTRAL/PUBLIC SEWAGE SYSTEM**

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structure in Feet	Minimum Yard Set Back (Per Lot in Feet)				Minimum Floor Area Per Unit (Sq. Ft.)
	(1) Area in Sq. Ft.	Frontage Width in Feet		Front*	Side Least One	Total of Two	Rear	
R-1 Residential District: Single Family 1 to 1½ Stories Single Family 2 to 2½ Stories	7,800 7,800	65(K) 65(K)	35 35	(A,B,C) (A,B,C)	7 7	15 15	25(L) 25(L)	1,300 1,600
R-2 Residential District: Single Family 1 to 1½ Stories Single Family 2 to 2½ Stories Multi-Family (2 units) 1 to 1½ Stories Multi-Family (2 units) 2 to 2½ Stories	7,800 7,800 9,600 9,600	65(K) 65(K) 80 80	35 35 35 35	(A,B,C) (A,B,C) (A,B,C) (A,B,C)	7 10 10 12	15 20 20 25	25(L) 25(L) 25 25	1,300 1,600 1,000 1,300
R-3 Residential District: Single Family 1 to 1½ Stories Single Family 2 to 2½ Stories Multi-Family (2 units) 1 to 1½ Stories Multi-Family (2 units) 2 to 2½ Stories Multi-Family (3+units) 1 to 1½ Stories Multi-Family (3+units) 2 to 2½ Stories	6,000 6,000 9,600 9,600 12,000 12,000	50(K) 50(K) 80 80 100 100	35 35 35 35 35 35	(A,B,C) (A,B,C) (A,B,C) (A,B,C) (A,B,C) (A,B,C)	7 10 8 10 10 12	15 20 20 20 20 25	25(L) 25(L) 25 25 25 25	1,000 1,300 1,000 1,300 800 800
Professional, Business, Office District: Single Family 1 to 1½ Stories Single Family 2 to 2½ Stories Multi-Family (2 units) 1 to 1½ Stories Multi-Family (2 units) 2 to 2½ Stories Multi-Family (3+ units) 1 to 1½ Stories Multi-Family (3+ units) 2 to 2½ Stories Professional Business Office	6,000 6,000 9,600 9,600 12,000 12,000 6,000	50 50 80 80 100 100 50	35 35 35 35 35 35 40	(A,B,C) (A,B,C) (A,B,C) (A,B,C) (A,B,C) (A,B,C) (A,B,C)	7 10 10 12 10 12 (E)	15 20 20 25 20 25 ---	25 25 25 25 25 25 25(D)	1,000 1,300 1,000 1,300 800 800 ---
B-1 Business District: Professional Business Office Commercial	7,500 7,500	100 100	45 40	(A,B,C) (A,B,C)	(E) (E)	--- ---	25 25(G)	--- ---
B-2 Business District: Professional Business Office Commercial	20,000 20,000	100 100	40 50	(A,B,C) (A,B,C)	(E) (E)	--- ---	25 25(D)	--- ---
M-1 Manufacturing District: Professional Business Office Commercial Manufacturing	20,000 20,000 20,000	100 100 100	50 50 50	(A,B,C) (A,B,C) (A,B,C)	(I) (I) (I)	--- ---	30(D,F) 30(D,F) 30(D,F)	--- --- ---
M-2 Manufacturing District: Commercial Manufacturing	20,000 20,000	100 100	50 50	(A,B,C) (A,B,C)	(I) (I)	--- ---	30(D,G) 30(D,G)	--- ---
MHP – Manufactured Home Park District	871,200	55	35	(A,B,C)	(E)	---	(D,H)	1,050
Floodplain District	(J)	---	---	---	---	---	---	---

Legend:

- A - 55 feet from the center of the road pavement of a township road
- B - 90 feet from the center of the road pavement of a county road
- C - 90 feet from the center of the road pavement of a state road
- D - where a lot line abuts an alley, one-half of the width of such alley may be considered in meeting the rear yard requirements
- E - no minimum side yard required, except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining residential district
- F - except 40 feet where abutting a residential district
- G - except 50 feet where abutting a residential district
- H - except 55 feet where abutting a residential district
- I - 25 feet except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided
- J - development must meet approval of local and state agencies prior to submission to township government
- K - except on cul-de-sac street where 45 feet at the right-of-way line is required
- L - except small storage buildings that may be placed 10' from property lines in residential districts

* Setbacks must also meet requirements of Section 4.7, 5.7 or 6.7 as applicable

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS
WITH PRIVATE SEWAGE SYSTEM**

Zoning District	Minimum Zoning Lot Size		Maximum Height of Structure in Feet	Minimum Yard Set Back (Per Lot in Feet)			Minimum Floor Area per Unit (Sq. Ft.)	
	(1) Area in Sq. Ft.	Frontage Width in Feet		Front*	Side Least One	Total of Two		Rear
R-1 Residential District: Single Family 1 to 1½ Stories Single Family 1½ to 2½ Stories	43,560 43,560	65(K) 65(K)	35 35	(A,B,C) (A,B,C)	7 7	15 15	25(L) 25(L)	1,300 1,600
R-2 Residential District: Single Family 1 to 1½ Stories Single Family 2 to 2½ Stories Multi-Family (2 units) 1 to 1½ Stories Multi-Family (2 units) 2 to 2½ Stories	43,560 43,560 87,120 87,120	65(K) 65(K) 80 80	35 35 35 35	(A,B,C) (A,B,C) (A,B,C) (A,B,C)	7 10 10 10	15 20 20 20	25(L) 25(L) 25 25	1,300 1,600 1,000 1,000
R-3 Residential District: Single Family 1 to 1½ Stories Single Family 2 to 2½ Stories Multi-Family (2 units) 1 to 1½ Stories Multi-Family (2 units) 2 to 2½ Stories Multi-Family (3+ units) 1 to 1½ Stories Multi-Family (3+ units) 2 to 2½ Stories	43,560 43,560 87,120 87,120 (I) (I)	50(K) 50(K) 80 80 100 100	35 35 35 35 35 35	(A,B,C) (A,B,C) (A,B,C) (A,B,C) (A,B,C) (A,B,C)	7 10 8 10 --- ---	15 20 20 20 --- ---	25(L) 25(L) 25 25 --- ---	1,000 1,300 1,000 1,300 800 800
Professional, Business, Office District: Single Family 1 to 1½ Stories Single Family 2 to 2½ Stories Multi-Family (2 units) 1 to 1½ Stories Multi-Family (2 units) 2 to 2½ Stories Multi-Family (3+ units) 1 to 1½ Stories Multi-Family (3+ units) 2 to 2½ Stories Professional Business Office	43,560 43,560 87,120 87,120 (J) (J) 20,000	50 50 80 80 100 100 50	35 35 35 35 35 35 40	(A,B,C) (A,B,C) (A,B,C) (A,B,C) (A,B,C) (A,B,C) (A,B,C)	7 10 10 12 10 12 (E)	15 20 20 25 20 25 ---	25 25 25 25 25 25 25(D)	1,000 1,300 1,000 1,300 800 800 ---
B-1 Business District: Professional Business Office Commercial	20,000 20,000	75 100	45 40	(A,B,C) (A,B,C)	(E) 15(H)	--- ---	25(D) 25(G)	--- ---
B-2 Business District: Professional Business Office Commercial	20,000 20,000	100 100	40 50	(A,B,C) (A,B,C)	(E) 15(H)	--- ---	30(D) 30(F)	--- ---
M-1 Manufacturing District: Professional Business Office Commercial Manufacturing	43,560 43,560 43,560	100 100 100	50 50 50	(A,B,C) (A,B,C) (A,B,C)	(I) (I) (I)	--- --- ---	30(D,F) 30(D,F) 30(D,F)	--- --- ---
M-2 Manufacturing District: Commercial Manufacturing	43,560 43,560	100 100	50 50	(A,B,C) (A,B,C)	(I) (I)	--- ---	30(D,G) 30(D,G)	--- ---
MHP - Manufactured Home Park District:	871,200	55	35	(A,B,C)	(E)	---	(D,H)	1,050
Floodplain District:	(J)	---	---	---	---	---	---	---

Legend:

- A - 55 feet from the center of the road pavement of a township road
- B - 90 feet from the center of the road pavement of a county road
- C - 90 feet from the center of the road pavement of a state road
- D - where a lot line abuts an alley, one-half of the width of such alley may be considered in meeting the rear yard requirements
- E - no minimum side yard required, except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining residential district
- F - except 40 feet where abutting a residential district
- G - except 50 feet where abutting a residential district
- H - except 55 feet where abutting a residential district
- I - 25 feet except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided
- J - development must meet approval of local and state agencies prior to submission to township government
- K - except on cul-de-sac street where 45 feet at the right-of-way line is required
- L - except small storage buildings that may be placed 10' from property lines in residential districts

* Setbacks must also meet requirements of Section 4.7, 5.7 or 6.7 as applicable

12.4 REGULATION OF AMUSEMENT ARCADES

The following regulations shall apply to amusement arcades as herein defined:

12.4.1 The purpose of Sections 12.4.1 through 12.4.9 inclusive of this Resolution is to promote the public health, safety and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated, or maintained. It is further the intent of these Sections to coordinate the provisions of this Resolution with other local requirements governing the licensing and regulation of mechanical amusement devices in such a manner that, in the event of any conflict between the respective regulations, the more restrictive requirement or the more severe penalty shall prevail;

12.4.2 The following definitions shall apply in the interpretation of this Resolution:

"Amusement Arcade" means a place of business within a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee;

"Mechanical or Electronically Operated Amusement Device" means any machine, device or instrument which, by the payment of a fee or other things of value or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens, merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement devices includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or devices commonly known as electronic games and other similar types of devices; provided, however, that this definition is not intended to, nor shall it be construed to include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices; and,

"Exhibitor" means any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in one's own place of business, irrespective of the ownership of such device.

12.4.3 Conditional Use Permit Required:

No amusement arcade shall be established, operated or maintained in any place of business or on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 17 of this Resolution. In addition to said provisions, amusement arcades shall comply with the following conditional use criteria:

- a. Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located;
- b. Amusement arcades shall have an adult who is eighteen (18) years of age or older on the premises supervising the amusement arcade at all times during its hours of operation;
- c. The interior of the amusement arcades shall provide a minimum area per coin-operated amusement device equal to the size of the device plus two (2) feet of area on each side plus an area of four (4) feet in front of the device;
- d. Prior to the issuance of a conditional use permit, the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes;
- e. If the place of business or premises for which an amusement arcade is proposed is a freestanding building, the application for the conditional use permit shall include an approvable exterior lighting plan;
- f. No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within one thousand five hundred (1,500) feet of any adult entertainment business; and,
- g. The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement devices and a notarized statement that the applicant shall not permit any person sixteen (16) years of age or younger to operate any devices on the premises before 4:00 p.m. on days when school is in session.

12.4.4 Zoning of Amusement Arcades:

Amusement arcades shall be conditionally permitted uses only in the following districts:

- a. B-1 Business District;
- b. B-2 Business District;
- c. M-1 Manufacturing District; and,
- d. M-2 Manufacturing District.

12.4.5 Maintenance of a Nuisance Prohibited:

It shall be the obligation of the exhibitor of an amusement arcade to maintain peace, quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.

12.4.6 Restricted Access to Certain Minors:

No amusement arcade exhibitor shall permit, on days when school is in session, any person sixteen (16) years of age or younger to operate any mechanical or electrically operated amusement device or to be or remain in an amusement arcade before 4:00 p.m. This provision does not apply to jukeboxes, mechanical musical instruments, or other mechanical amusement devices designed to be ridden, such as mechanical horses, automobiles, and carrousel. Violation of this provision shall be a minor misdemeanor.

12.5 REGULATION OF ADULT ENTERTAINMENT BUSINESSES

The following regulations shall apply to adult entertainment businesses as herein defined:

12.5.1 The purpose of Sections 12.5.1 through 12.5.4 inclusive of this Resolution is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of these Sections to regulate entertainment businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing churches, amusement arcades, parks and playgrounds within the township.

12.5.2 The following definitions shall apply in the interpretation of this Article:

"Adult Entertainment Business" means an adult bookstore, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this Section.

"Adult Book Store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices or both and books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this Section.

"Adult Motion Picture Theater" means an enclosed motion picture theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Section.

"Adult Motion Picture Drive-In Theater" means an open air drive-in theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Section.

"Adult Only Entertainment Establishment" means an establishment where the patron directly or indirectly is charged a fee where the

establishment features entertainment or services which constitute adult material as defined in this Section or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

"Adult Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable of arousing interest through sight, sound, or touch; and,

- a. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or,
- b. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

"Bottomless" means less than full opaque covering of male or female genitals, pubic area or buttocks.

"Nude or Nudity" means the showing, representation, or depiction of human male or female genital pubic area or buttocks with less than full opaque covering of any portion thereof, or female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernable turgid state.

"Topless" means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

"Sexual Activity" means sexual conduct or sexual contact or both.

"Sexual Contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

"Sexual Excitement" means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

12.5.3 Conditional Use Permit Required:

No building shall be erected, constructed, or developed; and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 17 of this Resolution. In addition to said provisions, an adult entertainment business shall comply with the following conditional use criteria:

- a. Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located;
- b. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of another adult entertainment business;
- c. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of any church, any public or private school, any park, any playground, or any social service facility or neighborhood center;
- d. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of any residence or boundary of any residential district; and,
- e. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of any boundary of any residential district in a local unit of government abutting the township.

12.5.4 Zoning of Adult Entertainment Business:

Adult entertainment businesses shall be conditionally permitted in accordance with the following schedule:

<u>Conditionally Permitted use</u>	<u>Districts Wherein Permitted</u>
Adult Book Store	M-1 Manufacturing District M-2 Manufacturing District
Adult Motion Picture Theater	M-1 Manufacturing District M-2 Manufacturing District
Adult Motion Picture Drive-In Theater	M-1 Manufacturing District M-2 Manufacturing District
Adults Only Entertainment Establishment	M-1 Manufacturing District M-2 Manufacturing District

12.6 REGULATION OF MASSAGE ESTABLISHMENTS

The following regulation shall apply to massage establishments as herein defined:

- 12.6.1 The purpose of Sections 12.6.1 through 12.6.4 inclusive of this Resolution is to promote the public health, safety and welfare through the regulation of massage establishments. It is the intent of these Sections to regulate massage establishments, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such

businesses within close proximity to existing churches, amusement arcades, parks and playgrounds within the township.

12.6.2 The following definitions shall apply in the interpretation of this Article:

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

"Massage establishment" means any fixed place of business where a person offers massages in exchange for anything of value or in connection with the provision of another legitimate service.

"Masseur" or "Masseuse" means any individual who performs massages at a massage establishment.

"Out-call massage service" means any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment.

"Employee" means any and all persons, other than the massage technician, who render any service to the operator and who receive compensation directly from the operator.

"Person" means any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

"Operator" means the person in whose name the permit is issued for a massage establishment.

"Sexual or genital area" means the genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.

12.6.3 Exemptions:

This Article as the regulation of massage establishments, masseur or masseuse shall not be construed to regulate the practice of any limited branch of medicine or surgery in accordance with Section 4731.15 and 4731.16 of the Ohio Revised Code or in such statute as it may hereafter be amended nor the practice of providing therapeutic massage by a licensed physician, licensed chiropractor, licensed podiatrist, or a licensed nurse. As used in this Section "licensed" means licensed, certified, or registered to practice in the State of Ohio.

12.6.4 Application for Conditional Use Permit: Contents, Fee, Expiration of Permit

The application for a conditional use permit to operate a massage establishment shall be made to the Board of Zoning Appeals and shall include the following:

- a. An initial, non-refundable filing fee of two hundred fifty dollars (\$250) and an annual non-refundable renewal fee of one hundred twenty-five dollars (\$125);
- b. A health and safety report of an inspection of the premises performed within thirty (30) days of the application to determine compliance with applicable health and safety codes, which inspection shall be performed by appropriate state or local authorities acting pursuant to an agreement with the Board of Zoning Appeals;
- c. The full name and address of any person applying for a permit, including any partner or limited partner of a partnership applicant, or any officer or director of a corporate applicant, and any stock holder holding more than two percent (2%), along with the social security number of each individual and the federal identification number of any partnership or corporation;
- d. Authorization for an investigation into the criminal record of any person applying for a permit; and,
- e. Any other information determined by the Board of Zoning Appeals to be necessary.

12.6.5 Conditional Use Permit Required:

No building shall be erected, constructed, or developed; and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any massage establishment unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 17 of this Resolution. In addition to said provisions, a massage establishment shall comply with the following conditional use criteria:

- a. Massage establishment shall comply with the district regulations applicable to all properties in any district in which they are located;
- b. No massage establishment shall be permitted in a location which is within one thousand five hundred (1,500) feet of another massage establishment;
- c. No massage establishment shall be permitted in a location which is within one thousand five hundred (1,500) feet of any church, public or private school, park, playground, or any social service facility or neighborhood center;
- d. No massage establishment shall be permitted in a location which is within one thousand five hundred (1,500) feet of any residence or boundary of any residential district; and,
- e. No massage establishment shall be permitted in a location which is within one thousand five hundred (1,500) feet of any boundary

of any residential district in a local unit of government abutting the township.

12.6.6 Zoning of Massage Establishment:

Massage establishment shall be conditionally permitted in accordance with the following schedule:

<u>Conditionally Permitted use</u>	<u>Districts Wherein Permitted</u>
Massage Establishment	M-1 Manufacturing District M-2 Manufacturing District

12.7 REGULATION OF CUSTOMARY HOME OCCUPATIONS

Sections 12.7.1 through 12.7.5 inclusive shall apply to the location, operation, and maintenance of home occupations as herein defined:

12.7.1 It is the purpose of Sections 12.7.1 through 12.7.5 inclusive of this Resolution to promote the public health, safety and welfare through the regulation of home occupations. It is further the intent of these Sections to regulate limited non-residential uses in residential structures which are compatible with the residential character of their surroundings.

12.7.2 The definition of "Home Occupation" means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling and is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, tax consulting services and the like shall involve not more than three (3) receivers of such services at any one (1) time, with the exception of certified or uncertified Type B Family Day-Care Homes, which constitute a residential use and not an accessory use.

12.7.3 Conditional Use Permit Required:

No building shall be erected, constructed, or developed, and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any massage establishment unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 17 of this Resolution. In addition to said provisions, a home occupation shall comply with the following conditional use criteria:

- a. The external appearance of the structure in which the use is conducted shall not be altered; and not more than one (1) sign no larger than two (2) square feet shall be mounted flush to a wall of the structure;
- b. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted;

- c. There shall be no outside storage of any kind related to the use, only commodities produced on the premises may be sold on the premises, and no display of products can be visible from the street;
- d. Not more that twenty-five percent (25%) of the gross floor area of the dwelling shall be devoted to the use;
- e. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances;
- f. Parking demand shall not exceed the paved facilities provided at the time of issuance of permit; nor shall any additional off site parking demand be created; and,
- g. No person who is not a resident family member of the premises may participate in the home occupation as an employee or volunteer.

12.8 REGULATION OF COMPOSTING ACTIVITIES

Composting refers to activities undertaken to promote the biological decomposition of organic matter. Such organic matter is restricted to grass clippings, wood chippings, fruit and vegetable scraps, garden plants, weeds, leaves or other botanical waste.

- 12.8.1 Under no conditions, in Residential Districts, shall meat or dairy products or offensive animal or fowl waste be incorporated into such pursuits as they may emit odors and/or attract insects, rodents and other pests.
- 12.8.2 Under no conditions, in Residential Districts, shall the size of a compost pile exceed two hundred fifty-six (256) cubic feet or four (4) feet in height. The site of the activity shall be provided with good drainage, restricted to rear yards and located at least four (4) feet from all adjacent property lines. Structures or bins used to contain such activities do not require a zoning permit.

12.9 REGULATION OF ACTIVITIES ASSOCIATED WITH THE EXTRACTION OF NATURAL RESOURCES

- 12.9.1 General Requirements: Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any District may file with the Board of Zoning Appeals an application for authorization to mine minerals therefrom, provided, however, that said person shall comply with all requirements of the District in which said property is located, and with the following additional requirements:
 - a. Distance from Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than fifty (50) feet to any property line unless a greater distance is deemed necessary for the protection of adjacent property; provided that this distance

requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property;

- b. Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way;
- c. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board of Zoning Appeals;
- d. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment; and,
- e. Processing: The crushing, washing and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use, provided that such accessory processing shall not be in conflict with the use regulations or the District in which the operation is located.

12.9.2 Applicant - Financial Ability: In accepting such plan for review, the Commission must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.

12.9.3 Application - Contents, Procedure: An application for such operation shall set forth the following information:

- a. Name of the owner or owners of land from which removal is to be made;
- b. Name of applicant making request for such permit;
- c. Name of the person or corporation conducting the actual removal operation;
- d. Location, description and size of the area from which removal is to be made;
- e. Location of processing plant used;
- f. Type of resources or materials to be removed;
- g. Proposed method of removal and whether or not blasting or other use of explosives will be required;
- h. Description of equipment to be used; and,

- i. Method of rehabilitation and reclamation of the mined area.
- 12.9.4 Public Hearing: Upon receipt of such application, the Commission shall set the matter for a public hearing following the procedures as shown in Article 19.
- 12.9.5 Rehabilitation: To guarantee the restoration, rehabilitation, and reclamation of the mined-out area, every applicant granted a mining permit as herein provided shall furnish a performance bond running to the Township in an amount of not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Commission meet the following minimum requirements:
- a. Surface Rehabilitation: All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, noninflammable and noncombustionable solids. It may also be ensured:
 - (1) That the excavated area shall not collect nor permit stagnant water to remain therein.
 - (2) That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof and to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
 - b. Vegetation: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.
 - c. Banks of Excavations not Backfilled: The banks of all excavations not backfilled shall be sloped to the waterline at a slope not less than three (3) feet horizontal to one (1) foot vertical, and said bank shall be seeded.
- 12.9.6 Additional Requirements: In addition to the foregoing, the Commission may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such mines, quarries or gravel pits as the Commission may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the performance bond shall be determined by the Commission prior to issuance of the permit.
- 12.9.7 Compliance with all applicable laws of the State of Ohio.

- 12.9.8 Gas and Oil Wells: In any and all districts of the Township, a well may be drilled for the exploration for or production of natural oil or gas only after or when the following conditions have been complied with:
- a. Compliance with all applicable laws of the State of Ohio; and,
 - b. No tanks or reservoirs erected or intended for the storage of petroleum products shall be located within fifty (50) feet of any public right-of-way or within one hundred (100) feet of a residential lot line.

12.10 REGULATION OF SATELLITE DISH ANTENNAS

Sections 12.10 through 12.10.6 inclusive shall apply to the location and construction of dish-type satellite signal/receiving antennas as herein defined.

12.10.1 It is the purpose of Sections 12.10 through 12.10.6 inclusive to regulate the location and construction of dish-type satellite signal/receiving antennas within the township in order to protect the public health, safety and welfare of the residents, particularly with respect to the maintenance of utility easements and fire safety accesses, the prevention of the accumulation of noxious weeds and debris, the safety considerations associated with windload, and the reasonable accommodation of the aesthetic concerns of neighboring property owners.

12.10.2 The following definitions shall apply in the interpretation of this Resolution:

"Dish" shall mean that part of a satellite, signal/receiving antenna which is shaped like a saucer or dish, whether it is spherical, parabolical, or similar in shape;

"Dish-type satellite signal/receiving antennas", to include earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one (1) or a combination of two (2) or more of the following:

- a. A signal/receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources;
- b. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals; and/or,
- c. A coaxial cable, whose purpose is to convey or transmit signals to a receiver.

"Receiver" shall mean the apparatus whose purpose is to obtain a signal from a cable or like source and transform it to a television signal.

12.10.3 Zoning Permit Required:

No person, firm or corporation shall undertake the construction, erection or installation of any satellite ground-mounted dish without a zoning permit issued in accordance with the provisions of this Resolution. In addition to the requirements of Article 12 of this Resolution, the application for such permit shall include the following:

- a. A description of the type of earth station proposed;
- b. A plot plan of the lot, premises, or parcel of land showing the location of the proposed earth station and all other buildings thereon;
- c. Plans depicting the specifications and elevations of the proposed location, to include satisfactory screening and landscaping for ground-mounted structures;
- d. Details of the method of assembly and construction of the proposed earth station; and,
- e. A fee as required and established by the Township Trustees for the review of plans and specifications and the inspection of construction.

12.10.4 Ground-Mounted Satellite Dish Antennas:

Ground-mounted satellite dish antennas are considered as accessory structures and are permitted as accessory uses in all districts. In addition to the provisions of this Resolution pertaining to accessory structures, the following provisions shall apply to ground-mounted satellite dishes:

- a. The maximum diameter of any ground-mounted satellite dish shall not exceed twelve (12) feet;
- b. The maximum height of any ground-mounted satellite dish shall not exceed fifteen (15) feet above the finished grade;
- c. The satellite dish apparatus shall be painted a color which complements its environment and shall bear no advertisement, lettering, picture, or visual image;
- d. The apparatus shall not be located in a side yard or a front yard;
- e. The site of the apparatus shall be screened with shrubbery and/or landscaped as proposed in the zoning permit application;
- f. The apparatus shall be mounted upon a solid concrete slab and shall be constructed in such manner that it will withstand wind forces of up to seventy-five (75) miles per hour;
- g. Only metal supports of galvanized construction shall be used;

- h. Any guy wires attached to a satellite dish apparatus shall be enclosed by an approved fence;
- i. Any driving motor shall be limited to one hundred (100) volt maximum power and shall be encased in a protective guard;
- j. All wiring between the apparatus and any other structure shall be placed underground in approved conduit; and,
- k. The apparatus shall be bonded to an approved eight (8) foot grounding rod.

12.10.5 Roof-Mounted Satellite Dish Antennas:

Roof-mounted satellite dish antennas are not considered as accessory structures and are permitted in all districts. Roof-mounted satellite dishes do not require a zoning permit. However, in addition to other provisions of this Resolution, the following provisions shall apply to roof-mounted satellite dishes:

- a. The maximum diameter of any roof-mounted satellite dish shall not exceed three (3) feet;
- b. The height of any roof-mounted satellite dish shall not exceed the roof height of the building upon which it is mounted by more than four (4) feet;
- c. The apparatus shall be painted a color which complements its environment and shall bear no advertisement, picture, lettering or visual image;
- d. The apparatus, its mounting and all supporting devices shall be constructed and erected, in accordance with this Resolution, directly upon the roof of the principal building, and shall not be mounted upon a spire, tower, turret, chimney, pole, or any appurtenances thereto attached; and,
- e. The satellite dish apparatus shall be so designed and installed as to withstand wind forces up to seventy-five (75) miles per hour.

12.10.6 Variances on Locational Characteristics:

An applicant may request a variance from the accessory building requirements and the required height restrictions in compliance with the procedures of Article 18 of this Resolution. In addition to all requirements of these Sections, the applicant shall submit clear and convincing evidence that the requested variance is necessary in order for the satellite dish antenna to have a direct line of sight or unobstructed view to the satellite. In any case where this provision applies, the variance granted by the Board of Zoning Appeals shall be the minimum variance required to achieve the necessary direct line of sight to assure that the antenna can properly function.

12.11 REGULATION OF SWIMMING POOLS AS ACCESSORY USES

Sections 12.11 through 12.11.3 inclusive shall apply to the location and maintenance of swimming pools.

12.11.1 It is the purpose of Sections 12.11 through 12.11.3 inclusive of this Resolution to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated or maintained as an accessory use.

12.11.2 Private Swimming Pools:

No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed in any residential district or commercial district except as an accessory use and shall comply with the following requirements:

- a. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests;
- b. The pool may be located anywhere on the premises except in front yards, provided that it shall not be located closer than twelve (12) feet to any property line or easement; and,
- c. The swimming pool shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. Such fence shall be six (6) feet in height, and not to exceed more than ten (10) feet from the side wall of the swimming pool, and it shall be maintained in good condition with a gate and lock.

12.11.3 Community or Club Swimming Pools:

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

- a. The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- b. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than seventy-five (75) feet to any property line or easement;
- c. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6)

feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition;

- d. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties; and,
- e. Such pool facilities shall not be operated prior to 9:00 a.m. in the morning or after 10:00 p.m. in the evening.

12.12 REGULATION OF PONDS, LAKES OR OTHER WATER DETENTION/RETENTION STRUCTURES

Section 12.12 through 12.12.5 inclusive shall apply to the development of all structures which intentionally or unintentionally store, pool, retain and/or detain water as defined herein.

12.12.1 The purpose of these regulations is to guide the development, design, maintenance and structural integrity of ponds, lakes or other water detention/retention structures in American Township. It is the purpose of these regulations to promote the public's health, safety and welfare by minimizing local nuisances, as well as potentially dangerous health and safety concerns, and to further the general harmony between and amongst neighbors.

12.12.2 Ponds are considered permanent structures for the purposes of zoning administration and require a zoning permit. No pond shall hereafter be located, constructed, repaired, extended, enlarged, converted, or altered without full compliance with the terms of this Resolution. All maintenance, construction, and/or related improvements to pond structures must be designed by the Allen Soil and Water Conservation Service, a licensed landscape architect and/or a certified professional engineer (PE) and be presented to the Zoning Commission for review and approval prior to the issuance of a zoning permit.

12.12.3 "Pond" shall mean a natural or artificially formed structure with an enclosed body of water more than six hundred (600) gallons.

12.12.3.1 "Detention Pond" shall mean an artificially formed structure designed to hold storm water runoff, detaining it for a period of time before ultimately slowly discharging the water downstream. Detention ponds are to be designed to compliment large-scale residential, commercial and industrial developments. Detention ponds must be designed and constructed to the specifications of a licensed landscape architect and/or a professional engineer.

12.12.3.2 "Retention Pond" shall mean an artificially formed structure designed to hold water year round with the capacity to accommodate a limited amount of storm water runoff. Retention ponds are reservoirs of natural water designed

to enhance aesthetic elements of large-scale residential, commercial and industrial developments. Retention ponds must be designed and constructed to the specifications of a licensed landscape architect and/or a professional engineer.

12.12.3.3 "Agricultural Ponds" shall mean a natural or artificially formed structure which serves as a reservoir of water for year round agricultural use. Agricultural ponds are to be used for agricultural based activities including aquaculture, hatcheries, hydroponics or irrigation and animal-related maintenance/production activities. Agricultural ponds may also support fire suppression due to the lack of access to municipal water services. The use of such ponds are limited and restricted to those activities supported by the owners. Agricultural ponds shall not engage in off farm commercial uses nor in any commercial recreational activities such as, but not limited to, fishing or swimming. Agricultural ponds shall not be located outside of an existing Agricultural District as identified by the Allen County Auditor. Agricultural ponds must be designed and constructed to the specifications of the Allen Soil and Water Conservation Service.

12.12.3.4 "Aesthetic, Garden or Recreational Ponds" shall mean a natural or artificially formed structure which is intended to serve as a permanent reservoir of water serving aesthetic desires and/or as an activity center for year round use. Such ponds are to be designed for year round enjoyment and to further such activities such as wildlife habitats, swimming, fishing, ice skating, etc. Such ponds shall not engage in commercial uses nor in any commercial recreational activities without the appropriate zoning permit and requisite Health Department approval. Such ponds open to the public shall be subject to the safety conditions of Section 12.11. Such ponds must be designed by the Allen Soil and Water Conservation Service, a licensed landscape architect or a professional engineer.

12.12.4 Ponds not located in platted subdivisions shall not be located closer than thirty-five (35) feet from any non road right-of-way lot line and fifty (50) feet from the road right-of-way located on any parcel.

12.12.4.1 Ponds shall be measured from the lot line and/or road right-of-way to the perpendicular edge of the high water line. See Illustration K.

12.12.4.2 Where mounding is present, ponds shall be measured from the base of the mound to the lot line and/or road right-of-way. See Illustration K. Said mounding is subject to the conditions of Section 13.21.

12.12.5 Ponds shall be permitted as an accessory use in all districts, provided the plans, specifications and construction meet the demands of the respective authorized and approving bodies.

12.12.5.1 Retention and Detention ponds shall be mandated in platted developments as approved by the Regional Planning Commission under the major subdivision process and engineered to further local concerns related to drainage, stormwater runoff and sediment control standards; such pond locations/designs shall be approved by the Allen County Engineer and considered exempt from minimum yard requirements as identified in the Official Schedule of District Regulations in Section 12.3.

Retention and Detention ponds shall be mandated in commercial developments approved by the Allen County Engineer under the Allen County Stormwater & Sediment Control Regulations and engineered to further local concerns related to drainage, stormwater runoff and sediment control standards; such pond locations/designs shall comply with the minimum yard requirements as identified in the Official Schedule of District Regulations in Section 12.3.

12.13 REGULATION OF GROUP RESIDENTIAL FACILITIES

Sections 12.13 through 12.13.6 inclusive shall apply to the location, operation, and maintenance of group residential facilities.

12.13.1 It is the purpose of Sections 12.13 through 12.13.6 inclusive of this Resolution to regulate the location, operation, and maintenance of group residential facilities in order to promote the public health, safety, and welfare. It is the intent of these Sections to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their care and/or rehabilitation.

12.13.2 "Group Residential Facility" shall mean any community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two classes of Group Residential Facilities:

Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, the physically handicapped or disabled, or those with development disabilities or mental illnesses. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff; and,

Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving

correctional institutions; and residential rehabilitation centers for alcohol and drug users, provided detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

12.13.3 Conditional Use Permit Required:

A Class I Type B group residential facility is permitted by law in residential districts. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 17 of this Resolution. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:

- a. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency;
- b. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy;
- c. Evidence is presented that the proposed facility will not generate an increase in traffic volume or require special off-street parking;
- d. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located;
- e. No such facility may be located within one thousand (1,000) feet of another such facility;
- f. No signs shall be erected by such facility for purposes of identification except a permitted street address sign;
- g. The exterior of all such facilities shall not be altered in character and shall be compatible with the aesthetics of other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible;
- h. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents to include a structured procedure where by their grievances may be filed and resolved; and,
- i. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

12.13.4 Zoning of Group Residential Facilities:

Group residential facilities shall be conditionally permitted uses as follows:

Class I Type A	R-3 Residential District B-1, B-2 Business District M-1 Manufacturing District
Class I Type B	All Residential Districts B-1, B-2 Business District M-1 Manufacturing Districts
Class II Type A	R-3 Residential District B-1, B-2 Business District M-1 Manufacturing District
Class II Type B	R-3 Residential District B-1, B-2 Business District M-1 Manufacturing District

12.13.5 Variance to Distancing Requirement:

The Board of Zoning Appeals may grant a variance with respect to the distancing requirement contained in Section 12.13.3(e) if the applicant clearly demonstrated that the proposed location has unique advantages with respect to proximity to employment opportunities, social services, public transportation, or similar amenities.

12.13.6 Uniformity With Respect to Granting of Conditional Use Permits:

The granting of conditional use permits for the establishment of Group Residential Facilities shall be uniformly and equitably done, irrespective of considerations beyond the scope of these regulations.

12.14 REGULATION OF FACTORY-BUILT HOUSING DESIGN AND APPEARANCE STANDARDS

12.14.1 It is the purpose of Sections 12.14.1 through 12.14.5 inclusive of this Resolution to promote the health, safety, and welfare of the community by establishing regulations governing the siting, construction, and maintenance of factory-built housing. It is further the intent of these Sections to permit a wider range of housing opportunities while assuring the compatibility of a variety of housing types within certain residential districts.

12.14.2 The following definitions of the various types of factory-built housing shall apply in the interpretation of this Resolution:

- a. **Manufactured Home:** Any nonself-propelled vehicle transportable in one or more Sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet. The vehicle shall be built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, which includes the plumbing, heating, air conditioning, and electrical system contained therein and which bears a label

certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.

- b. Modular Home: Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.
- c. Mobile Home: A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to be in compliance with it.

12.14.3 Siting Requirements:

Any factory-built housing proposed to be located in any district shall comply with the following requirements:

- a. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line;
- b. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure;
- c. The structure shall be so oriented on the site so that its long axis is parallel with the street; and it shall have an entrance way facing the street, except where diagonal placement and the addition of a garage, carport, or other accessory structure may be permitted by subdivision regulation and yard requirement;
- d. The site shall be suitably landscaped, with adequate screening devices as elsewhere required;
- e. The site of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed; and,
- f. The site shall be serviced by utilities in such manner as required by this Resolution.

12.14.4 Zoning of Factory-Built Housing:

Mobile homes shall be permitted only in approved Manufactured Home Parks. Manufactured homes and modular homes which meet the design and appearance standards contained in Section 12.14.5 shall be permitted accordingly.

12.14.5 Single-Family Design and Appearance Standards:

Single-family residential homes (modular, manufactured, or site-built construction) shall comply with the following design and appearance standards:

- a. The structure shall be in conformance with the siting requirements contained herein; and,
- b. The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.

12.15 REGULATION OF WIND TURBINE GENERATORS AND ANEMOMETER TOWERS

The purpose of Section 12.15.1 thru 12.15.4 inclusive shall be to establish general guidelines for the location of wind turbine generators (WTG) and anemometer towers in order to protect the public health, safety, comfort, and general welfare of Township residents. The Township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators in certain areas of the Township. The Township also recognizes the need to protect residents from unnecessary and unreasonable visual interference and noise radiation. Recognizing that such WTG may have negative health, safety, welfare, and/or aesthetic impacts upon adjoining and neighboring uses Section 12.15 inclusive seeks to: Protect residential and agricultural areas from potential adverse impact of WTGs; Permit WTGs in selected areas by on-site residential, commercial, or industrial users, subject to the terms, conditions, and provisions hereof; Ensure the public health, welfare, and safety of the Township's residents in connection with WTGs; and, Avoid potential damage to real and personal property from the WTGs or anemometer towers or the failure of such structures and related operations.

12.15.1 Recognizing the importance of clean, sustainable and renewable energy sources the Township permits the use of residential wind turbines under the following regulations to ensure the safety and welfare of all township residents is met.

12.15.2 No WTG or anemometer tower shall hereafter be located constructed, repaired, extended, enlarged, converted or altered without full compliance with the terms of this Resolution. Said construction, alterations, or modifications require a zoning permit.

12.15.3 Wind turbines shall be permitted as an accessory use in all districts under the following conditions:

12.15.3.1 Height and Density. Wind turbine generators can only be erected on parcels of land five (5) acres or more and the maximum height of any turbine shall be 100 feet. For purposes of Section 12.15, the maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical

rotation to the ground level of the tower. No more than one (1) WTG shall be permitted on a parcel of land.

12.15.3.2 Setbacks. Any turbine erected on a parcel of land will need to establish a "clear fall zone" from all neighboring property lines, structures, as well as any inhabitable structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at, and would not strike any structures including the primary dwelling, and any inhabited structures.

12.15.3.3 Maintenance. WTGs and anemometers must be maintained in good working order. Turbines and anemometers that become inoperable for more than 24 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing turbine.

12.15.3.4 Decibel Levels. All WTGs shall operate within a decibel range of 50 to 70 decibels. This information shall be included in a prescribed engineering report described in Section 12.15.4.2. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring property.

12.15.3.5 Wiring and electrical apparatuses. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground.

12.15.4 A permit shall be required before construction can commence on an individual wind turbine system. As part of the permit process, the applicant shall inquire with the Lima-Allen County Regional Planning Commission as to whether or not additional height restrictions are applicable due to the unit's location in relation to either the Allen County Airport, or the Bluffton Airport. Applicant shall then provide the Township Zoning Inspector with the following items and or information when applying for a permit:

12.15.4.1 Location of all public and private airports in relation to the location of the turbine.

12.15.4.2 An engineering report signed and sealed by a professional engineer that shows:

- a. the total size and height of the unit;
- b. the total size and depth on the unit's concrete mounting pad;

- c. a list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection;
- d. data specifying the kilowatt size and generating capacity of the particular unit;
- e. the maximum decibel level of the particular unit (this information must be obtained from the manufacturer of the turbine unit);
- f. a site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right of ways, and neighboring properties;
- g. evidence of a “clear fall zone” with manufacturer’s recommendation must be attached to the engineering report; and,
- h. a maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

ARTICLE 12A

PLANNED UNIT DEVELOPMENT DISTRICTS

12A.0 PURPOSE

The Township recognizes residential and special use Planned Unit Developments (PUDs) as integral to long-term development strategies. The purpose of the PUD districts is to provide for residential uses and/or other specific development activities not addressed in the standard districts when it can be demonstrated that such a district furthers the intent of the Comprehensive Plan, pursues creative planning and design, and responsibly addresses integration into its surroundings.

PUDs are to incorporate unique and creative designs such as architectural themes, landscaping themes, clustering and conservation of land, integration of natural features, traffic calming measures and minimization of signage. Developments are to incorporate traffic mitigation strategies with an emphasis on defining proper relationships between buildings and land uses, developing them in a coordinated manner.

Residential PUDs (R-PUDs) are intended to further areas of low and moderate density and associated land uses considered an integral part of the development they serve. R-PUDs will provide greater design flexibility when specific design elements are included and documented in the Overall Development Plan (ODP) of the R-PUD. The inclusion of certain architectural and landscaping themes, the integration of natural features and the conservation of land are all expected elements of the required ODP. R-PUDs are expected to incorporate traffic mitigation strategies/techniques. The R-PUDs ODP should define the proper relationship between residential structures (and accessory uses), public/private infrastructure and the natural surroundings.

Special Use PUDs (SP-PUDs) are intended to further the incorporation of manufacturing, retail, service and limited residential and institutional activities within the community. SP-PUDs will provide greater design flexibility when specific design elements are included and documented in the ODP of the SP-PUD. The inclusion of certain architectural and landscaping themes, the integration of natural features, the conservation of land and the minimization of signage and traffic calming are all expected elements of the required ODP. SP-PUDs are expected to incorporate traffic mitigation strategies/techniques with an emphasis placed on maintaining the existing Level of Service (LOS) on adjacent roadways. The SP-PUDs ODP should define the proper relationship between residential/commercial/institutional structures, proposed economic activities and natural surroundings as well as its impact on the built and human environment.

12A.1 PERMITTED USES IN THE R-PUD DISTRICT

12A.1.1 Permitted uses and development standards shall be established at the time of rezoning the property and must be identified as the conditions upon which the district is approved. Any development standards not explicitly addressed shall conform to standard district regulations. Any use not so designated shall be prohibited unless it is determined to be substantially similar to the approved uses and is in character with the proposed development.

- 12A.1.2 Permitted uses may include one or more of the following: low to medium density (less than four (4) units per acre gross density) residential dwellings, playgrounds and recreational facilities including golf courses, country clubs, conservation areas, nature preserves or public parks.
- 12A.1.3 The Zoning Commission may approve additional uses prior to the Final Plat.

12A.2 GENERAL PROVISIONS

- 12A.2.1 The owner or owners of any tract of land may submit to the Zoning Commission a plan for the use and development of the entire tract of land for residential and allied purposes. The ODP shall be studied and presented before a public hearing. Notice and publication of such public hearings shall conform to the procedures prescribed for hearings on the changes and amendments. If the Zoning Commission approves the plans, they shall be submitted to the Trustees for consideration and action. The approval and recommendations of the Zoning Commission shall be predicated upon a report, filed by the applicant, which documents the rationale and contains the specific evidence and facts showing that the proposed R-PUD project meets with the following conditions: (a) the proposed development plan shall specifically document the purpose of the development and the intended use of the land in an overall pattern of buildings, greenery, parking and amenities; (b) the proposed development plan shall provide satisfactory documentation that the property adjacent to the area included in the plan will not be adversely affected; (c) the proposed development plan shall document all ownership and maintenance agreements to include any common areas, streets, swimming pools, lakes/ponds, golf courses, etc.; (d) the proposed development plan shall demonstrate compatibility with the uses permitted in the district in which the development is proposed to be located; and, (e) the proposed development plan shall document the maximum density and intensity of land uses within the proposed district in order to identify the parameters of all pertinent design criteria requirements.
- 12A.2.2 R-PUDs shall adhere to the Allen County Storm Water & Sediment Control Regulations (SWSCR) and Township Storm Water Management Plans (SWMP) as applicable.
- 12A.2.3 The configuration of lots, public roads and private drives/service roads shall be coordinated with the Allen County Subdivision Regulations and Access Management Regulations as applicable.
- 12A.2.4 A zoning certificate may be issued, even though the use of land, the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the standard district regulations.

12A.3 SPECIFIC DESIGN CRITERIA FOR R-PUD DISTRICT

- 12A.3.1 The R-PUD district shall be a minimum of fifteen (15) acres in size.
- 12A.3.2 The R-PUD shall have an open space design that reflects a minimum of twenty percent (20%) of the tract to be developed.
- 12A.3.3 The R-PUD shall utilize a landscaping and buffering plan per the requirements of this document as identified elsewhere in this text. The landscaping and any required buffering shall be designed by a licensed landscape architect in order to achieve the necessary aesthetic balance between the PUD and the surrounding area.
- 12A.3.4 The R-PUD shall provide sufficient parking to accommodate the demands of its residential and any ancillary uses as indicated elsewhere in this document.
 - 12A.3.4.1 The R-PUD shall provide one (1) off-street parking area for each three (3) people of capacity plus one (1) for each employee when determining the required parking for all common areas including community rooms, outdoor swimming pools, recreational/sports facilities, etc.
 - 12A.3.4.2 The R-PUD shall establish suitable evergreen landscaping as a buffer for all off-street parking areas.
- 12A.3.5 R-PUDs are expected to incorporate various ancillary uses and structures in their design. The following are specific design criteria that shall be incorporated in the respective development.
 - 12A.3.5.1 Private swimming pools, detached garages/sheds, hot tubs, sport courts, tennis courts, basketball courts, gazebos, play structures or other similar structures as determined by the zoning inspector shall be classified as accessory structures.
 - 12A.3.5.2 Accessory structures shall be subordinate to the principal permitted use and respective principal structure. Accessory structures shall be located to the rear or side of the principal structure. No accessory structures shall be located in front yards unless specifically approved during the design review process.
 - 12A.3.5.3 All utilities and service structures shall be screened with landscaping to the maximum height of the unit.
 - 12A.3.5.4 Accessory structures may not encroach on any platted easement unless the Allen County Engineer approves of such encroachment.
- 12A.3.6 The design and construction of publicly dedicated streets shall be coordinated with the Allen County Subdivision Regulations and

Access Management Regulations. In order to adequately address the Allen County Access Management Regulations, the design of private drives or internal service roads such as in condominiums shall be presented to the Allen County Engineer for review.

12A.3.7 In order to adequately address the Allen County Access Management Regulations, all R-PUD ODPs shall address the following driveway and sight visibility standards:

12A.3.7.1 All multi-family and condominium roads/drives shall be designed to meet the minimum intersection sight distances as established by the Ohio Department of Transportation's (ODOT's) Location and Design (L&D) Manual sections on Intersection Sight Distance (ISD), Vertical ISD and Horizontal ISD. These sight distances are to be shown on the proposed plan. If it is determined in an approved Traffic Impact Study for the development or by an engineer designing the driveway that it is not feasible to obtain those required intersection sight distances, then the driveway shall be designed to meet the preferred safe stopping distances provided for in the ODOT L&D Manual. All such exceptions are subject to the approval of the Allen County Engineer.

12A.3.7.2 Two (2) access points are required for developments with thirty (30) or more dwelling units to ensure adequate fire protection and access for emergency medical services.

12A.3.7.3 All development road/drive centerline angles should be designed as close as possible to ninety (90) degrees. In no case shall the driveway be less than seventy-five (75) degrees.

12A.3.7.4 All multi-family, condominium, manufactured home or mobile home park developments shall be designed so as vehicles are traveling in a forward motion when entering or leaving.

12A.3.7.5 All roads/drives must provide for and maintain a sight visibility triangle as illustrated in Illustration J. Structures, landscape plantings, fences or signs other than roadway signs are not permitted in this area. The zoning inspector may permit the placement of objects in the required sight visibility triangle area provided that they do not project into the clear vertical space between the height of thirty (30) inches and ten (10) feet as measured from the pavement.

12A.3.7.6 Maximum driveway width shall be thirty-six (36) feet as measured from the right-of-way line. For curbed driveways this width is measured from the back of the

curb. Maximum driveway lane width shall be twelve (12) feet.

12A.3.8 The R-PUD shall utilize a lighting plan in order to provide the level of illumination necessary for adequate, safe and efficient movement of vehicles and persons without affecting neighboring properties. The lighting plan shall be designed by a licensed electrical engineer in order to achieve the necessary aesthetic balance between the PUD and the surrounding area. The following standards shall be met:

12A.3.8.1 All multi-family or condominium clusters with five (5) or more exterior parking spaces are to be illuminated.

12A.3.8.2 All vehicular use and pedestrian pathways shall not drop below 0.5 foot candles. For design purposes the Light Loss Factor (LLF) shall be calculated using the Illuminating Engineering Society of North America (IESNA) latest standards.

12A.3.8.3 Light originating at a site shall not be permitted ten (10) feet beyond the perimeter of the site.

12A.3.8.4 All outdoor lighting shall be designed as to minimize light trespass and the impact of glare on all surrounding properties and public right-of-ways.

12A.3.8.5 All exterior lighting shall be demonstrated on the plan submittal.

12A.4 PERMITTED USES IN THE SP-PUD DISTRICT

12A.4.1 Permitted uses and development standards shall be established at the time of rezoning the property and must be identified as the conditions upon which the district is approved. Any development standards not explicitly addressed shall conform to standard district regulations. Any use not so designated shall be prohibited unless it is determined to be substantially similar to the approved uses and is in character with the proposed development.

12A.4.2 Permitted uses, as defined under the North American Industrial Classification System (NAICS), may include one or more of the following uses: commercial banking, savings institutions and credit unions; mortgage companies; securities, commodity contracts and other financial investments; insurance carriers and related activities; offices of real estate agents, brokers and appraisers; professional, scientific and technical services (except large animal veterinary services); personal care services; arts, entertainment and recreation establishments; restaurants and drinking places; furniture and home furnishings stores; electronics and appliance stores; food and beverage stores; health and personal care stores; clothing and clothing accessory stores; sporting goods, hobby, book and music stores; miscellaneous store retailers (excluding used merchandise stores); public administration and government services; health care

(except psychiatric and substance abuse hospitals); elementary and secondary schools and libraries; child day care centers; and, religious organizations and worship facilities. Light Manufacturing and Warehousing activities: computer and electronic product manufacturing; electrical equipment, appliance and component manufacturing; furniture and related product manufacturing; medical equipment and supplies manufacturing; printing and related support activities; professional and commercial equipment and supplies wholesalers; beer, wine and distilled alcoholic beverages wholesalers; soft drink bottling and distribution; and, drugs and druggists' sundries wholesalers.

12A.4.3 Medium and high density residential structures not to exceed sixteen (16) units per acre may be allowed as a conditional use provided that: all residential uses and/or development activities including multi-family and condominium uses as well as common areas account for less than twenty percent (20%) of the total SP-PUD area; meet all regulations as defined elsewhere in the R-PUD District standards; the residential component is included as an integral part of the SP-PUD and where supporting accessory uses, structures and public infrastructure are available/provided.

12A.4.4 The Zoning Commission may approve additional uses prior to the Final Plat.

12A.5 GENERAL PROVISIONS

12A.5.1 The owner or owners of any tract of land may submit to the Zoning Commission an ODP for the use and development of the entire tract of land. The ODP shall be studied and presented before a public hearing. Notice and publication of such public hearings shall conform to the procedures as prescribed elsewhere in this resolution. If the Zoning Commission approves the plans, they shall be submitted to the Trustees for consideration and action. The approval and recommendations of the Zoning Commission shall be predicated upon a report, filed by the applicant, which documents the rationale and contains the specific evidence and facts showing that the proposed SP-PUD project meets with the following conditions: (a) the proposed development plan shall specifically document the purpose of the development and the intended use of the land in an overall pattern of streets, drainage, buildings, greenery, parking and amenities; (b) the proposed ODP shall provide satisfactory documentation that the property adjacent to the area included in the plan will not be adversely affected; (c) the proposed development plan shall document all ownership and maintenance agreements to include any common areas, streets, swimming pools, lakes/ponds, recreational/sports facilities, etc.; (d) the proposed development plan shall demonstrate compatibility with the uses permitted in the district in which the development is proposed to be located; and, (e) the proposed ODP shall document the maximum density and intensity of land uses within the proposed district in order to identify the parameters of all pertinent design criteria requirements.

- 12A.5.2 SP-PUDs shall adhere to the Allen County SWSCR and the Township's SWMP as required.
- 12A.5.3 The configuration of lots and any public roads and private drives/service roads shall be coordinated with the Allen County Subdivision Regulations and the Allen County Access Management Regulations as applicable.
- 12A.5.4 SP-PUD applicants shall study, document and submit a traffic impact analysis of the proposed development and present it to the Allen County Engineer for review. The analysis shall identify the full impact of a phased development.
- 12A.5.5 A zoning certificate may be issued, even though the use of land, the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the standard district regulations.

12A.6 SPECIFIC DESIGN CRITERIA FOR SP-PUD DISTRICT

- 12A.6.1 The SP-PUD district shall be a minimum of fifteen (15) acres in size.
- 12A.6.2 The SP-PUD shall have an open space design that reflects a minimum of twenty percent (20%) of the tract to be developed.
- 12A.6.3 The design and construction of publicly dedicated streets shall conform to the Allen County Subdivision Regulations. The design of private drives or internal service roads shall be presented to the Allen County Engineer for review.
- 12A.6.4 All SP-PUD overall development plans shall address the following driveway and sight visibility standards:
 - 12A.6.4.1 All driveways shall be designed to meet the minimum intersection sight distances as established by the ODOT L&D Manual sections on ISD, Vertical ISD and Horizontal ISD. These sight distances are to be shown on the proposed plan. If it is determined in an approved Traffic Impact Study for the development or by an engineer designing the driveway that it is not feasible to obtain those required intersection sight distances, then the driveway shall be designed to meet the preferred safe stopping distances provided for in the ODOT L&D Manual. All such exceptions are subject to the approval of the Allen County Engineer.
 - 12A.6.4.2 Driveway centerline angles should be designed as close as possible to ninety (90) degrees. In no case shall the driveway be less than seventy-five (75) degrees.
 - 12A.6.4.3 All driveways must provide for and maintain a sight visibility triangle as illustrated in Illustration J. Structures, landscape plantings, fences or signs other than roadway

signs are not permitted in this area. The zoning inspector may permit the placement of objects in the required sight visibility triangle area provided that they do not project into the clear vertical space between the height of thirty (30) inches and ten (10) feet as measured from the pavement.

- 12A.6.4.4 Maximum driveway width shall be thirty-six (36) feet as measured from the right-of-way line. For curbed driveways this width is measured from the back of the curb. Maximum driveway lane width shall be twelve (12) feet.
- 12A.6.5 The SP-PUD shall provide sufficient parking to accommodate the demands of its commercial and any ancillary uses. Parking areas shall provide safe, convenient and efficient access.
 - 12A.6.5.1 All service drives, off-street parking areas, driveways and maneuvering aisles shall be paved with asphalt, concrete, pavers or combination thereof.
 - 12A.6.5.2 The number of required parking spaces shall be provided based on an established use and parking requirements identified elsewhere in this document. Where the ODP fails to identify a proposed use, the zoning inspector will identify an appropriate use to determine minimum standards.
 - 12A.6.5.3 Parking spaces shall be distributed as follows: a maximum of forty percent (40%) in front of the primary structure; a maximum of seventy percent (70%) to the side of the primary structure; and, a minimum of ten percent (10%) to the rear of the structure. Where the rear of the primary structure is adjacent to residential uses or zoning districts parking will be prohibited.
 - 12A.6.5.4 All required parking shall be identified and contained within the proposed SP-PUD unless the Board of Zoning Appeals approves a joint parking agreement. In such cases, a written agreement between all property owners shall identify all issues related to occupancy, maintenance and liability and record same in the office of the Allen County Recorder. A copy of the agreement will be kept with the zoning certificate.
 - 12A.6.5.5 All service drives, off-street parking areas, driveways and maneuvering aisles shall be kept free of standing water, litter, glass, nails and other materials or debris which could create a hazardous situation.
 - 12A.6.5.6 The SP-PUD shall establish suitable evergreen landscaping as a buffer for all off-street parking areas.

- 12A.6.5.7 Where a residential component is included, the SP-PUD shall provide two (2) off-street parking spaces for each single-family unit. Multi-family developments shall provide two (2) off-street parking spaces for each dwelling unit and one (1) visitor parking space for every two (2) units evenly distributed throughout the parking area. The SP-PUD shall provide one (1) off-street parking area for each three (3) people of capacity plus one (1) for each employee when determining the required parking for all common areas including community rooms, outdoor swimming pools, recreational/sports facilities, etc.
- 12A.6.6 The SP-PUD shall utilize a landscaping and buffering plan per the requirements of this document. The landscaping and required buffering shall be designed by a licensed landscape architect in order to achieve the necessary aesthetic balance between the SP-PUD and the surrounding area.
- 12A.6.6.1 No building, structure or vehicular access area shall be developed or expanded unless the minimum landscaping and buffering requirements are established. The Township shall issue a zoning certificate attesting to the integration of all landscaping/buffering requirements upon completion.
- 12A.6.6.2 Trees, vegetation, retention areas, waterways, fences, walls and other landscape/buffer elements are considered elements of the SP-PUD in the same manner as parking and other site details. The owner of the property shall be responsible for the continuous and proper maintenance of all landscaping materials and shall keep them in good order and free from refuse and debris at all times. Maintenance agreements are required in the overall development plan.
- 12A.6.6.3 Buffers are required around the perimeter of the site. Landscape materials used to fulfill buffer requirements shall be installed to provide 100% year round opacity. Buffer materials must be an evergreen species. Evergreen shrubs must be a minimum of two (2) feet in height at time of planting. Evergreen trees must be a minimum of six (6) feet in height. Grass or ground cover shall be planted on all portions of required landscape/buffer areas not addressed by hedges, walls or trees. Trees, evergreen shrubs and mounds must be placed no closer than twelve (12) feet from the edge of curb.
- 12A.6.6.4 To reduce excessive heat build-up and emissions from large parking areas, landscaped islands/areas must be provided when twenty (20) or more parking spaces are provided. All landscape islands must be a minimum of

110 sq. ft. in size and a maximum of 400 sq. ft. and contain at least one (1) tree, a minimum of two (2) inches in caliper at installation. Trees shall be landscaped with hardwood mulch, shrubs or groundcover, not to exceed two (2) feet in height.

12A.6.6.5 Landscaped islands within parking areas shall total at least ten percent (10%) of the gross paved parking area. Trees at least two (2) inches in caliper at time of installation shall be provided for each 5,000 sq. ft. of parking area. These areas may be included in the Storm Water Retention Plan for the site.

12A.6.7 The SP-PUD shall utilize a lighting plan in order to provide the level of illumination necessary for adequate, safe and efficient movement of vehicles and persons without affecting adjacent properties. The lighting plan shall be designed by a licensed electrical engineer in order to achieve the necessary aesthetic balance between the SP-PUD and the surrounding area. The following standards shall be met:

12A.6.7.1 All SP-PUDs shall provide lighting for the entire vehicle use area, exterior doorways and access walkways. In any residential areas, five (5) or more exterior parking spaces are to be illuminated.

12A.6.7.2 All vehicular use and pedestrian pathways shall not drop below 0.5 foot candles. For design purposes the LLF shall be calculated using IESNA latest standards.

12A.6.7.3 Light originating at a site shall not be permitted ten (10) feet beyond the perimeter of the site and shall not exceed 0.5 foot candle in residential areas or 1.0 foot candle in commercial areas of the SP-PUD.

12A.6.7.4 All outdoor lighting shall be designed as to minimize light trespass and the impact of glare on all surrounding properties and public right-of-ways.

12A.6.7.5 All pole-mounted luminaries shall be restricted to thirty-three (33) feet in commercial areas of the SP-PUD. Heights in residential areas shall not exceed twenty-three (23) feet.

12A.6.7.6 All exterior lighting shall be demonstrated on the plan submittal.

12A.6.8 The SP-PUD shall minimize the visual and noise impacts of loading areas, outdoor storage areas and refuse collection activities on surrounding areas.

12A.6.8.1 Storage, sales, truck parking, trash collection/compaction, loading or other such uses must

not be located closer than thirty-five (35) feet from a residential dwelling or residential district.

12A.6.8.2 Storage areas, truck parking, trash collection/compaction, loading areas, HVAC equipment and utility meters shall be screened to their full height.

ARTICLE 13

SUPPLEMENTARY DISTRICT REGULATIONS

13.0 **PURPOSE**

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur in order to alleviate or preclude such problems and to promote the harmonious experience of property rights without conflict.

13.1 **CONVERSION OF DWELLING TO MORE THAN ONE UNIT**

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

- 13.1.1 The conversion is in compliance with all other local codes and resolutions and any applicable State or Federal regulations;
- 13.1.2 The district within which the residence is located is so regulated as to allow such an increase in dwelling units;
- 13.1.3 The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
- 13.1.4 The lot area per dwelling meets the lot area requirements for new structures in that district;
- 13.1.5 The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and,
- 13.1.6 The conversion is in compliance with all other relevant codes and resolutions.

13.2 **PRINCIPAL BUILDING PER LOT**

No more than one (1) principal building or structure may be constructed upon any one (1) lot for the purposes of this Resolution. Rear dwellings shall be prohibited and shall be considered nonconforming uses subject to the requirements of Sections 16.0 through 16.11 of this Resolution.

13.3 **REDUCTION OF AREA OR SPACE**

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Resolution. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this Section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Resolution.

13.4 CONSTRUCTION IN EASEMENTS

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage waterways within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot except for those improvements for which a public authority or utility is responsible.

13.5 PARKING AND STORAGE

No commercially licensed vehicles in excess of one (1) ton load-rating shall be parked or stored on any property or upon a public roadway within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking.

No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building. A maximum of one (1) boat and/or one (1) unoccupied recreational vehicle may be stored in a residentially zoned property if it has a current license and meets the set-aside and setback requirements of this Resolution.

13.6 JUNK

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in Section 4737.05(A) of the Ohio Revised Code or in such statute as it may hereafter be amended shall be prohibited outside of a completely enclosed roofed facility or outside of an existing registered, approved salvage yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

13.7 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS

In addition to the regulations specified in Article 13 and in other Sections of this Resolution, Section 13.8 through 13.13 inclusive shall be used for clarification and interpretation.

13.8 SETBACK REQUIREMENTS FOR BUILDINGS ON CORNER LOTS

The principal building and its accessory structures located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

13.9 FENCE AND WALL RESTRICTIONS

All fences and walls are to be considered structures for the purpose of constructing or siting and shall not be constructed to a height of more than four (4) feet in any district except as follows:

- 13.9.1 Fencing constructed around swimming pools will comply with Section 12.11 of this Resolution;
- 13.9.2 Fences constructed as screens for privacy around patios may not exceed six (6) feet in height and must be within thirty (30) inches of the edge of patio;
- 13.9.3 No fence shall be erected nearer the street than the rear of the house abutting same and shall not be located so as to extend in front of any residence on the lot or lots adjacent thereto;
- 13.9.4 Agricultural fences are exempt from fence regulations in this Resolution; and,
- 13.9.5 A security fence in manufacturing and commercial districts not to exceed nine (9) feet including the barbwire. Barbwire can project outward as long as the barbwire topper does not encroach past the property line. The security fence will be maintained in good condition and free of all advertising signs and other signs so as not to impair vision.

13.10 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

13.11 REGULATION OF AGRICULTURAL ACTIVITIES

Land in any district may be used for agricultural purposes, except those lots one (1) acre or less located in R-1, R-2 and R-3 Residential Districts pursuant to Section 519.21 of the Ohio Revised Code or in any such statute as it may hereafter be amended. "Agricultural" shall include farming, hydroponics, aquaculture, dairying, pasturage, apiculture, horticulture, foresting, floriculture, viticulture, and animal and poultry husbandry.

Restrictions in residential lots of one (1) acre or less shall not pertain to suitable landscaping and non-commercial flower and vegetable gardening activities.

13.12 EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

13.13 ARCHITECTURAL PROJECTIONS

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

13.14 OBSTRUCTIONS TO ROADWAY VISIBILITY

In order to protect the safety, comfort and general welfare of township residents, nothing shall be installed, erected, placed, planted or allowed to grow in such a manner as to impede vision to area roadways.

13.14.1 On a corner lot at the intersection of two streets in any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such a manner as to impede vision materially between a height of two and one-half (2½) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot and a line joining points along said street lines fifty (50) feet from the point of the intersection;

13.14.2 On a corner lot at the intersection of two (2) alleys or at the intersection of an alley and a street, within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one-half (2½) feet and ten (10) feet above the center line grades of the intersection alleys, or of the intersecting alley and street, in the area bounded by the right-of-way lines of such corner lot and a line joining points along said alley lines, or alley and street lines, twenty-five (25) feet from the point of intersection; and,

13.14.3 On the right-of-way of any street, in any district, nothing shall be installed, erected, placed or planted.

13.15 REQUIRED REFUSE COLLECTION AREAS

The storage and collection of garbage and refuse within each district shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution. In all R-1 and R-2 Districts and Manufactured Home Parks, all garbage/refuse shall be stored in rust resistant, watertight, fly-tight, rodent-proof containers. In Manufactured Home Parks these containers shall be located no more than one hundred fifty (150) feet from any manufactured home lot and shall be collected at least once weekly.

The refuse collection areas provided by commercial, industrial, and all other residential uses for the collection of trash, garbage and other refuse shall be enclosed on three sides by a solid wall or fence. Such fence/wall will be at least six (6) feet in height and be suitably landscaped and screened or the area should be within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector. In addition, the following requirements shall be met:

- 13.15.1 The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency;
- 13.15.2 Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard or which may attract rodents or insects shall be stored only in enclosed containers constructed of impervious materials; and,
- 13.15.3 Storage areas in residential districts shall utilize such additional screening as required in this Resolution.

13.16 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Resolution if one (1) or more of the following conditions is found to exist at any time:

- 13.16.1 The use or storage of flammable or explosive materials not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
- 13.16.2 Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
- 13.16.3 Radioactivity or air pollution present in violation of the regulations of the Ohio Environmental Protection Agency;
- 13.16.4 Hazardous wastes present in violation of the regulations of the Ohio Environmental Protection Agency;
- 13.16.5 Objectionable noise as determined by the Zoning Inspector due to volume, frequency or beat;
- 13.16.6 Vibration discernible by the Zoning Inspector without instruments present on an adjoining lot or property;
- 13.16.7 Direct or reflected glare which is visible from any street or from any property not within a manufacturing district;
- 13.16.8 Erosion caused by wind or water carrying objectionable substances onto any adjacent lot or property; or,
- 13.16.9 Water pollution or contamination present in violation of the regulation of the Ohio Environmental Protection Agency.

13.17 ASSURANCE REQUIREMENTS AND PLANS

Prior to the issuance of a Zoning Permit, the Zoning Inspector may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.

13.18 ENFORCEMENT PROVISIONS

Any occupancy, use, conditions or circumstances existing in violation of Section 13.16 and 13.17 of this Resolution shall constitute a violation of this Resolution and be subject to the enforcement procedures contained in this Resolution.

13.19 TEMPORARY USES

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the instigation of such use, an application for a Zoning Permit shall be made to the Zoning Inspector which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

- 13.19.1 Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one (1) year, except that two (2) six (6) month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein or upon the expiration of the zoning permit, whichever occurs first;
- 13.19.2 Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one (1) year, except that six (6) month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction or upon expiration of the zoning permit, whichever occurs first;
- 13.19.3 Temporary sales and services may be permitted within parking areas within any commercial district. A Zoning Permit valid for a period not to exceed four (4) consecutive days shall only be issued three (3) times within any twelve (12) month period to any individual or organization. The application for the temporary zoning permit shall be accompanied by written permission of the property owners and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if a determination is made that it encroaches upon more than twenty-five percent (25%) of the required parking area;

- 13.19.4 Temporary retail sales and services, such as sales of plants, flowers, arts and crafts, farm produce or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A Zoning Permit valid for a period not to exceed two (2) consecutive days shall only be issued three (3) separate times for any particular lot within any twelve (12) month period; and not more than one permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license and a written statement from the property owner giving permission for such use. This Section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the zoning permit shall be prominently displayed at the site; and,
- 13.19.5 Garage sales, which for the purposes of this Section shall include yard sales, barn sales and similar activities, may be permitted within any district in which dwellings are permitted. Any individual or family may conduct one (1) such sale within any twelve (12) month period upon the property at which said party or parties reside for a period not to exceed three (3) consecutive days without obtaining a zoning permit so long as the provisions of this Resolution pertaining to signs and parking are observed. Garage sale permits shall only be issued to groups of families, neighborhood organizations and community organizations two (2) times within any twelve (12) month period and shall not exceed a period of three (3) consecutive days so long as the provisions of this Resolution pertaining to signs and parking are observed.

13.20 LANDSCAPING AND SCREENING PROVISIONS

Screening or buffering in compliance with the provisions of this Section shall be provided for any permitted or conditionally permitted non-residential use which abut any residential use in addition to setback and yard requirements provided elsewhere in the Resolution. Such a buffer must be complete within one (1) year of breaking ground or such date of occupancy whichever comes first. This may be extended at the Zoning Inspectors discretion due to weather conditions.

Applicants for a Zoning Permit may request a variance from yard or setback requirements in Conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of the proposed screening plan and the requested dimensional variance with respect to their joint impact upon neighboring properties. Such requested variance for a conditionally permitted use shall be incorporated in the conditional use procedure specified in Article 17 of this Resolution. The following provisions shall apply with respect to screening.

- 13.20.1 Screening shall be provided for the following purposes:
- a. A visual barrier to partially or completely obstruct the view of structures or activities;
 - b. An acoustic screen to aid in absorbing or deflecting noise; and/or,
 - c. A physical barrier to contain debris and litter.

13.20.2 Screening shall consist of one (1) of the following or a combination of two (2) or more as determined by the Board of Zoning Appeals in the event of an appeal, variance, or conditional use:

- a. A solid masonry wall;
- b. A solidly constructed wooden decorative fence;
- c. A louvered fence;
- d. Dense vegetative plantings; and/or,
- e. Landscaped mounding.

13.20.3 Height of screening shall be in accordance with the following:

- a. Visual screening walls, fences, plantings, or mounds shall be a minimum of six (6) feet in height in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than two and one-half (2½) feet. Plantings shall be a minimum of four (4) feet in height at the time of planting; and,
- b. A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least six (6) feet or greater or a solidly constructed decorative fence shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.

13.20.4 Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to redirect noise as determined by the Board of Zoning Appeals in relation to the nature of the use.

13.20.5 Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles; and,

13.20.6 All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

13.21 LANDSCAPING MOUNDS, RAISED BEDS AND OTHER EARTH WORKS

No land shall be graded, cut, or filled so as to create a mound with a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance from base of mound between abutting lot lines. Major cuts, excavation, grading, and filling, where the same materially changes the site and its relationship with the surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading and filling will result in a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance between abutting lot lines or adjoining tracts of land, except

where the Zoning Inspector has determined that adequate provision is made to retain runoff onto adjacent properties and eliminate the negative consequences of standing water.

13.22 DRAINAGE

Lots shall be developed with due consideration to storm run-off drainage. Lot drainage onto adjoining property shall not be diverted, channelized, or increased so as to cause damage or increase liability to adjoining properties.

Elevation and grade changes are to be accommodated by intercepting the lot drainage before exiting the premises by proper use of systems such as diversion channels, drainage, swales, catch basins with suitable conduits to remove water, or a combination of systems, in keeping with good design practice.

All drainage and drainage control techniques shall be shown and described on plans submitted pursuant to these regulations. Any such plans shall be submitted for approval to the Zoning Inspector as provided in these regulations.

In conjunction with these regulations, drainage criteria for all construction on lots in American Township shall conform to the most current drainage of Allen County Subdivision Regulation and Allen County Storm Water Management and Sediment Control Regulations.

13.23 CUL-DE-SAC DESIGN STANDARDS

Cul-de-sac streets, as defined herein, pose unique design issues with respect to traffic volume, appropriate access/egress and lot frontage requirements. Cul-de-sacs are encouraged to the extent that they support low traffic volumes and a certain development identity. Cul-de-sacs design is subject to the Allen County Subdivision Regulations. The maximum number of lots fronting on the bulb portion of the cul-de-sac shall be limited to six (6) with those lots having a minimum of forty-five (45) feet lot frontage at the right-of-way line. Driveways on the bulb portion of the cul-de-sac shall not surpass more than fifty-three percent (53%) of the total lot frontage.

ARTICLE 14

OFF-STREET PARKING AND LOADING FACILITIES

14.0 GENERAL

In all districts, except the Central Business District, at any time any building, structure or use of land is erected, enlarged, increased in capacity or use, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of Section 14.0 through 14.10 of this Article. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Zoning Inspector as a party of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

Except in the Central Business District, whenever a building or use constructed or established after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, such building or use shall then and thereafter comply with the parking requirements set forth herein.

14.1 OFF-STREET PARKING DESIGN STANDARDS

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

- 14.1.1 Parking Space Dimensions: Each off-street parking space shall have an area of not less than one hundred sixty two (162) square feet (9x18) exclusive of access drives or aisles and shall be of usable shape and condition;
- 14.1.2 Access: There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided with a dedicated easement of access as follows:
- a. For single or two-family residential dwellings, the access drive shall be a minimum of twelve (12) feet in width;
 - b. For all other residential uses and all other uses, the access drive shall be a minimum of eighteen (18) feet in width; and,
 - c. All parking spaces, except those required for single, two, or three family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

- 14.1.3 Setbacks: The location of off-street parking facilities for more than five (5) vehicles may be located in required yards as specified elsewhere in this Resolution notwithstanding the requirements specified in the Official and Supplementary Schedules of District Regulations and Dimensional Requirements. In no case, however, shall parking area be located on the road right-of-way;
- 14.1.4 Screening: In addition to the setback requirements specified in this Resolution for off-street parking facilities for more than five (5) vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with the requirements of Section 13.20 of this Resolution;
- 14.1.5 Paving: All required parking spaces, except for uses within any M-District if said parking area is at least seven hundred (700) feet from any Residential District, together with driveways and other circulation areas, shall be hard-surfaced with a pavement having an asphalt or concrete binder, provided, however, that variances for parking related to school auditoriums, assembly areas, sports fields and other community meeting or recreation areas may be granted. Paved areas shall be provided for daily use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained;
- 14.1.6 Drainage: All parking spaces, together with driveways, aisles, and other circulation areas, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such areas and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system pursuant to Section 13.22.
- 14.1.7 Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line;
- 14.1.8 Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley;
- 14.1.9 Marking: All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Inspector and shall be maintained in a clearly visible condition;
- 14.1.10 Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris;

- 14.1.11 Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked; and,
- 14.1.12 Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any Residential District.

14.2 DETERMINATION OF REQUIRED SPACES

In computing the number of parking spaces required by this Resolution, the following rules shall apply:

- 14.2.1 Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls, excluding stairs, washrooms, elevator shafts, and similar nonusable areas;
- 14.2.2 Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each eighteen linear inches of benches or pews, except where occupancy standards are set by the fire marshal;
- 14.2.3 Fractional numbers shall be increased to the next whole number; and,
- 14.2.4 The parking space requirements for a use not specifically specified in this Resolution shall be determined following the procedure for Substantially Similar Uses as required by Sections 17.11 to 17.15 inclusive of this Resolution.

14.3 JOINT OR COLLECTIVE PARKING FACILITIES

The joint or collective provision of required off-street parking areas shall comply with the following standards and requirements:

- 14.3.1 All required parking spaces shall be located on the same lot with the building or use served; except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than five hundred (500) feet from the building served;
- 14.3.2 Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses and up to one-hundred percent (100%) of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours such spaces are jointly or collectively used; and,

- 14.3.3 In any case where the required parking spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be approved as to form by legal counsel and filed with the application for a zoning permit.

14.4 OFF-STREET STORAGE AREAS FOR DRIVE-IN SERVICES

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

- 14.4.1 Photo pickups, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) storage spaces per window. Drive-thru restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each such stopping point;
- 14.4.2 Other commercial establishments such as banks, savings and loan offices or other similar facilities shall provide no less than four (4) storage spaces per window;
- 14.4.3 Self-serve automobile washing facilities shall provide no less than three (3) storage spaces per stall. All other automobile washing facilities shall provide a minimum of six (6) storage spaces per entrance; and,
- 14.4.4 Motor vehicle service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than twenty (20) feet to any street right-of-way line.

14.5 PARKING OF DISABLED VEHICLES

The parking of a disabled vehicle within a residential district for a period of more than one (1) week shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building.

14.6 PARKING SPACE REQUIREMENTS

For the purpose of this Resolution the following parking space requirements shall apply, and the number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals following the Substantially Similar Use procedure as specified in Sections 17.13 through 17.15 of this Resolution:

- 14.6.1 Various Residential Uses Shall Require:
- a. Single Family or Two-family dwelling units must have two (2) hard surface parking spaces, at least 9' x 18" (162 sq ft) for each dwelling unit. A space must be provided and properly maintained for each vehicle owned or operated by a member residing in the household. Adequate off-street parking shall be provided to ensure that all vehicles are parked on hard parking surface;

- b. Apartments, townhouses or multi-family dwellings, two (2) hard surface parking areas for each unit; and,
- c. Mobile homes, two (2) hard surface parking areas for each unit.

14.6.2 Various Business Related Uses Shall Require:

- a. Animal hospitals and kennels – One (1) for each four hundred (400) square feet of floor area and one (1) for each two (2) employees;
- b. Motor vehicle repair station – One (1) for each four hundred (400) square feet of floor area and one (1) for each employee;
- c. Motor vehicle salesroom – One (1) for each four hundred (400) square feet of floor area and one (1) for each employee;
- d. Motor vehicle service stations - Two (2) for each service bay, one (1) for each employee and one (1) for every two (2) gasoline pumps;
- e. Car washing facilities - One (1) for each employee;
- f. Banks, financial institutions, post offices, and similar uses – One (1) for each two hundred fifty (250) square feet of floor area and one (1) for each employee;
- g. Barber and Beauty shops - Three (3) for each barber or beauty operator;
- h. Carry-out restaurants - One (1) for each two hundred (200) square feet of floor area and one (1) for each two (2) employees;
- i. Drive-in restaurants - One (1) for each one hundred twenty-five (125) square feet of floor area and one (1) for each two (2) employees;
- j. Hotels, motels - One (1) for each sleeping room plus one (1) space for each two (2) employees;
- k. Boarding, Rooming, Tourist and Bed/Breakfast Home - One (1) for each sleeping room;
- l. Furniture, appliance, hardware, machinery or equipment sales and service, and wholesale establishments - Two (2) plus one (1) additional space for each two hundred (200) square feet of floor area over one thousand (1,000) square feet;
- m. Consumer and trade service uses not otherwise specified - One (1) for each employee;

- n. Funeral homes, mortuaries and similar type uses - One (1) for each fifty (50) square feet of floor area in slumber rooms, parlors, or service rooms;
- o. Laundromats - One (1) for every two (2) washing machines;
- p. Administrative, business and professional office uses - One (1) for each two hundred (200) square feet of floor area;
- q. Sit-down restaurants, taverns, night clubs, and similar uses – One (1) for each three (3) persons of capacity;
- r. Retail stores - One (1) for each two hundred (200) square feet of floor area; and,
- s. All other type of business or commercial uses permitted in any business district - One (1) for each one hundred fifty (150) square feet of floor area.

14.6.3 Various Recreational and Entertainment Uses Shall Require:

- a. Bowling alleys - Four (4) for each alley or lane; one (1) for each three (3) persons of capacity of the area used for restaurant, cocktail lounge or similar use; and one (1) for each three (3) employees;
- b. Dance halls, skating rinks - One (1) for each one hundred (100) square feet of floor area used for the activity; one (1) for each three (3) persons of capacity in a restaurant, snack bar, or cocktail lounge; and one (1) for each three (3) employees;
- c. Outdoor swimming pools: public, community or club - One (1) for each ten (10) persons of capacity, and one (1) for each three (3) persons of capacity for a restaurant;
- d. Auditoriums, sport arenas, theaters and similar uses - One (1) for each four (4) seats;
- e. Miniature golf courses - Two (2) for each hole and one (1) for each employee;
- f. Public and Private Golf Courses - Four (4) for each hole and one (1) for each employee. In addition where a restaurant and/or lounge is provided at the facility, one (1) space is required for each three (3) persons of capacity;
- g. Private clubs and lodges - One (1) for each ten (10) members; and,
- h. Tennis facilities, racquetball facilities or similar uses – Two (2) for each playing area; one (1) for each employee; and one (1) for each one hundred (100) square feet of other activity area.

14.6.4 Various Institutional Uses Shall Require:

- a. Churches and other places of religious assembly - One (1) for each eight (8) seats in main assembly room or one (1) for each classroom, whichever is greater;
- b. Hospital - One (1) for each three (3) beds;
- c. Sanitariums, homes for the aged, nursing homes, rest homes, similar uses - One (1) for each three (3) beds;
- d. Medical and Dental clinics - One (1) for every one hundred (100) square feet of floor area; and,
- e. Libraries, museums, and art galleries - Ten (10), and one (1) for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.

14.6.5 Various Educational Institution (Public, Parochial, or Private) Uses Shall Require:

- a. Elementary schools, and kindergartens - One (1) for every ten (10) students, one (1) for each additional non-teaching employee, and one (1) for every four (4) seats in auditoriums and/or assembly halls;
- b. High schools and middle schools - One (1) for every four (4) students, and one (1) for each teacher and employee or one (1) for every four (4) seats in auditoriums, assembly areas and sports fields, whichever is greater;
- c. Business, technical institution trade school or college - One (1) for each four (4) students; and,
- d. Child care centers, nursery schools, and similar uses - Four (4) for each classroom.

14.6.6 Various Manufacturing Uses Shall Require:

- a. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district - One (1) for every employee (on the largest shift for which the building is designed) and one (1) for each motor vehicle maintained on the premises.

14.7 PARKING AND PASSENGER LOADING FOR PERSONS WITH DISABILITIES

In accordance with Section 4511.69 of the Ohio Revised Code or such statute as it may hereafter be amended, all parking facilities serving buildings and facilities within American Township are required to be accessible to persons with disabilities and shall comply with the requirements as stated hereafter.

- 14.7.1 Location - Parking spaces for disabled people and accessible passenger loading zones that serve a particular building shall be the

spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled people shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility;

14.7.2 Parking Spaces - Parking spaces for disabled people shall be at least eight (8) feet wide and shall have an adjacent access aisle five (5) feet wide. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clearance width of an accessible circulation route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions;

14.7.3 The number of signed, designated spaces shall be provided as follows:

<u>Total Spaces in Lot/Structure</u>	<u>Number of Designated Accessible Spaces</u>
Up to 100	1 space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500

14.7.4 Signage - Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Such signs shall not be obscured by a vehicle parked in the space;

14.7.5 Passenger Loading Zones - Passenger loading zones shall provide an access aisle at least five (5) feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp with a slope not exceeding 1:20 shall be provided. Vehicle standing spaces and access aisles shall be level with surface slope not exceeding 1:50 in all directions; and,

14.7.6 Vertical Clearance - Provide minimum vertical clearances of one hundred fourteen (114) inches at accessible passenger loading zones and along vehicle access routes to such areas from site entrances;

14.8 ELDERLY HOUSING PARKING

Each parking space provided for an elderly housing facility shall, as a minimum, measure ten (10) feet in width and twenty (20) feet in length, with aisles measuring twenty-one (21) feet in width. There shall be provided one (1) such parking space per dwelling unit and one (1) per regular shift employee; except that the Board of Zoning Appeals may approve a parking plan for an elderly housing facility which provides three (3) such parking spaces for every four (4) dwelling units and one (1) per regular shift employee if the site plan includes a set-aside of landscaped area, which set-aside is not part of any open-space requirement and which is accessible to egress/entrance for

parking purposes, should additional parking spaces be deemed necessary by the Board of Zoning Appeals, subsequently thereafter.

14.9 OFF-STREET LOADING SPACE REQUIREMENTS

In any district, every building or part thereof hereafter erected and having a gross floor area of three thousand (3,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one (1) off-street loading space and one (1) additional loading space for each ten thousand (10,000) square feet or fraction thereof of gross floor area so used in excess of three thousand (3,000) square feet.

14.10 OFF-STREET LOADING DESIGN STANDARDS

All off-street loading spaces shall be in accordance with the following standards and specifications:

- 14.10.1 Loading Space Dimensions: Each loading space shall have minimum dimensions not less than twelve (12) feet in width, sixty-five (65) feet in length, and a vertical clearance of not less than fourteen (14) feet;
- 14.10.2 Setbacks: Notwithstanding other provisions of this regulation and the Official and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of any Commercial or Manufacturing District provided that not more than ninety percent (90%) of the required rear or side yard is occupied; and no part of any loading space shall be permitted closer than fifty (50) feet from any street or alley;
- 14.10.3 Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Section 13.20 of this Resolution;
- 14.10.4 Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion;
- 14.10.5 Paving: All required off-street loading spaces, except for uses within any M-District if said loading spaces are at least two hundred (200) feet from any Residential District, must be paved with an asphaltic or portland cement binder in order to provide a durable or dust free surface. Where paving is not required, proper dust control measures shall be undertaken and maintained;
- 14.10.6 Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto

the public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system; and,

- 14.10.7 Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

ARTICLE 15

SIGNS AND OUTDOOR ADVERTISING STRUCTURES

15.0 GENERAL

15.0.1 General Intent: American Township recognizes that signs are an important means of visual communication for the public convenience and that businesses, services and other activities have the right to identify themselves by using signs that are accessory and incidental to the use of the premises where signs are located. The goal of the Article is to protect the general health, safety, and welfare of the community by providing an instrument for protecting the physical appearance of the community and for encouraging high quality, effective outdoor graphics for the purposes of navigation, information, and identification. Specifically, it is the intent of this section to provide businesses in the township with equitable sign standards in accord with fair competition and aesthetic standards acceptable to the community, and to provide the public with a safe and effective means of locating businesses, services, areas, and points of interest in the township. This section is based on the premise that signs are as much subject to control as noise, odors, debris and similar characteristics of land use, that if not controlled and regulated, can become a nuisance to adjacent properties or the community in general, or depreciate the value of other properties in the community. All signs located on land within the township and visible from any public right-of-way or adjacent property shall comply with this Article unless specifically exempted herein.

15.0.2 Regulatory Purpose: This Article regulates signage for the following specific reasons:

- a. To protect the health, safety and welfare of the public from hazardous conditions which result from structurally unsafe signage;
- b. To ensure that signage does not obscure or distract the vision of motorist, such as signs which compete or conflict with necessary traffic signs and warning signals, and which may cause a traffic hazard;
- c. To protect the public from sign blight and profuse signage which may cause a nuisance to adjacent properties and detracts rather than facilitates identification of businesses and other land uses; and,
- d. To provide signage appropriate to land use and to make appropriate adjustments in the size and amount of signage based on the land use and building size.

15.0.3 Regulatory Conflicts: Nothing contained herein shall be deemed a waiver of the provisions of any other regulation applicable to signs. Signs located in areas governed by several applicable regulations shall

comply with all such regulations. If there is a conflict between these regulations and any other regulations, the more stringent shall apply; except those properties regulated by Overlay District sign standards.

15.0.4 Severability: The provisions of this code are severable. If any part of this code is declared unconstitutional by a final judgment of a court of competent jurisdiction, that decision shall not affect any portion of the code which remains, but the remainder shall be in full force and effect as if the portion declared unconstitutional had never been part of the code.

15.1 **DEFINITIONS**

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandoned Sign. A sign associated with an abandoned use, a sign that remains after the termination of the business, or a sign or its immediate premises not adequately maintained and not repaired with the specified time under Article 15.8.

Animated Sign. Any sign that uses movement or change of artificial or natural lighting or noise to depict action or create a special effect or scene.

Architectural Projection. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See all "Awning", "Backlit Awning", and "Canopy, attached and freestanding".

ATM (Automated Teller Machine). An electronically operated device used to conduct financial transactions on site, by means of direct computerized access. Such devices may be accessible by automobile and/or pedestrians.

Awning. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including structures that are internally illuminated by fluorescent or other light sources.

Awning Sign. A sign displayed on or attached flat against the surface or surfaces of an awning.

Backlit Awning. An awning with a translucent covering material and a source of illumination contained within its framework.

Banner. A flexible substrate on which copy or graphics may be displayed.

Banner Sign. A sign utilizing a banner as its display surface.

Bench Sign. Any sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed adjacent to a public roadway.

Billboard. An off-premise sign owned by a company or person for the purpose of renting ad space to a specific business, product, service, entertainment or other activity sold, offered, or conducted off-site.

Canopy (Attached). A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external light sources. Also referred to as a marquee.

Canopy (Free-standing). A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and/or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

Canopy Sign. A sign affixed to a visible surface(s) of an attached or free-standing canopy. Also referred to as a marquee sign.

Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by mechanical, electronic or manual means.

Community Event or Activity. An event or activity that is sponsored, managed or conducted by a government agency or a public, private nonprofit or religious organization. Charitable events sponsored by for-profit organizations are also considered community activities. Examples of a community event or activity include school plays, church bazaars, a park district festival or an election.

Copy. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign.

Development Sign. A temporary sign indicating such things as the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the development, structure, or project. This includes both private and public projects.

Directional Sign. A temporary or permanent sign that provides information regarding location, instructions for use, or functional/directional data.

Electronic Scoreboard. An electronically-controlled changeable copy sign used to display scoring information for sporting events. Such signs are located on the sports field.

Entry Feature Sign. An on-premise ground mounted sign that graphically identifies a residential subdivision and/or multifamily development. For commercial properties, see **Joint Identification Sign.**

Established Grade Line. The average finished grade for that area of the site where the sign is located provided however that the height of the sign shall not be artificially increased by the use of mounding. All references to sign height are from the established grade line unless otherwise noted.

Flag. Any fabric or bunting containing the officially recognized and adopted colors, patterns, or symbols used as the official symbol of a government, political or corporate entity.

Flashing Sign. Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Free-Standing Sign. Any sign that is physically attached to a foundation. These are commonly known as ground, pole, pylon, or monument signs.

Gas-Inflatable Sign/Device. Any device that is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered or otherwise anchored to the ground.

Governmental Sign. A sign erected and maintained pursuant to and in discharge of any governmental functions as required by law, ordinance, or other government regulation.

Ground Sign. See Free-Standing Sign.

Illuminated Sign. Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.

Information Sign. A sign displaying necessary information for the convenience and safety of residents and visitors, and containing no advertising.

Joint Identification Sign. A sign that identifies the name, through type, graphics, or other symbols, of a shopping center, office park, industrial park, or other building complex containing three or more uses on the same lot, allowed in addition to the permitted signs of the individual occupants.

Menu Board. A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than twenty (20) percent of the total area for such a sign utilized for business identification.

Monument Sign. A sign attached to a wall or a base constructed specifically for the display of the sign.

Nonconforming Sign. A pre-existing legal or illegal sign that does not conform to the standards set forth in this code.

Off-Premise. Are signs that are off the business premise.

Open House. A temporary public showing of a structure available for sale, rental, or lease.

Pennant. A flag or banner longer in the fly than in the hoist, usually tapering to a point.

Permanent Sign. Any permitted or legal nonconforming sign intended to remain in place until a change of occupancy occurs. A permanent sign must be securely attached or installed upon a building, structure, or the ground.

Pole Sign. See Free-Standing Sign.

Portable Sign. Any sign that is designed to be or capable of being moved or transported, and not permanently affixed or attached to any building, structure, or grounds.

Product Sign. A Sign typically located in a window, advertising a product or service offered by a business.

Projected Image. An image projected onto a building, structure, or sign.

Projecting Signs. A sign other than a wall sign that is attached to or projects more than eighteen (18) inches from a building face or wall, or from a structure whose primary purpose is other than the support of a sign.

Promotional Signs. A temporary sign that provides information regarding time, place, and the like of a special event, community activity or similar activity.

Pylon Sign. See **Free-Standing Sign.**

Real Estate Sign. A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

Refacing. Any alteration to the face of a sign involving the replacement of materials or parts. Refacing does not refer to replacing the entire sign structure or the removal of the sign.

Roof Line. The uppermost line or point of the facade or parapet of a flat roof structure, or the lower edge of an eave, gable or rake of a sloped roof structure.

Roof Sign. Any sign erected on or above the roof line of a building.

Sandwich Board Sign. A sign with two hinged boards that can be placed on the ground.

Setback. The distance from the property line and/or right-of-way to the nearest part of the applicable building, structure, or sign, measuring perpendicularly to the property line and/or right-of-way line.

Sign. A sign is defined as any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, whether permanent or temporary, which is affixed to, painted on, or represented directly or indirectly upon, or projected onto a building, structure, lot, or other device, whether mobile or affixed to the ground, and which directs attention to any object, product, place, activity, person, institution, organization or business. This definition includes all signs visible from any public right-of-way or adjacent property, including interior signs oriented towards the exterior facade of any building or structure as well as back-lighted translucent panels or strip lighting affixed to any wall or roof where any such panels or lighting serves to identify a business and attract attention rather than to illuminate space for human activity.

Sign Face. The surface intended for the display of information on the sign.

Sign Structure. The supporting unit of a sign face, including but not limited to frames, braces and poles.

Streamer. A ribbon-shaped or cord-like rope that may have pennants and/or banners attached and which is stretched or hung between two or more supports.

Temporary Sign. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, is considered a temporary sign.

Trailblazer Sign. A government sign identifying company logos for lodging, gasoline stations, restaurants and other such establishments.

Trailer Sign. Any sign that is attached to, supported by, or part of a structure that is designed to move on trailer wheels, skids, or other similar devices, or transported, pushed, or pulled by a motor vehicle.

Under Canopy or Under Marquee Sign. A sign attached to the underside of a canopy or marquee.

Wall Sign. Any sign attached to or erected against the inside or outside wall of a building or structure, with the exposed display surface of the sign in a plane parallel to the plane of the building or structure and extending less than eighteen (18) inches from the building or structure.

Window Sign. Any signs, posters, symbols and other types of identification or information about the use or premises directly attached to the window of a building or erected on the inside of the building and visible from any public right-of-way or adjacent property.

15.2 **PERMIT REQUIRED**

The erection or location of any sign within American Township shall require a Zoning Permit unless otherwise specified in Article 15.4. In addition, signs over nine (9) feet in height and/or thirty-two (32) square feet shall require a Building Permit. Exemptions from the necessity of securing a zoning or building permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and a manner in accordance with all the other provisions of this Article.

15.2.1 When applying for a Zoning Permit for a sign, the following materials must be submitted:

- a. A completed application and fee for each requested sign, signed by the owner of the premises upon which the sign is to be displayed.
- b. Scale elevation drawing(s) of proposed sign(s) showing the design proposed, the materials used, the sign dimensions, the size, style, color and lettering type, lines and symbols and method of illumination.
- c. Construction details, foundation and anchorage details, stresses and loads, and engineering calculations signed and sealed by a registered design professional when required by the Ohio Building Code.

- d. A dimensioned site plan showing the exact location of proposed sign(s) in relation to adjacent buildings, lot lines or other structures.
- e. For free-standing signs, a sign base plan.

Applications for a Building Permit for a sign must be submitted to the local certified building department, and shall include the approved Zoning Permit and the applicable fee and submittals required by the building department.

15.2.2 Fees: The applicant for a Zoning Permit shall pay such fees as are prescribed by the American Township Trustees. Such fees shall be prescribed annually, or more often, by the Trustees.

15.2.3 Inspection: All signs and billboards erected within this Township are subject to inspection, whether a Permit is required or not, prior to erection. The Township Zoning Inspector, or any other official of the Township, is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this Article are being complied with. Such inspection may be made at any reasonable time and the Township Zoning Inspector shall order the removal of any sign or billboard that is not maintained in accordance with the provisions of this Resolution.

15.2.4 Removal of Signs: The Township Zoning Inspector shall effect removal of any illegally placed sign and its supporting structures within the right-of-way of any road within this Township, or sign for which no required Permit has been issued. The Zoning Inspector shall reasonably retain said sign and shall attempt to notify the owner thereof of its location. If the owner of any sign fails to claim the same within forty-five (45) days after notice by the Zoning Inspector, said sign may be destroyed.

Any abandoned sign that no longer applies to the property on which it is situated, or a dangerous or materially, electrically or structurally defective sign shall be declared a public nuisance and the procedure for removal of signs shall be applied.

15.3 GENERAL REQUIREMENTS

The following requirements shall apply to all permanent and temporary signs located and erected within the Township regardless of type, style, location, design or other classification.

15.3.1 Conformance to Codes: Any sign erected hereafter shall conform to the provisions of this Article and the provisions of the Ohio Building Code and of any other ordinance or regulation within this jurisdiction.

15.3.2 Location: No sign shall be located nor project into the right-of-way of any public or private road within the Township. Signs shall not prevent free ingress to or free egress from any door, window or fire escape. Said sign or signs shall be located in strict compliance with this

Resolution, or in strict compliance with Article 15.10 of the American Township Zoning Resolution.

No sign shall be permitted in American Township that interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares. Refer to Illustration 1 for specific minimum sight triangle clearance requirements.

- 15.3.3 Size: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames, bracing and structural members shall not be included in the computation of the surface area unless such support members are made a part of the message or face of the sign. Architectural features of a building and nonstructural or decorative trim and areas separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border, are also not included in the surface area of a sign.

Where a sign has two (2) or more display faces, the areas of all faces of the sign shall be included in determining the area of the sign, unless the two (2) faces are joined back to back, are parallel to each other and not more than twenty-four (24) inches apart. In the case of a sphere, the area shall be two (2) times the area of a circle.

In the case of panel or cabinet signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.

In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall be considered to be that of the smallest single rectangle which encompasses the letters or separate graphic elements comprising the sign copy, but not open space between separate groupings of sign copy on the same building or structure.

- 15.3.4 Height: No sign shall be erected to a greater height than permitted by the specific provisions of this Resolution and in compliance with Article 15.10. If no maximum height is otherwise set forth, no sign shall be erected at a height greater than twenty (20) feet. The height of a sign shall be the distance from the established grade line at the base of the sign to the highest point of the sign or sign structure.

15.3.5 Design:

15.3.5.1 Signs: Shall not use the words "STOP", "LOOK", "DANGER", or other similar words that may mislead or confuse traffic.

15.3.5.2 Traffic Safety - Colors. etc.: Display signs shall not closely resemble or approximate emergency vehicles, or the shape, form and/or color of official traffic signs signals and devices.

15.3.6 Lighting: If illuminated, signs shall be illuminated only by the following means:

- a. By a white steady, stationary light of reasonable intensity directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or street.
- b. By white interior light of reasonable intensity with logos and/or letters lit or silhouetted on a translucent background. No additional lighting shall be permitted.
- c. Non-flashing neon.
- d. Digital message board.

The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any right-of-way or parking lot from which the sign may be viewed. Light trespass from illuminated signage that extends ten (10) feet beyond the right-of-way or property line of the site shall not exceed one-half (0.5) foot candle in residential areas and one (1.0) foot candle in all other districts.

15.3.7 Structure: All signs shall be so constructed that they will withstand a wind pressure of at least thirty (30) pounds per square foot of surface, and will be otherwise fastened, suspended or supported so that they will not be a menace to persons or property. Signs subject to the Ohio Building Code must also conform to applicable provisions therein.

15.3.8 Maintenance: All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. All signs shall be free of rust or corrosion, exposed wiring, chipped paint or faces, cracked, broken, or missing faces, or loose materials. The Zoning Inspector shall remove any off-premises advertising signs or structure found to be unsafe or structurally unsound within ten (10) days of issuing a notification. The Zoning Inspector shall remove any on-premise sign which is determined to be unsafe or structurally unsound within ten (10) days of issuance of notification.

15.3.9 Visibility: Any interior window sign visible from the outside shall be considered an exterior sign and shall be subject to all provisions of the American Township Zoning Code.

- 15.3.10 Multi-Tenant Properties: For all buildings or complexes designed and/or intended for multi-tenant usage, a total sign plan conforming to the requirements of this Code must be submitted to the Zoning Inspector or designee before any sign permit for the complex or individual tenant will be issued. The sign plan shall address, at a minimum the following:
- a. Proposed sign locations;
 - b. Materials;
 - c. Type of illumination;
 - d. Design of free-standing structures;
 - e. Size;
 - f. Quantity; and,
 - g. Uniform standards for non-business signage, including directional and informational signs.

15.4 PERMITTED SIGNS - NO PERMIT REQUIRED

The following signs shall be permitted in the Township subject to the regulations set forth herein. No permit shall be required for any sign constructed or erected under the terms of this Article. Under no circumstances shall the signs be located in the road right-of-way nor illuminated in any manner. No sign shall have more than two (2) sides. All signs shall comply with requirements listed in Article 15.10.

- 15.4.1 Real Estate Signs for sale, lease or rent of the premises on which the sign is located shall be limited to one sign per street frontage. Such signs shall not be illuminated and shall not exceed six (6) square feet of area per side. All such signs shall be removed within thirty (30) days after occupancy. See Article 15.5 - Permit Required - for signs larger than six (6) square feet on parcels greater than fifteen (15) acres.
- 15.4.2 Directional Signs: Directional or other incidental signs pertaining to vehicular or pedestrian control on private property, provided the said signs are located outside the right-of-way of any public street or road, shall be permitted provided said signs do not exceed four (4) square feet of area per side, do not exceed four (4) feet in height, and do not interfere or obstruct visibility when entering or leaving property. In I-1 and I-2 zones, the height may be increased to five (5) feet. Such signs may contain information such as "in", "enter", "entrance", "out", "exit", "do not enter" or similar language as approved by the Zoning Inspector. Arrows indicating desired traffic movement may also be used for directional signage. No more than twenty-five (25) percent of the area of any directional signage shall be permitted to be devoted to business identification or logo, which area shall not be assessed against the permitted sign area. No more than one directional sign shall be permitted per street entrance to any lot. Directional signs must be on the property to which they refer. Off-site directional signage shall require a variance from the Board of Zoning Appeals.

- 15.4.3 Name and Address of Occupant of residential property, not to include designations as to employment or home occupation, and to be limited in size to no more than two (2) square feet in area per side. No more than one (1) sign shall be permitted.
- 15.4.4 Temporary Signs for Community Activities and Events shall be permitted in any district of the Township provided the said signs are located outside the right-of-way and that said signs:
- a. Shall not interfere with visibility of traffic entering or leaving the highway;
 - b. Are erected or posted not more than thirty (30) days prior to an event and are removed within seven (7) days following said event;
 - c. Are capable of posting and removal without destruction of public or private property;
 - d. Are not attached to any structures including utility poles, light poles, and fences;
 - e. Designate the name and address of the landowner and/or person and committed charged with removal of the sign; and,
 - f. Shall not exceed five (5) feet in height and thirty-two (32) square feet in area per side.

Such signs include signs for the promotion of school, community service or church activities or a community event or election. No more than two (2) signs shall be permitted on any one (1) lot or parcel of land. The location of the sign shall be in conformance with the requirements of Article 15.3. No one sponsor shall display such promotional signs for more than ninety (90) days in any one (1) year.

- 15.4.5 Farm Signs denoting the name and address of the occupants, denoting produce or products for sales on the premises and denoting membership in organizations. No more than two (2) signs of any type may be permitted. Advertising signs may not exceed thirty-two (32) square feet of area per side and all other signs shall be limited to six (6) square feet per side. Farm signs are permitted only on the agricultural property and on parcels of ten (10) acres or larger in size.
- 15.4.6 Business/Professional Signs: One (1) sign having not more than four (4) square feet of display area on or over a show window or door of a store or business establishment, announcing without display or elaboration, only the name of the proprietor and the nature of his business.
- 15.4.7 Public Use Facilities: Signs designating public uses or facilities shall be in conformity with this Resolution.
- 15.4.8 Each and Every Premise within American Township shall be easily identified by street numbers visible from the street to assist Fire and Rescue Personnel.

- 15.4.9 Historical Signs, Commemorative Plaque or Cornerstones placed by recognized historical agencies, provided that such signs are less than nine (9) square feet in area and not illuminated. Personal memorial signs shall not be restricted if not in excess of two (2) square feet or if not visible from the public right-of-way.
- 15.4.10 Yard, Garage, or Moving Sales: A sign advertising the sale of personal property may be temporarily erected on the same lot as the sale provided such sign is not located in the right-of-way of any public street or road and shall not interfere or obstruct visibility when entering or leaving property. The signs must be removed on the last day of the sale, not to exceed seven (7) days nor more than twenty-one (21) days in a year or a permit is required.
- 15.4.11 Construction Signs: Signs identifying a construction project may be temporarily erected upon the same lot as the project. Such signs shall be permitted only for the length of the construction project or for eighteen (18) months whichever is shorter. Any extension past the eighteen (18) months shall be subject to approval by the Zoning Inspector. Construction signs shall contain only the name of the construction project, the construction firm(s), the engineer, the architect and/or the subcontractors involved in the project, the address of the project and/or the lot number. Signs can be erected up to sixty (60) days maximum prior to the beginning of construction. Only one (1) construction sign shall be permitted per project. Maximum sign area permitted shall be six (6) square feet for each single dwelling unit for residential structures up to a maximum of thirty-two (32) square feet per side for all principal structures. All signs shall be set back from the street right-of-way per Article 15.10.
- 15.4.12 Signs for Home Occupation: One (1) sign per residence no larger than four (4) square feet shall be permitted for the purpose of announcing a home occupation which has complied with all of the requirements of the American Township Zoning Resolution.
- 15.4.13 Property Control Signs: (No Hunting, Keep Off the Grass, etc.) shall be permitted not to exceed two (2) square feet in size.
- 15.4.14 Window Signage with a total area of less than two (2) square feet and bearing only information about entry and exit, business hours and/or discount and credit systems accepted in that establishment (e.g., American Express, MasterCard, Visa, Golden Buckeye Card).
- 15.4.15 Signs incorporated in a window display of a business other than those addressed in Article 15.4.14, provided such window display signs are:
- a. Limited to forty (40) percent of the total first floor window area;
 - b. Placed only in ground *floor* level windows; and
 - c. Illuminated only from a concealed source, and in accordance with Article 15.3.7.

- 15.4.16 Flags, pennants, or insignia of any nation, state, city, or other political unit.
- 15.4.17 Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, or warnings at railroad crossing.
- 15.4.18 Holiday Signs: Signs clearly in the nature of decorations customarily associated with any holiday, to be limited to an aggregate total of sixty (60) days in any one (1) year, and to be displayed not more the sixty (60) consecutive days. Such signs may be illuminated, providing no safety or visibility hazards are caused by such illumination. Animated and flashing holiday signs are permitted for residential uses only, providing no safety or visibility hazards are caused by such illumination.
- 15.4.19 Security System Sign displaying information about the security system protecting buildings or property, provided that such signs do not exceed one (1) square foot in area.
- 15.4.20 Construction Trailer Signs painted on or affixed to construction trailers, vans, or other vehicles temporarily in use on a construction site.
- 15.4.21 Religious Symbols shall not be restricted.
- 15.4.22 Works of Art shall not be restricted provided they do not contain advertising messages other than the name of the artist and/or sponsor. Such message area shall not exceed two (2) square feet.
- 15.4.23 Transit Shelter Signage customarily applied to public transit facilities by the transit authority shall be permitted.

15.5 PERMITTED SIGNS - PERMIT REQUIRED

The following signs shall be permitted upon obtaining a written permit in areas clearly delineated herein and subject to the reasonable regulations set forth herein:

- 15.5.1 Real Estate Signs In All Zoning Districts: On Parcels exceeding fifteen (15) acres, one (1) sign not to exceed thirty-two (32) square feet per side and eight (8) feet in height. Signs identifying a property for sale, rent or lease may be placed on-site until thirty (30) days after occupancy. Where a parcel has frontages on two (2) or more roads, one (1) sign may be permitted on each road on review of the Zoning Inspector. Such signs shall not be illuminated and shall be set back from the public right-of-way a minimum of ten (10) feet. Said signs may remain on a premise for a period not to exceed eighteen (18) months without renewal.
- 15.5.2 Subdivision Sale Sign: One (1) sign providing information on the sale of lots within an approved and recorded subdivision may be placed at each entrance to the subdivision until ninety (90) percent of the lots within the subdivision are sold. Subdivision sale signs shall contain only the name of the subdivision, the name of the owner, the name of the developer and information regarding price, terms and the location and

telephone number of the sales office. All such signs shall not exceed thirty-two (32) square feet and shall be set back from the right-of-way a minimum of ten (10) feet.

- 15.5.3 Model Home Signs: One (1) sign per model home providing information on the builder, telephone number, and hours of operation. Signs shall be no more than six (6) square feet per side, no more than two (2) sides and may be placed on the property until ninety (90) percent of the lots within the subdivision are sold.
- 15.5.4 Permanent Subdivision Identification Signs in all zoning districts shall be limited to two (2) signs per entrance along major thoroughfares and shall not obstruct the visibility at any intersection. Such signs shall contain only the name of the subdivision they identify. The signs shall not exceed eight (8) feet in height, nor shall they exceed thirty-two (32) square feet on either side, and shall be properly maintained. Identification signs shall not contain any advertising of products or changeable copy.
- 15.5.5 Seasonal Business: One (1) sign per street frontage is allowed for a seasonal business. Such signs are limited to thirty-two (32) square feet in area and eight (8) feet in height. They must set back at least eight (8) feet from any public right-of-way. Seasonal business signs may be displayed fifteen (15) days prior to opening the business and shall be removed within seven (7) days of when the business closes for the year.
- 15.5.6 Gasoline Stations: Gasoline stations, whose principal business is the sale of motor fuel, may display signs in addition to those herein authorized and any other signs as may be required by law.
- 15.5.7 Drive-thru Menu Board Signs: A drive-thru menu board sign is permitted when located on the property to which it refers. The size of the sign shall not exceed fifty (50) square feet.
- 15.5.8 Business or Manufacturing Wall Signs: Wall signs are permitted for any business or use and shall comply with the following requirements:
- a. The maximum allowable sign face for wall signs shall be one (1) square foot for every lineal foot of width of the building face to which the sign is attached, but shall not exceed the maximum size allowed for the use as shown in Article 15.10. The maximum height for a wall sign shall be fifteen (15) feet, measured from the established grade line to the top of the sign, but in no case extending above the roof line of the building.
 - b. Wall signs shall be limited in number to one (1) per building or use. For buildings or uses on corner lots having at least one hundred (100) feet of lot frontage on each of two (2) public rights-of-way, a second wall sign is permitted facing the second right-of-way. Each sign is limited to one (1) square foot for every lineal foot of width of the building face to which the sign is attached, not exceeding the installed maximum size allowed in Article 15.10.

The distance between the signs shall not be less than two-thirds the length of the longest elevation to which the sign is attached. The distance will be measured by two (2) straight lines along the elevations of the building, from edge of sign to edge of sign. In no case shall two (2) wall signs be closer than twenty (20) feet apart. The provision for a second sign does not apply to individual tenants in a multi-tenant building.

- c. All wall signs shall be mounted on the building that houses the business establishment advertised by such signs, EXCEPT as otherwise specifically authorized by this Resolution. Such signs shall be located on or along one (1) wall of such building which faces a street, parking lot or service drive, and shall not project above the roof line or the cap of parapets of such building, whichever is higher. Signs may be erected on a wall that is an extension of a building wall that faces a street, parking lot or service drive, provided that the design and construction of such extension are architecturally compatible with the building and such wall does not extend beyond any required building setback line of the building to which such extension wall is attached. The display area of the sign must be located either on the wall or extension. It may not be located on both. All such signs shall be parallel to the wall on which they are installed, and shall not project more than eighteen (18) inches from such wall: and,
- d. The function of such sign shall be relevant to the use of the property on which it is located.

15.5.9 Free-Standing Signs in Business and Industrial Districts: A free-standing sign shall be permitted for any business or use based on the following conditions:

- a. The maximum allowable size of a free-standing sign in a B-1 or B-2 District shall be such that the total of wall signage and free-standing signage does not exceed the maximum size allowed in Article 15.10, and in no case shall it exceed thirty-two (32) square feet;
- b. In an I-1 or I-2 District, the maximum allowable size of a free-standing sign shall be fifty (50) square feet;
- c. The maximum height of such signs shall not exceed twenty (20) feet above the established grade line or twenty (20) feet above the grade at the edge of the street, whichever is greater, but in no case shall the height exceed twenty (20) feet;
- d. Not more than one (1) free-standing sign may be authorized for any one (1) operation or establishment. Where more than one (1) operation or establishment is located on a single tract of land, having an entrance or parking area or areas used in common by the customers of such operations or establishments, only one (1) free-standing sign may be authorized for the entire tract. Refer to 15.5.14 for additional requirements for Joint Identification Signs;

- e. No part of such sign will be closer to any street right-of-way line than fifteen (15) feet. No sign or its supporting structure shall be any closer to any other property line than the applicable building setback line; and,
- f. The function of such sign shall be relevant to the use of the property on which it is located.

15.5.10 Projecting Signs: Projecting signs shall be permitted in lieu of free-standing signage along any street frontage limited to one (1) sign per occupancy along any street frontage with public entrance to such occupancy. Requirements regarding permitted locations, maximum size and height, setback and permit requirements shall be the same as for free-standing signs in business and industrial districts (refer to Article 15.5.9). Projecting signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of nine (9) feet.

15.5.11 Under Canopy Signs: Under canopy signs shall be allowed in any B-1 or B-2 District, subject to the following conditions:

- a. Under canopy signs shall be limited to no more than one (1) such sign per public entrance to any occupancy, and shall be limited to an area not to exceed four (4) square feet;
- b. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of nine (9) feet; and,
- c. Under canopy sign copy area shall be deducted from the allowable area for wall signage provided in Article 15.5.8.

15.5.12 Outdoor Display of Merchandise: Outdoor displays of merchandise for sale and visible from the public right-of-way or from adjoining properties shall be limited to twenty (20) percent of the entire area of a property. This requirement shall not apply to landscape plant material sales or automobile and truck sales and rentals. Signs related to the sale of outdoor displays of merchandise shall be limited to one (1) per street frontage and the area of such signs shall be limited to six (6) square feet and shall not exceed five (5) feet in height. Such signs will be permitted only in B-1 and B-2 Districts.

15.5.13 Temporary Special Event and Grand Opening Signs: Signs temporarily displayed to advertise special promotions, events, grand openings shall be permitted in B-1 and B-2 Districts subject to the following limitations:

- a. Such signs shall be limited to one (1) per lot;
- b. Such signs may be displayed for not more than thirty (30) days in any three (3) month period, and not more than sixty (60) days in any calendar year. The signs shall be erected no more than thirty (30) days prior to the event or grand opening, and shall be removed not more than one (1) day after the event or grand opening; and,

- c. The total area of such signs shall not exceed thirty-two (32) square feet and eight (8) feet in height.

15.5.14 Joint Identification Sign: One free-standing sign identifying the name of a shopping center or other building complex shall be permitted, if there are multiple uses sharing the same site. The sign face area of a joint identification sign dedicated to the identity of the development shall not exceed (32) square feet. The sign face area of the sign dedicated to the identification of the individual occupants shall be twelve (12) square feet for each of the individual occupants of the development, with the total area of the sign not to exceed ninety (90) square feet and twenty (20) feet in height. A second joint identification sign of the same height and size is permitted if the site has frontage on two (2) streets. The signs shall be no closer than two hundred (200) feet. A total sign plan conforming to the requirements of this code must be submitted to the Zoning Inspector or designee before any sign permit for the complex or individual tenant will be issued.

15.5.15 ATM's: Signage for all ATM's (Automated Teller Machines) shall not be assessable against the allowable area for wall signage permitted in Article 15.5.9. Such signage shall not exceed six (6) square feet per ATM.

15.6 CONDITIONALLY PERMITTED SIGNS - PERMIT REQUIRED

Any sign not specifically permitted in this Article 15 shall require a variance or conditional use permit from the Board of Zoning Appeals as provided in Article 17 and 18 of the American Township Zoning Resolution.

15.7 PROHIBITED SIGNS

The following signs shall be prohibited in American Township:

- 15.7.1 Signs not otherwise specifically authorized by this Resolution, signs installed without a required permit or zoning certificate, or signs installed which do not meet applicable regulations.
- 15.7.2 Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
- 15.7.3 No sign or billboard shall be painted directly upon the roof of any building or structure EXCEPT identification signs on agricultural buildings.
- 15.7.4 Advertising devices that attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.
- 15.7.5 No signs shall be posted, attached, mounted or otherwise applied on traffic control signs, fences, street signs, traffic signal poles, utility poles, or any other unapproved supporting structure.

- 15.7.6 No vehicle, trailer, or equipment of any type may be parked permanently for more than thirty (30) days on a business premises or a lot for the purposes of advertising a business, product, service, event, object, location, organization or the like. A vehicle or trailer may be exempted from this restriction if the vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate. Vehicles and trailers shall not be used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
- 15.7.7 No sign shall be located on a vacant lot, EXCEPT for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of a present danger or the prohibition of trespassing.
- 15.7.8 Signs may not be installed in any public right-of-way unless specifically authorized by the County Engineer. Signs may not be installed in any utility easement.

15.8 ENFORCEMENT: PROHIBITED, HAZARDOUS AND ABANDONED SIGNS

American Township shall require the removal of any sign that is determined to be prohibited, hazardous or abandoned in order to protect the public health, safety or welfare. It shall be the duty of the Zoning Inspector to maintain a photograph and file of any such sign together with the written report of his/her findings for submission to the Board of Zoning Appeals upon request.

- 15.8.1 Notification of Unlawful Signs: No prohibited, abandoned or defective sign shall be allowed within American Township, nor allowed to continue by variance.
- a. Prohibited Signs (as described in Article 15.7): Notice shall be given by certified mail or personal service to the owner or lessee of any prohibited sign or the owner of the property on which it is located. The notice shall state that such prohibited sign shall be altered to conform with this regulation or be removed within twenty-four (24) hours after the notice has been received. The time period may be stayed during any administrative appeal.
 - b. Hazardous Signs: Hazardous signs are those signs that by reason of inadequate maintenance, dilapidated condition, obsolescence, or need of structural repair create an imminent hazard to public health, safety or welfare, as declared by the Zoning Inspector. Said signs are declared a nuisance and shall not be allowed within American Township. Notice shall be given by certified mail or personal service to the owner or lessee of any defective sign or the owner of the property on which it is located. The notice shall require defective sign removal or abatement within twenty-four (24) hours.
 - c. Abandoned Signs: If any sign or billboard shall become abandoned in any manner defined herein, such a sign or billboard

is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned or defective sign or billboard is any sign or billboard that meets any of the following criteria:

- (1) A sign that remains at the time a business (or use) identified by the sign discontinues the business or vacated the premises. A business has ceased operations if it is closed to the public for at least one hundred eighty (180) days. Seasonal businesses are exempt from this determination.
- (2) A sign or billboard associated with an abandoned non-conforming use.
- (3) Any sign or billboard that is not maintained in accordance with this Resolution (refer to Article 15.3.8).

Abandoned signs as hereinabove defined shall be declared a public nuisance by the Zoning Inspector. Notice shall be given by certified mail or personal service to the owner or lessee of any abandoned sign or the owner of the property on which it is located. The notice shall require the abandoned sign be removed or replaced within thirty (30) days as determined by the following circumstances:

- a. Signs that were used by a business which will be used by a new business re-occupying the structure may remain, but the sign face must be replaced by a blank panel. Such a sign must conform to this code; and,
- b. Signs that were used by a business which are found to be non-conforming with this code must be removed from the property, including all supporting structure.

15.8.2 Appeals of Notice to Remove: The owner or lessee of a sign or the owner of the property on which a sign is located who has been notified by American Township that said sign is prohibited, hazardous or abandoned may appeal such decision to the Board of Zoning Appeals within five (5) days of the receipt of such notice for prohibited and hazardous signs and within twenty (20) days for abandoned signs. The appeal shall contain the appellant's name and address, the decision being appealed, and a brief explanation why the appellant should not be required to comply with the decision being appealed.

15.8.3 Failure to Comply with Notices: If the owner or lessee of a prohibited, hazardous or abandoned sign or the owner of the property on which such sign is located fails to comply with notice given pursuant to this section within the time specified, American Township is authorized to cause the action required by resolution and notice. All costs incurred by American Township shall be charged against the real property and its owners.

- 15.8.4 Other Remedies: Any unpaid charge plus all costs and penalties shall constitute a debt due American Township. The Prosecutor shall, at the direction of the American Township Trustees, institute civil suit in the name of American Township to recover such charges, cost and penalties. American Township may prevent by injunction and require removal of any sign erected without a permit. These remedies shall be cumulative with all the other remedies. No charge or conviction of violation of this regulation, or action, or remedy exercised hereunder, shall be exclusive, and none shall preclude the bringing of any charges of violation, or the exercise of any other remedy hereunder.

15.9 **NON-CONFORMING SIGNS**

A sign is a legal non-conforming if it complied with the sign regulations in effect at the time it was erected, but no longer meets the requirements of new regulations. A sign is illegal non-conforming if it did not meet the requirements of the sign regulations when it was installed.

- 15.9.1 Termination of Legal Non-Conforming Signs: A legal non-conforming sign must be brought into conformance or terminate and cease to exist if any one of the following conditions occur:
- a. Whenever the sign is damaged more than fifty (50) percent of its total replacement value, destroyed from any cause whatsoever, or becomes obsolete or substandard to the extent that the sign becomes a hazard or a danger;
 - b. The business to which the sign pertains expands the building gross floor area or parking area or loading area twenty (20) percent or more from the effective date of this resolution;
 - c. Whenever there is a request made for a permit to alter the structural support of the sign;
 - d. Whenever there is a request for a building permit to make improvements to the facade of the building on which the non-conforming sign is located excluding normal repair or maintenance efforts;
 - e. When a change in size or shape of a sign or a change in the area of sign copy occurs;
 - f. When a change in the sign copy occurs that does not apply to the original use or the original owner associated with the sign; and,
 - g. When a sign is relocated.
- 15.9.2 Termination of Illegal Non-Conforming Signs: An illegal non-conforming sign is considered a prohibited sign under Article 15.7 and is subject to removal under Article 15.8.

Article 15.10
TABLE OF SIGN AREA, HEIGHT AND SETBACK REQUIREMENTS

Sign Type	Zoning Districts:					Requirements:					
	R-1	R-2	R-3, PUD, MHP	B-1 & B-2	M-1 & M-2	Max. Size	Max. Height	Setback from R.O.W	Permit Req'd	No. of Signs Allowed	Notes
Real Estate Signs	Y	Y	Y	Y	Y	6 SF	4'	1'	No	1/frontage	Non-illuminated
Real Estate on 15 acres +	Y	Y	Y	Y	Y	32 SF	8'	10'	Yes	1	Non-illuminated
Directional Signs	N	N	Y	Y	N	4 SF	4'	1'	No	1/Entrance	
Directional Signs - Manufacturing	N	N	N	N	Y	4 SF	5'	1'	No	-	
Off Premises Directional Signage	N	N	N	Y	Y	6 SF	4'	10'	Yes		Variance required
Name & Address Signs	Y	Y	Y	Y	Y	2 SF	8'	1'	No	1	
Temporary Community Event Signs	Y	Y	Y	Y	Y	32 SF	5'	1'	No	2	
Grand Opening & Special Event Signs	N	N	N	Y	N	32 SF	8'	10'	Yes	1	
Farm Signs	N	N	N	N	N	6 SF	4'	1'	No	See notes	2 total
Advertising Signs on Farms	N	N	N	N	N	32 SF	8'	10'	No	See notes	See above
Business/Professional Signs	Y	Y	Y	Y	Y	4 SF	8'	on bldg.	No	1	
Historical/Commemorative Signs	Y	Y	Y	Y	Y	9 SF	8'	1'	No	1	Non-illuminated
Yard, Garage or Moving Sale Signs	Y	Y	Y	Y	Y	6 SF	4'	1'	No	1	7 days maximum
Construction Signs - single residence	Y	Y	Y	Y	Y	6 SF	4'	1'	No	1	
Construction Signs - major structure	Y	Y	Y	Y	Y	32 SF	8'	10'	No	1	
Home Occupation Signs	Y	Y	Y	Y	N	4 SF	8'	on bldg.	No	1	Non-illuminated
Property Control Signs	Y	Y	Y	Y	Y	2 SF	3'	1'	No	-	
Window Signs w/ hours & credit Info.	N	N	N	Y	Y	2 SF	8'	on bldg.	No	1	
Signs in Window Display	N	N	N	Y	N	See Note	1 st floor only	on bldg.	No	-	Up to 40% of window area
Business or Manf. Wall Signs	N	N	N	Y	Y	See note 1	see notes	on wall	Yes	1	20' in B-1 and B-2 Districts 20' in M-1 and M-2 Districts
Free Standing Sign	N	N	N	Y	Y	See note 2	20'	15'	Yes	1	

N = Not Permitted Y = Permitted

Note 1: One (1) SF/LF of building width, not to exceed 64 SF in B-1 and B-2 Districts or 100 SF in M-1 and M-2 Districts. In no case less than 20 SF.
 Note 2: In B-1 and B-2 Districts, 64 SF less area of Wall Signage, not to exceed 32 SF. In M-1 and M-2 Districts, not to exceed 50SF.

**ARTICLE 15.10
TABLE OF SIGN AREA, HEIGHT AND SETBACK REQUIREMENTS
(Continued)**

Sign Type	Zoning Districts:					Requirements:					
	R-1	R-2	R-3, PUD, MHP	B-1 & B-2	M-1 & M-2	Max. Size	Max. Height	Setback from R.O.W	Permit Req'd	No. of Signs Allowed	Notes
Subdivision Sale Signs	Y	Y	Y	Y	N	32 SF	8'	10'	Yes	1/Entrance	
Model Home Signs	Y	Y	Y	Y	N	6 SF	6'	10'	Yes	1	
Permanent Subdivision Ident. Signs	Y	Y	Y	N	N	32 SF	8'	15'	Yes	2/Entrance	
Canopy and Marquee Signs	N	N	N	Y	N	See Note	20'	on bldg.	Yes	-	Up to 25% of face area of canopy, Deduct from allowable wall signage area.
Awning Signs	N	N	N	Y	N	See Note	20"	on bldg.	Yes	-	Up to 25% of awning area. Deduct from allowable wall signage area
Projecting Signs	N	N	N	Y	Y	See note 1	20'	15'	Yes	1	
Under Canopy Signs	N	N	N	Y	N	4 SF	20'	1'	Yes	1	Min. vertical clearance of 9'
Outdoor Display of Merchandise	N	N	N	Y	N	6 SF	5'	10'	Yes	1	
Menu Boards	N	N	N	N	N	50 SF	20'	15'	Yes	1	
Changeable Copy Signs	N	Y	Y	Y	Y	Varies	8'	15'	Yes	1	Refer to Article 15.5.5 for limitations
Seasonal Business	N	N	N	Y	N	32 SF	8'	15'	Yes	1	
Joint Identification Sign	N	N	N	Y	Y	See note 2	20'	15'	Yes	1/Frontage	For multi-occupancy developments
ATM Signage	N	N	N	Y	N	6 SF/ ATM	20'	15'	Yes	1/ATM	
Off Premise/Billboard	N	N	N	Y	Y	300 SF	20'	15'	Yes	1	Billboards and any portion thereof are not permitted within a 1,000 foot radius of a property used as a residence, school, church, library, government building or facility, cemetery, park or recreation area.

N = Not Permitted Y = Permitted

Note 1: One (1) SF/LF of building width, not to exceed 64 SF

Note 2: 32 SF plus 12 SF per tenant, not to exceed 90 SF

ARTICLE 16
NONCONFORMITIES

16.0 PURPOSE

Within the districts established by this Resolution, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution are considered nonconformities. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Resolution, or any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconforming use or structure may be moved, extended, or expanded except as permitted in Section 16.8 of this Resolution. Such nonconformity shall not be used as grounds (rationale) for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

16.1 USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES

Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

16.2 INCOMPATIBILITY OF NONCONFORMITIES

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use shall not be promoted by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

16.3 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution, although nonconforming, if completed within one (1) year of the effective date of this Resolution. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently be in compliance with the Zoning Resolution and completed within two and one-half (2¹/₂) years.

16.4 CERTIFICATES FOR NONCONFORMING USES

The Zoning Inspector may upon the Inspector's own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure or use of land and structure in combination that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use and shall include a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this Section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One (1) copy of the certificate shall be returned to the owner, and one (1) copy retained by the Zoning Inspector who shall maintain, as a public record, a file of all such certificates.

16.5 SUBSTITUTION OF NONCONFORMING USES

So long as no structural alterations are made, except as required by enforcement of other codes or resolutions, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

16.6 SINGLE NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of requirements listed in Article 13 of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Article 18.

16.7 NONCONFORMING LOTS OF RECORD IN COMBINATION

If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution; and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution; nor shall any division of any parcel be

made which creates a lot with a width or area below the requirement stated in this Resolution.

16.8 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

If a use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 16.8.1 No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered to increase the square footage of the structure by more than fifty percent (50%) of the original square footage of the structure except in changing the use of the structure to a use permitted in the district in which it is located;
- 16.8.2 Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution;
- 16.8.3 If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;
- 16.8.4 Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
- 16.8.5 When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not hereafter be used except in conformity with the regulations of the district in which it is located; and,
- 16.8.6 Where nonconforming use status applies to a structure and land in combination, removal of the structure shall eliminate the nonconforming status of the land.

16.9 TERMINATION OF NONCONFORMING USES

Pursuant to Section 519.19 of the Ohio Revised Code or as in such statute as it may hereafter be amended, when any nonconforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may

not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

16.10 TERMINATION OF USE BY DAMAGE OR DESTRUCTION

In the event that any nonconforming building or structure is destroyed by any means, no restoration or rebuilding shall be permitted except in conformity with the following conditions:

- 16.10.1 A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and building shall be diligently pursued to completion; and,
- 16.10.2 Such restoration shall not increase the structure's cubic size or cause a new nonconformity, nor shall it increase the extent, degree, or scale of nonconformance or non-compliance existing prior to such damage or destruction, except as permitted in Section 16.8 of this Resolution.

16.11 REPAIRS AND MAINTENANCE

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing provided that the cubic footage existing when it became nonconforming shall not be increased, except as permitted in Section 16.8 of this Resolution. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

ARTICLE 17

PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; ACCESSORY USES

17.0 GENERAL

The provisions of Sections 17.0 through 17.22 inclusive of this Resolution apply to the location and maintenance of any and all conditional uses.

17.1 PURPOSE

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of Sections 17.2 through 17.10 of this Resolution.

17.2 CONTENTS OF CONDITIONAL USE PERMIT APPLICATION

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a Conditional Use Permit by filing with the Zoning Inspector, who shall within seven days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

17.2.1 Name, address and phone number of applicant;

17.2.2 Legal description of the property;

17.2.3 Zoning district;

17.2.4 Description of existing use;

17.2.5 Description of proposed conditional use;

17.2.6 A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service area, utilities, signs, yards, landscaping features, and such other information as the Board of Zoning Appeals may require;

17.2.7 A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties, and with the comprehensive plan to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;

- 17.2.8 A list containing the names, phone numbers, and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
- 17.2.9 A fee as established by a Resolution of the Board of Trustees; and,
- 17.2.10 A narrative addressing each of the applicable criteria contained in Section 17.3.

17.3 GENERAL STANDARDS FOR ALL CONDITIONAL USES

In addition to the specific requirements for conditionally permitted uses as specified in Section 17.4, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing such use at the proposed location:

- 17.3.1 It is in fact a conditional use as established under the provisions of Articles 3 through 11 inclusive and appears on the Schedule of District Regulations adopted for the zoning district involved;
- 17.3.2 Will be in accordance with the general objectives, or with any specific objective, of the Township's comprehensive plan and/or the zoning resolution;
- 17.3.3 Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- 17.3.4 Will not be hazardous or disturbing to existing or future neighboring uses;
- 17.3.5 Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- 17.3.6 Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- 17.3.7 Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- 17.3.8 Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and,

- 17.3.9 Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

17.4 SPECIFIC CRITERIA FOR CONDITIONAL USES

The following are specific conditional use criteria and requirements for those uses conditionally permitted in this Resolution as provided for hereafter. Nothing in this Section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with Article 17.

17.4.1 Public Service Facility:

- a. All permanent buildings shall be constructed and designed so as to conform with the setback and building design of existing uses in the district; and,
- b. Screening and plantings to buffer any structures from adjacent residential uses are required.

17.4.2 Church:

- a. The lot area shall be adequate to accommodate the required off-street parking requirements of the church;
- b. The church building shall be set back from any adjacent residential property line a minimum of fifty (50) feet;
- c. Parking shall not be permitted within twenty-five (25) feet of any side or rear property line; and,
- d. A cemetery shall not be a permitted use in conjunction with the church unless it meets the criteria of 17.4.3 of this Resolution.

17.4.3 Cemetery:

- a. The site shall have direct access to a major thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed;
- b. Any new cemetery shall be located on a site containing not less than twenty-five (25) acres;
- c. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within one hundred (100) feet of any property line; and,
- d. All graves or burial lots shall be set back not less than fifty (50) feet from any property line.

17.4.4 Attorney, Architect, Accountant, Engineer, Insurance Agency, Real Estate, Tax Preparation Service, Bookkeeping Service Offices, and similar uses:

- a. Parking spaces shall be provided as required in this Resolution, provided that the Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the office and on the basis of generally known parking conditions in the neighborhood;
- b. The design, location, and surface of the parking area shall be subject to approval of the Board of Zoning Appeals so as to reduce congestion, promote safety, and to reduce the impact on the residential character of the neighborhood; and,
- c. One (1) sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.

17.4.5 Veterinary Clinic, Kennel and similar uses:

- a. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval;
- b. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions;
- c. The applicant shall submit a written statement showing the measures and practices that will be used to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs; and,
- d. No dead animals shall be buried on the premises, and no incineration of dead animals shall be permitted.

17.4.6 Child Day-Care Center/Type A Family Day-Care Home:

- a. Outdoor playgrounds, tot lots, exercise areas, etc., shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals;
- b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop-off point for children that will not impede other traffic; and,
- c. One (1) sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.

17.4.7 Funeral Home:

- a. The buildings shall be designed so as to conform with the architectural character of the residential neighborhood; and,
- b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop-off point for visitors that will not impede other traffic.

17.4.8 Tourist Home, Bed/Breakfast Home:

- a. No more than two (2) adults shall occupy each sleeping room. Children under twelve (12) years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one (1) room;
- b. Fire escapes shall be provided as approved by the Board of Zoning Appeals;
- c. Fire exit instructions shall be posted in each sleeping room;
- d. All applicable provisions of the fire code shall be met, and certification of such compliance by the appropriate official shall accompany the application;
- e. The facility shall be operated so that guests reside at the home for not longer than one (1) continuous week; and,
- f. The facility shall contain not more than four (4) sleeping rooms for guests.

17.5 PUBLIC HEARING

Pursuant to 519.14 of the Ohio Revised Code or as in such statute as it may hereafter be amended, the Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a Conditional Use Permit submitted by an applicant through the Zoning Inspector.

17.6 NOTICE OF PUBLIC HEARING

Pursuant to 519.14 of the Ohio Revised Code or as in such statute as it may hereafter be amended, before conducting the public hearing required in Section 17.5, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

17.7 NOTICE TO PARTIES OF INTEREST

Pursuant to 519.15 of the Ohio Revised Code or as in such statute as it may hereafter be amended, prior to conducting the public hearing required in Section 17.5, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required in Section 17.6 for notices published in newspapers.

17.8 ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the date of the public hearing required in Section 17.5, the Board of Zoning Appeals shall take one of the following actions:

- 17.8.1 Approve issuance of the Conditional Use Permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 17.9. Upon making an affirmative finding, the Board shall direct the Zoning Inspector to issue a Conditional Use Permit for such use which shall list all conditions and safeguards specified by the Board of Zoning Appeals for approval;
- 17.8.2 Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary; or,
- 17.8.3 Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval.

If an application is disapproved by the Board of Zoning Appeals, the applicant may seek relief through the Court of Common Pleas. Appeals of Board decisions shall be made in the manner specified in Articles 18 and 20.

17.9 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting approval for any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformance with this Resolution. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Resolution.

17.10 EXPIRATION OF CONDITIONAL USE PERMIT

A Conditional Use Permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than one (1) year.

17.11 PROCEDURE AND REQUIREMENTS TO DETERMINE THAT A USE IS SUBSTANTIALLY SIMILAR

Where a specific use is proposed that is not listed or provided for in this Resolution, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this Resolution. If the Board finds that a use is substantially similar to a specific use listed in this Resolution, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board of Zoning Appeals shall follow the procedures relating to appeals and variances as specified in Section 18 of this Resolution. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Township Trustees of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within thirty (30) days of its receipt by the Township Trustees, such substantially similar use determination by the Board shall become effective.

17.12 REMEDY BY APPLICATION FOR AMENDMENT

If the Board of Zoning Appeals determines that a proposed use is not substantially similar, such determination shall not be appealed to the Township Trustees, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in Article 20.

17.13 STANDARDS FOR CONSIDERATION OF SUBSTANTIALLY SIMILAR USES

The following standards shall be considered by the Board of Zoning Appeals when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

- 17.13.1 The compatibility of the proposed use with the nature and scope of adjacent uses;
- 17.13.2 The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Resolution as being permitted, or in the case of a conditional use, conditionally permitted in that district; and,
- 17.13.3 The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Resolution.

17.14 EFFECT OF DETERMINATION THAT A USE IS SUBSTANTIALLY SIMILAR

Should a use be determined to be substantially similar to a specific permitted or conditional permitted use provided for in this Resolution, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

17.15 RECORD OF SUBSTANTIALLY SIMILAR USES

The Zoning Inspector shall maintain, as a public record, a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in the Resolution, the use unlisted in the Resolution about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals or the Township Trustees. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.

17.16 REGULATION OF ACCESSORY USES

The provisions of Sections 17.16 through 17.22 inclusive of this Resolution shall apply to the location and maintenance of accessory uses as herein defined.

17.17 PURPOSE

It is the purpose of Sections 17.16 through 17.22 inclusive of this Resolution to regulate accessory uses in order to promote the public health, safety and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

17.18 DEFINITION

"Accessory Use" means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Resolution, an accessory use shall be a permitted use.

17.19 GENERAL REQUIREMENTS

Except as otherwise provided in this Resolution, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

- 17.19.1 It shall be thirty-five percent (35%) or less of the gross floor area of the principal use or structure, except where additional space is needed to comply with off-street parking requirements;
- a. On parcels of less than one (1) acre it shall be thirty-five percent (35%) or less of the gross floor area of principal use or structure;
 - b. On parcels of one (1) to five (5) acres it shall be fifty percent (50%) or less of the gross floor area of principle use or structure;
- and,

- c. On parcels more than five (5) areas there is no limit, but must be in compliance with set back building lines and height regulations.

17.19.2 It shall not contain or be used as a dwelling unit;

17.19.3 It shall not exceed the height requirements of the principal use; and,

17.19.4 It shall meet all yard requirements of the principal use.

17.20 DWELLINGS AS ACCESSORY USES

Dwellings may be accessory uses in residential districts if located inside the principal home or if detached as a garage apartment, only if used as a residence by relatives or household servants and no rent is charged. Mobile home trailers shall not be permitted as accessory uses.

17.21 ACCESSORY ELDERLY DWELLING UNIT

Notwithstanding the provisions of Sections 13.1 through 13.3 of this Resolution, an owner-occupied single-family dwelling unit may be converted to allow the incorporation of one (1) additional dwelling unit for the exclusive occupancy of an elderly household member which shall be an elderly person related to the owner of the single-family dwelling unit. Such accessory elderly dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor or ceiling. The application for the zoning permit for such conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the elderly person.

17.22 RETAIL SALES AND SERVICES AS ACCESSORY USES

Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building. No exterior advertising or displays are permitted. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students or visitors and not for the general retail public. In hospitals and clinics these accessory uses may include drug stores, florists, gift and book shops, restaurants, cafeterias and coffee shops, lounges, and beauty and barber shops.

ARTICLE 18

PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

18.0 GENERAL

Appeals and variances shall conform to the procedures and requirements of Sections 18.1 to 18.11.8 inclusive of this Resolution. As specified in Article 20, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

18.1 APPEALS

Pursuant to 519.15 of the Ohio Revised Code or as in such statute as it may hereafter be amended, appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the Board of Zoning Appeals, a Notice of Appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

18.2 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed unless the Zoning Inspector, from whom the appeal is taken, certifies to the Board of Zoning Appeals after the Notice of Appeal is filed with said Inspector, that by reason of facts stated in the application a stay would, in the Inspector's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

18.3 VARIANCES

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

18.4 APPLICATION AND STANDARDS FOR VARIANCES

Except as otherwise permitted in this Resolution, no variance in the strict application of the provisions of this Resolution shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

- 18.4.1 Name, address, and phone number of applicant(s);
- 18.4.2 Legal description of property;
- 18.4.3 Description or nature of variance requested;
- 18.4.4 A fee as established by Resolution; and,
- 18.4.5 Narrative statements establishing and substantiating that the variance conforms to the following standards:
 - a. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Resolution in the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare;
 - b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district;
 - c. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land;
 - d. There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created nor can it be established on this basis by one who purchases, with or without knowledge of the restrictions; it must result from the application of this Resolution. It must be suffered directly by the property in question and evidence of variances granted under similar circumstances need not be considered;
 - e. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose;
 - f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area; and,
 - g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

18.5 ADDITIONAL CONDITIONS AND SAFEGUARDS

The Board of Zoning Appeals may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Resolution.

18.6 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

Pursuant to 519.15 of the Ohio Revised Code or as in such statute as it may hereafter be amended, the Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

18.7 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Pursuant to 519.15 of the Ohio Revised Code or as in such statute as it may hereafter be amended, before conducting the public hearing required in Section 18.6, notice of such hearing shall be given in a newspaper of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal of variance.

18.8 NOTICE TO PARTIES OF INTEREST

Pursuant to 519.15 of the Ohio Revised Code or as in such statute as it may hereafter be amended, before conducting the public hearing required in Section 18.6, written notice of such hearing shall be mailed by the Chairman of the Board of Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of adjoining properties. The notice shall contain the same information as required of notices published in newspapers as specified in Section 18.7.

18.9 ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing, required in Section 18.6, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 18.5, or disapprove the request for appeal of variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decision shall be made in the manner specified in Section 20.6.

18.10 TERM OF VARIANCE

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

18.11 AUTHORIZED VARIANCES

Variations from the regulations of this Resolution shall not be granted unless the Board of Zoning Appeals makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 18.4, and Section 18.5 if applicable, have been met by the applicant. Variations may be granted as guided by the following:

- 18.11.1 To permit any yard or setback less than the yard or setback required by the applicable regulations;
- 18.11.2 To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but should not be less than eighty percent (80%) of the required area and width;
- 18.11.3 To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- 18.11.4 To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty percent (30%) of the required facilities;
- 18.11.5 To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance;
- 18.11.6 To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty percent (40%);
- 18.11.7 To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five percent (25%); and,
- 18.11.8 To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five percent (25%).

ARTICLE 19

AMENDMENTS TO THE ZONING RESOLUTION AND/OR THE ZONING MAP

19.0 **GENERAL**

This Resolution and the Zoning Map may be amended by utilizing the procedures specified in Section 19.1 through 19.13, inclusive, of this Resolution.

19.1 **PURPOSE**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

19.2 **INITIATION OF ZONING AMENDMENTS**

Amendments to this Resolution may be initiated in one of the following ways:

- 19.2.1 By adoption of a motion by the Zoning Commission;
- 19.2.2 By adoption of a resolution by the Board of Township Trustees; or,
- 19.2.3 By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

19.3 **CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT**

Applications for amendments to the official Zoning Map adopted as part of this Resolution by Article 3 and Articles 4 through 11 inclusive shall contain at least the following information:

- 19.3.1 The name, address, and telephone number of applicant;
- 19.3.2 A statement of the reason(s) for the proposed amendment;
- 19.3.3 Present use;
- 19.3.4 Present zoning district;
- 19.3.5 Proposed use;
- 19.3.6 Proposed zoning district;
- 19.3.7 A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;

- 19.3.8 A list of all property owners, their telephone numbers, and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that telephone numbers and addresses need not be included where more than ten (10) parcels are to be rezoned;
- 19.3.9 A statement on the ways in which the proposed amendment relates to the comprehensive plan; and,
- 19.3.10 A fee as established by resolution of the Board of Township Trustees.

19.4 CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT

Application for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Resolution, other than the official Zoning Map, shall contain at least the following information:

- 19.4.1 The name, address, and telephone number of the applicant;
- 19.4.2 The proposed amending resolution;
- 19.4.3 A statement of the reason(s) for the proposed amendment;
- 19.4.4 A statement explaining the ways in which the proposed amendment relates to the comprehensive plan; and,
- 19.4.5 A fee as established by resolution of the Board of Township Trustees.

19.5 TRANSMITTAL TO ZONING COMMISSION

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission.

19.6 SUBMISSION TO LIMA-ALLEN COUNTY REGIONAL PLANNING COMMISSION

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and map pertaining to the case in question, to the Lima-Allen County Regional Planning Commission. The Lima-Allen County Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

19.7 PUBLIC HEARING BY ZONING COMMISSION

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, the Zoning Commission shall schedule a public hearing after the adoption

of their motion, the transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

19.8 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, before holding the public hearing as required in Section 19.7, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in American Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

19.9 NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, if the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in Section 19.8. The failure to deliver the notice to property owners, as provided herein, shall not invalidate any such amendment.

19.10 RECOMMENDATION BY ZONING COMMISSION

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, within thirty (30) days after the public hearing required by Section 19.7, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment, or it may recommend that the amendment be not granted. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

19.11 PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees as specified in Section 19.8.

19.12 ACTION BY BOARD OF TOWNSHIP TRUSTEES

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, within twenty (20) days after the public hearing required by Section 19.11,

the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.

19.13 EFFECTIVE DATE AND REFERENDUM

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by not less than eight percent (8.0%) of the total vote cast for all candidates for Governor in the unincorporated area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electorate of such area, for approval or rejection, at the next primary or general election.

ARTICLE 20
ADMINISTRATION

20.0 PURPOSE

This Article sets forth the powers and duties of the Zoning Commission, Board of Township Trustees, and the Zoning Inspector with respect to the administration of the provisions of the Resolution.

20.1 GENERAL PROVISIONS

The formulation, administration and enforcement of this Resolution is hereby vested in the following offices and bodies:

- 20.1.1 Zoning Inspector; (See Section 20.2)
- 20.1.2 Zoning Commission; (See Section 20.4)
- 20.1.3 Board of Zoning Appeals; and, (See Section 20.6)
- 20.1.4 Board of Township Trustees. (See Section 20.9)

20.2 ZONING INSPECTOR

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. Said Inspector may be provided with the assistance of such other persons as the Board of Township Trustees may authorize and direct.

20.3 RESPONSIBILITIES OF ZONING INSPECTOR

For the purpose of this Resolution the Zoning Inspector shall have the following duties:

- 20.3.1 Enforce the provisions of this Resolution and interpret the meaning and application of its provisions;
- 20.3.2 Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map;
- 20.3.3 Issue zoning permits and certificates of occupancy as provided by this Resolution, and keep a record of same with a notation of any special conditions involved;
- 20.3.4 Act on all applications upon which the Inspector is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of the Inspector's refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit said request to the Board of Zoning Appeals;

- 20.3.5 Conduct inspections of buildings and uses of land to determine compliance with this Resolution and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action;
- 20.3.6 Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the township offices;
- 20.3.7 Maintain permanent and current records required by Resolution, including but not limited to zoning permits, occupancy permits, zoning certificates, inspection documents, and records of all variances, amendments and special uses;
- 20.3.8 Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public;
- 20.3.9 Review and approve site plans pursuant to this Resolution;
- 20.3.10 Determine the existence of any violations of this Resolution and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed to address such violations; and,
- 20.3.11 Prepare and submit reports to the Township Trustees and Zoning Commission on the administration of this Resolution setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such reports shall include recommendations concerning the schedule of fees.

20.4 TOWNSHIP ZONING COMMISSION

A Zoning Commission, designated by the Board of Township Trustees, shall assist in the amendment, interpretation, administration and enforcement of this Resolution. The Zoning Commission may, within the limits appropriated by the Board of Township Trustees, employ or contract with such planning consultants and other assistance as it deems necessary.

The Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of the township. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until a successor is appointed and qualified. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term.

20.5 RESPONSIBILITIES OF THE ZONING COMMISSION

For the purpose of this Resolution the Zoning Commission shall have the following duties:

- 20.5.1 Recommend the proposed Zoning Resolution, including text and Official Zoning District Map, representing the recommendations of the Zoning Commission to the Board of Township Trustees for formal adoption;

- 20.5.2 Initiate advisable Official Zoning District Map changes, or changes in the text of this Resolution where same will promote the best interest of the public in general; and,
- 20.5.3 Carry on a continuous review of the effectiveness and appropriateness of this Resolution and recommend such changes or amendments as it feels would be appropriate.

20.6 BOARD OF ZONING APPEALS

The Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five (5) members who shall be residents of the unincorporated territory within the township. The terms of all members shall be so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. The Board of Zoning Appeals may within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistance as it deems necessary.

20.7 RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS

For the purpose of this Resolution the Township Board of Zoning Appeals shall have the following duties:

- 20.7.1 Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official;
- 20.7.2 Authorize upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest;
- 20.7.3 Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning resolution; and,
- 20.7.4 Revoke an authorized variance or conditional use certificate if any condition of the variance or certificate is violated.

20.8 ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL

It is the intent of the Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector; that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement stated in this Section and this Resolution. Under this Resolution the Board of Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of schedule of fees and charges as stated in Section 20.8 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board

to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code or in such statute as it may hereafter be amended. Any such appeal shall be made within ten (10) days of the Board's written decision.

20.9 BOARD OF TOWNSHIP TRUSTEES

The powers and duties of the Township Trustees pertaining to the Zoning Resolution are as follows:

- 20.9.1 Approve the appointments of members of the Zoning Commission;
- 20.9.2 Approve the appointments of members to the Zoning Board of Appeals;
- 20.9.3 Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing; and,
- 20.9.4 Override a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by a unanimous vote of the Township Trustees.

20.10 SCHEDULE OF FEES

The Board of Township Trustees shall by Resolution establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Resolution, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Board of Township Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

ARTICLE 21
ENFORCEMENT

21.0 GENERAL

This Article stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approval under this Resolution.

21.1 ZONING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, structurally altered; nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance, or from the Trustees approving a Planned Unit Development District, as provided by this Resolution.

21.2 CONTENTS OF APPLICATION FOR ZONING PERMIT

The application for zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2½) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

- 21.2.1 Name, address, and phone number of applicant;
- 21.2.2 Legal description of property;
- 21.2.3 Existing use;
- 21.2.4 Proposed use;
- 21.2.5 Zoning district;
- 21.2.6 Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
- 21.2.7 Building heights;
- 21.2.8 Number of off-street parking spaces or loading berths, and their layout;
- 21.2.9 Location and design of access drives;
- 21.2.10 Number of dwelling units;
- 21.2.11 Health Department permit for septic system;

21.2.12 If applicable, application for a sign permit or a conditional, special, or temporary use permit, unless previously submitted; and,

21.2.13 Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Resolution.

21.3 APPROVAL OF ZONING PERMIT

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to it by signature on such copy. One (1) copy of plans, similarly marked, shall be a placard to be posted in a conspicuous place on the property in question.

21.4 SUBMISSION TO DIRECTOR OF TRANSPORTATION

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed, as described in the certification to local officials by the Director of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that a zoning permit shall not be issued for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that acquisition of the needed land shall proceed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

21.5 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one-half (2½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector and written notice thereof shall be given to the persons affected together with notice that further work, as described in the cancelled permit, shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

21.6 CERTIFICATE OF OCCUPANCY AND/OR ZONING CERTIFICATE

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy shall have been issued by the Zoning Inspector stating that the proposed use of the

building or land conforms to the requirements of this Resolution. The issuance of a use certificate in no way relieves the recipient from compliance with all the requirements of this Resolution and other regulations.

21.7 TEMPORARY CERTIFICATE OF OCCUPANCY AND/OR TEMPORARY ZONING CERTIFICATE

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

21.8 RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY AND/OR ZONING CERTIFICATE

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy; and copies shall be furnished, upon request and upon payment of the established fee, to any person.

21.9 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY AND/OR ZONING CERTIFICATE

Failure to obtain a zoning permit or certificate of occupancy shall be a punishable violation of this Resolution.

21.10 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction shall be allowed. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

21.11 COMPLAINTS REGARDING VIOLATION

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall properly record such complaint, immediately investigate it, and take action thereon as provided by this Resolution.

Property owners of all owner occupied or leased properties are responsible for making sure that the occupant complies with all rules and regulations of the American Township Zoning Resolutions, deed restrictions and the Ohio Revised Code (O.R.C.).

21.12 ENTRY AND INSPECTION OF PROPERTY

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot

be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor in securing a valid search warrant prior to entry.

21.13 STOP WORK ORDER

Subsequent to the Inspector's determination that work is being done contrary to this Resolution, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Resolution.

21.14 ZONING PERMIT REVOCATION

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Resolution or based upon false information or misrepresentation in the application.

21.15 NOTICE OF VIOLATION

Whenever the Zoning Inspector or the Inspector's agent determines that there is a violation of any provision of this Resolution, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

21.15.1 Be in writing;

21.15.2 Identify the violation;

21.15.3 Include a statement of the reason or reasons why it is being issued and refer to the Sections of this Resolution being violated; and,

21.15.4 State the time by which the violation shall be corrected.

21.15.5 Service of notice of violation shall be as follows:

- a. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or,
- b. By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail; and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or,
- c. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

21.16 PROSECUTION OF VIOLATION

If upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be referred to the Prosecutor for prosecution.

21.17 PENALTIES AND FINES

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Resolution or any amendment thereto. Any person, firm or corporation who violates this Resolution or fails to comply with any of its requirements shall be fined the maximum allowable pursuant to Section 519.99 of the Ohio Revised Code or in such statute as it may hereafter be amended. Each day such violation shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

21.18 ADDITIONAL REMEDIES

Nothing in this Resolution shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution or in the case of imminent threat of such violation, the Zoning Inspector, the Prosecuting Attorney, or the owner of any neighboring property who would be especially damaged by such violation, may seek an injunction, abatement, or other appropriate action to prevent, remove, abate, enjoin, or terminate such violation.

ARTICLE 22

EXTERIOR PROPERTY MAINTENANCE CODE

22.1 PURPOSE

The purpose of this exterior property maintenance code is to protect the public health, safety, morals and general welfare as it pertains to premises and buildings used for residential, commercial and industrial purposes. This protection is hereinafter provided by:

- 22.1.1 Establishing minimum standards for maintaining residential, commercial and industrial environmental quality to preserve and achieve the presentable appearance of existing structures and premises; avoiding blighting effects of the substandard maintenance of structures and premises and its negative impact on the value of surrounding properties; and eliminating hazardous conditions;
- 22.1.2 Fixing the responsibilities of owners, operators and occupants of structures and their premises; and
- 22.1.3 Providing for administration, enforcement and penalties.

22.2 TITLE

This code shall be known as "The American Township Exterior Property Maintenance Code" and is herein referred to as above or as the "Exterior Property Maintenance Code" or "ATEPMC".

22.3 CONSTRUCTION OF LANGUAGE

For the purpose of this Exterior Property Maintenance Code certain terms or words shall be interpreted as follows:

- 22.3.1 Words used in the singular shall include the plural, and the plural the singular;
- 22.3.2 Words used in the present tense shall include the future tense;
- 22.3.3 Words in the masculine gender shall include the feminine and neuter;
- 22.3.4 The word "shall" is mandatory and not discretionary;
- 22.3.5 The word "may" is permissive;
- 22.3.6 The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"
- 22.3.7 The work "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; and,
- 22.3.8 The word "dwelling" includes the word "residence."

22.3.9 Definitions

All words used in this Exterior Property Maintenance Code shall have their customary meanings, except those specifically defined in this Section.

BUILDING CODE: The most current edition of the State of Ohio building code, or such other code as may be officially designated by the State of Ohio for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures.

EXTERIOR PROPERTY AREAS: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

JUNK OR INOPERABLE VEHICLE: A vehicle, including but not limited to cars, trucks, busses, trailers, and boats, shall be deemed a junk or inoperable vehicle whenever any of the following occur:

- a. The vehicle is without a valid current registration and license plate:
- b. The vehicle is apparently inoperable;
- c. The vehicle is without fully inflated tires and/or has any type of support under it;
- d. The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission, or other similar major part.

22.4 ADMINISTRATION AND ENFORCEMENT

22.4.1 Application of Exterior Property Maintenance Code

The provisions of the Exterior Property Maintenance Code shall apply to all premises and structures within American Township used for human habitation, commercial purposes, or industrial purposes which are now or may become in the future substandard with respect to structure, maintenance, proper drainage and sanitary conditions, or other similar conditions, factors or characteristics adversely affects public health, safety, morals and general welfare and leads to the continuation, extension and aggravation of blight and its attendant negative effect on surrounding property values. Therefore, adequate protection of the public requires the establishment and enforcement of these property maintenance standards.

22.4.2 Compliance Required

Every portion of a building or premises used or intended to be used for residential, commercial, or industrial purposes, shall comply with the provisions of this Exterior Property Maintenance Code, irrespective of when such building has been constructed, altered or repaired, or premises occupied, except as hereinafter provided.

22.4.3 Conflict of Laws

In any case where a provision of the Exterior Property Maintenance Code is found to be in conflict with a provision of any zoning, building, fire, safety or

health regulation or other regulation, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

22.4.4 Existing Remedies

Nothing in this Exterior Property Maintenance Code shall be deemed to abolish, impair, or prevent the execution of any existing remedies of American Township or its officers or agents related to the abatement of a public nuisance.

22.4.5 Separability

If any section, subsection, paragraph, sentence, clause or phrase of this Exterior Property Maintenance Code is declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Exterior Property Maintenance Code, which shall continue in full force and effect, and to this end the provisions of this Exterior Property Maintenance Code are hereby declared to be severable.

22.4.6 Saving Clause

This Exterior Property Maintenance Code shall not affect violations of any other resolution, ordinance, code or regulation existing prior to the effective date of this Exterior Property Maintenance Code, and any violation of such shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

22.4.7 Enforcement Officials

- a. Enforcement Officers. The Township Trustees shall assign the duties of administering and enforcing this code to the Enforcement Officers. The Enforcement Officers may call upon any department, division or contractor of the Township for whatever assistance may be necessary to abate a violation of this Code.
- b. Liability. No officer, agent or employee of American Township shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code.

22.4.8 Inspections

The Enforcement Officer is authorized to make inspections of building exteriors and premises located within American Township for purposes of enforcing the provisions of this Exterior Property Maintenance Code. For the purpose of making such inspections, and upon showing appropriate identification, the Enforcement Officer is hereby authorized to examine and survey at any reasonable hour all residential, commercial, industrial, and other exterior premises.

22.4.9 Notice of Violation

- a. Content. Whenever the Enforcement Officer determines that there is a violation of the provisions of this Code, he may give notice of such violation to the person or persons responsible therefore and order compliance, as hereinafter provided. Such notice and order shall:
 - (1) Be in writing;
 - (2) Include a description of the real estate sufficient for identification;
 - (3) Include a statement of the reason or reasons why it is being issued;
 - (4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the property into compliance with the provisions of this code; and,
 - (5) State the right of the violator to file an appeal of the notice with the Zoning Appeals Board within ten (10) business days of receipt of the notice, and the standard Zoning Appeals Board fees shall apply.
- b. Service. A notice of violation shall be deemed to be properly served if one (1) or more of the following methods are used:
 - (1) By personal delivery to the owner or occupant of the premises or by leaving the notice at the premises;
 - (2) By certified mail deposited in the United States Post Office addressed to the person or persons responsible at his/their last known address, with return receipt requested. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcement Officer. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery;
 - (3) By posting a copy of the notice form in a conspicuous place on the premises found in violation and publishing a legal notice in a newspaper of general circulation in the Township. The legal notice shall identify the owners of the property, the last address, if known, of the owners, the parcel identification, the location and nature of the violation.

22.4.10 Exterior Property Maintenance Code Appeals

- a. Appeals Board. To implement the purposes and requirements of this Exterior property Maintenance Code, there is hereby created the Exterior Property Maintenance Code Appeals Board, hereinafter referred to as the Board. For the purposes of this Code, the, American Township Board of

Zoning Appeals shall function as the Exterior Property Maintenance Code Appeals Board.

- (1) Procedure. Said Board may adopt rules of procedure not inconsistent with this Code. No member of the Board shall take part in any hearing or determination in which he or she has a personal or financial interest. Three (3) members of the Board in attendance at any meeting shall constitute a quorum.
 - (2) Authority. The Board shall hear all appeals relative to the enforcement of this Code, and by a concurring vote of the majority of its members may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the inspector.
- b. Hearings. Any person affected by any notice of violation which has been issued in connection with the enforcement of any provision of this Exterior Property Maintenance Code, may request and shall be granted a hearing on the matter before the Exterior Property Maintenance Code Appeals Board provided that such person shall file in the office of the Enforcement Officer an appeal on forms provided by the Township. The appeal shall be filed within ten (10) days after receipt of such a petition; the Appeals Board shall set a time and place for hearing before the Appeals Board and shall give the petitioner written notice thereof by first class mail postmarked at least ten (10) days prior to such hearing. The hearing shall be held no less than ten (10) days and no more than thirty (30) days from the date the petition was filed. At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why any item appearing on such notice and order should be modified, or withdrawn. The failure of the petitioner or his representative to appear and state his case at such hearing shall have the same effect as if no petition were filed.
- c. Findings. Prior to sustaining any violation notice and compliance order, the Appeals Board shall make the following findings:
- (1) The violator was served with a Notice of Violation and/or Citation Tag as provided for in Sections 22.4.9 and 22.4.11.
 - (2) The Citation Tag and/or Notice of Violation that was served stated the specific nature of the violation; corrective action needed to be taken to abate the violation; and a specific time period for abatement of the violation.
 - (3) Within the time period stipulated in the Citation Tag and/or Notice of Violation, the violator failed to comply with the Notice of Violation by not abating the violation, and/or by not bringing the use into compliance with the ATEPMC.
 - (4) Upon expiration of the date indicated for compliance in the Notice of Violation, the property was being maintained in violation of

specific provisions of the ATEPMC and/or conditions imposed by the Appeals Board as a prerequisite to the modification of a previous compliance order.

- d. Authority of Appeals Board. Within thirty (30) calendar days of the close of the public hearing, the Appeals Board shall render a decision sustaining, modifying, or withdrawing any item appearing on the notice and order. The petitioner shall be notified in writing of such action.

22.4.11 Citation Tags

The Enforcement Officer is authorized and directed to provide citation tags which shall be used for the purposes of giving due notice and summons to the person or persons responsible for violations of this Exterior Property Maintenance Code.

- a. Contents: Such citation tags shall be put in writing on an appropriate form, state the nature of the violation, refer to the section or sections of this resolution violated, and state the appropriate assessment or penalty therefore.
- b. Payment of Assessment: Such person or persons, when a citation tag as herein provided is served to him, shall appear at the place or places designated upon such tag and shall pay the assessment for the violation noted on the citation. Upon payment of the assessment as provided within the time limit provided herein, no further action will be taken to prosecute the violation noted on the citation, provided remedial action, if necessary, is taken.
- c. Notice and Future Violation: The citation tag, as herein provided, shall be sufficient notice, summons, and legal service thereof for the purpose specified thereon provided, however, that the use of such tags shall not prohibit the issuance of either additional citation tags or a legal notice of violation as provided herein, in the event such violation is continued or repeated.
- d. Establishment of Fee Schedule by Township Trustees: Prior to the issuance of any citation tag, the Township Trustees shall adopt by resolution a citation tag fee schedule assessment. From time to time and upon its own motion, Township Trustees may modify the citation tag fee schedule assessment.
- e. Penalty Assessment: When a violation citation tag has been issued pursuant to this section, an amount established by the Township Trustees is hereby assessed on the violator. If the assessment is paid within three (3) business days immediately following the issuance of the citation tag, all assessments are reduced by fifty percent (50%) subject to additional citations and assessment if the violation is not terminated within twenty-four (24) hours. Failure to pay the assessment within a period of thirty (30) business days after the date of service of the citation tag shall constitute a minor misdemeanor, punishable as provided in Section 22.4.17(B) of this resolution. Assessments may also be attached to the property taxes for the property in question.

22.4.12 Prosecution

In case any violation order is not properly complied with, the Enforcement Officer may request the Township Attorney to institute an appropriate action or proceeding at law to exact the penalty provided in Section 22.4.17(B) of this Code, and in addition thereto, may ask the Township Attorney to proceed at law or in equity against the person responsible for the violation for the purpose of ordering him/her to abate such nuisance.

22.4.13 Abatement of Nuisance by Township and Cost Recovery

Should the nuisance not be abated at the expiration of the time stated in the citation or order of the Enforcement Officer or any extensions granted or such additional time as the Exterior Property Maintenance Code Appeals Board may grant, the Enforcement Officer shall be authorized at any time thereafter to request a court to authorize entry to take such action as deemed appropriate to abate the nuisance, in addition to any remedies provided elsewhere in this Exterior Property Maintenance Code. In abating such nuisance, the Enforcement Officer may call on any department, division or contractor of the Township for whatever assistance may be necessary to abate the aforesaid nuisance or may, by private contract, abate such nuisance and the costs for abating such nuisance shall be recovered, in the following manner:

- a. The owner(s) shall be billed directly by certified mail deposited with the United States Post Office. In the event the certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcement Officer.
- b. If the costs are not so recovered within thirty (30) calendar days of receipt of the mailing described in Section 22.4.13(A), the Township may collect the cost in accordance with the Ohio Revised Code. Whoever violates any section of this Code shall be guilty of a minor misdemeanor and be fined not more than one hundred dollars (\$100.00) payable to the American Township. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

22.4.14 Rulemaking Authority

The Enforcement Officer shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to implement the provisions of this Code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this Code or violating approved practice involving public safety.

22.4.15 Transfer of Ownership

It shall be unlawful for the owner of any building or structure who has received a citation to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the citation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of

any citation issued by the Enforcement Officer and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, a true copy of any citation issued by the Enforcement Officer and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such citation and fully accepting the responsibility without condition for making the corrections or repairs required by such notice of violation.

22.4.16 Abatement of Construction Project

Any building or structure for which a building permit has been issued, and except for circumstances beyond the property owner's control (e.g., labor strikes, inclement weather, etc.), all construction work shall be diligently pursued to completion. Any construction project upon which no substantial work has been undertaken for a period of six (6) months, shall be deemed abandoned. Upon any construction project being deemed abandoned, all buildings or structures not completed be in compliance with the ATEPMC, and all building materials and construction equipment must be removed from the site. This site must be leveled seeded and maintained to meet the ATEPMC.

22.4.17 Violations and Penalties

- a. No person shall violate any provision or fail to conform to any of the requirements of this Exterior Property Maintenance Code or fail to comply with any order made thereunder.
- b. Whoever violates any section of this Code shall be guilty of a minor misdemeanor and be fined not more than one hundred dollars (\$100.00) payable to the American Township. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- c. The application of the penalty provided in subsection (B) hereof shall not be held to prevent the enforced removal of prohibited conditions.

22.5 **RESIDENTIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS**

22.5.1 Application of Maintenance Standards

The following standards are applicable to all residential structures, dwelling units, residential portions of mixed use structures and all dwelling units located in commercial buildings.

22.5.2 Structural Soundness and Maintenance of Dwellings

Every foundation, exterior wall, and roof of every dwelling shall be so constructed and maintained' and be kept in good repair and in safe condition so as to make all occupied rooms and other interior areas weather-tight, water-tight, rodent proof and so as to be fit for human habitation and so as to not adversely affect the neighborhood in which they are located. Good repair, maintenance and safe condition shall include but is not limited to the following:

- a. Foundations. Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water or dampness to

the interior of the building or lessen the capability of the foundation to support the building.

- b. Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the dwelling.
- c. Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, be capable of being easily opened and held in position by hardware, and maintained so as to exclude adverse weather elements from entering the structure.
- d. Exterior Doors. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and water-proof and be provided with door hinges and door latches which are in good working condition.
- e. Roof. Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness in the interior portion of the building.
- f. Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained to meet the original intent and appearance.
- g. Chimneys. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- h. Porch. Every porch shall be so constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, and steps thereto, so as to be safe to use and kept in sound condition and in good repair.
- i. Structural Member. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- j. Exterior Surfaces. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.
- k. Basement. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage into the dwelling.

- i. Decorative Features: All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

22.5.3 Paint and Coating Materials

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized federal, state, county, or local regulatory agencies for health and safety reasons.

22.5.4 Exterior Property and Structure Exteriors

All buildings and the exterior of all premises shall be properly maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

- a. Exterior Space. The exterior open space around each dwelling shall be maintained or so improved so as to provide for:
 - (1) The immediate diversion of water away from buildings and proper drainage of the lot;
 - (2) Grass, plantings or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures;
 - (3) Yard-walks, parking areas, porches and driveways of a concrete, asphalt, pavers or similar surface which are of sound construction and properly maintained;
 - (4) Exterior steps which are of sound construction and properly maintained free of hazardous conditions.
- b. Maintenance. The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, signs, windows, doors, awnings, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties and shall be painted or protected where necessary for the purpose of preservation. All canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration.
- c. Fences and Walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration.

- d. Yards. All yards, courts, lots, ponds and swimming pools shall be kept free of overgrown grasses, debris and other materials which may cause a fire, health safety hazard, or general unsightliness.
- e. Hazards. Hazards and unsanitary conditions shall be eliminated.
- f. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence in the course of construction.
- g. Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except when such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
- h. Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant shrubs and/or trees, or discharge, empty, or place any material, fill or waste into any swale so as to divert or impede drainage flow. Small swales can be mowed as part of the yard. Larger swales in meadow situations should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving understory growth to retard runoff and prevent erosion.
- i. Junk or Inoperable Vehicle. No junk, or inoperable, vehicle shall be located on any residential property, except when stored within a completely enclosed building.
- j. Parking and Storage. No commercially licensed vehicles in excess of one (1) ton load-rating shall be parked or stored on any property or upon a public roadway within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking.

No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building. A maximum of one (1) boat and/or one (1) unoccupied recreational vehicle may be stored on a residentially zoned property if it has a current license and meets the set-aside and setback requirements of the American Township Resolution. A maximum of one (1) boat and/or one (1) recreational vehicle parked in a driveway will be in compliance for no more than fourteen (14) calendar days before it is considered to be in violation of the American Township Resolution.

22.5.5 Vegetation

- a. Vegetation Cutting Required. All grass, weeds or rank vegetation shall be periodically cut and in no case shall exceed a height of eight (8) inches.

- b. Maintenance of Plantings. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

22.5.6 Stairways

- a. Exterior Stairways. All exterior stairways on all residential premises shall be in accordance with the following provisions:
 - (1) stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
 - (2) stairways shall be maintained free of rotted or deteriorated supports;
 - (3) stairways shall have treads of uniform width and risers of uniform height; and,
 - (4) stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings creates a hazardous condition, the Enforcement Officer may require their installation in accordance with the provisions of the ATEPMC.

22.5.7 Accessory Structures

All structures accessory to the dwellings, including detached garages, shall be maintained structurally sound, neatly maintained, and in good repair or shall be razed to grade level and debris removed from the premises.

22.6 COMMERCIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

22.6.1 General Provisions

Every commercial structure and commercial unit shall meet all of the provisions and requirements of the official zoning code, building code, fire code and health ordinance applicable to the structure and its intended and present use. Where these codes require the provision of a particular facility or equipment, where they set a structural or installation standard, such related parts of every commercial structure and commercial unity shall be maintained to the minimum standard provided for in the applicable section of this Code or to the minimum standard provided for in the above codes, whichever standard is higher.

The following commercial exterior property maintenance standards are applicable to all commercial structures, commercial units, and portions of mixed use structures which are devoted to commercial use, including all exterior and structural requirements, soundness and maintenance.

22.6.2 Structural Soundness and Maintenance of Commercial Structures

Every foundation, floor, wall, ceiling and roof of every commercial structure shall be so constructed and maintained and be kept in good repair and in safe condition so as to make all occupied rooms and other interior areas weather-tight, water-tight, rodent proof and so as to be fit for human use and so as to not adversely affect the neighborhood in which they are located. Good repair, maintenance and safe condition shall include but is not limited to the following:

- a. Foundations. Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water or dampness to the interior of the building or lessen the capability of the foundation to support the building.
- b. Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the dwelling.
- c. Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, and maintained so as to exclude adverse weather elements from entering the structure.
- d. Exterior Doors. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and water-proof and be provided with door hinges and door latches which are in good working condition.
- e. Roof. Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness in the interior portion of the building.
- f. Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained to meet the original intent and appearance.
- g. Chimneys. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- h. Porch. Every porch shall be so constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, and steps thereto, so as to be safe to use and kept in sound condition and in good repair.
- i. Structural Member. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, or replaced as is necessary to serve the purpose as originally intended.

- j. Exterior Surface. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.
- k. Basement. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage into the structure.
- l. Decorative Features. All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

22.6.3 Paint and Coating Materials

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized federal, state, county, or local regulatory agencies for health and safety reasons.

22.6.4 Exterior Property and Structure Exteriors

All buildings and the exterior of all premises shall be properly maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

- a. Exterior Space. The exterior open space around each structure shall be maintained or so improved so as to provide for:
 - (1) The immediate diversion of water away from buildings and proper drainage of the lot;
 - (2) Grass, plantings or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures; and,
 - (3) Yard-walks, parking areas, driveways and exterior steps which are of a permanently hard, dust free surface of sound construction and properly maintained.
- b. Maintenance. The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, store fronts, signs, windows, doors, awnings, marquees, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties and shall be painted or protected where necessary for the purpose of preservation. All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, and their supporting structures where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration. Prohibited and obsolete

signs shall be removed or replaced pursuant to the applicable sections of the American Township Zoning Resolution.

- c. Fences and Walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in 'that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials that have been treated periodically with paint or chemicals so as to retard deterioration.
- d. Yards. All yards, courts, and lots shall be kept free of noxious weeds, overgrown grasses, debris and other materials which may cause a fire, health, safety hazard, or general unsightliness.
- e. Hazards. Hazards and unsanitary conditions shall be eliminated.
- f. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence in the course of construction.
- g. Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except where such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
- h. Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant trees and/or shrubs or discharge, empty, or place any material fill or waste into any swale so as to impede or divert drainage flow. Small swales can be moved as part of the yard. Larger swales in meadow situations should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving the under story growth to retard runoff and prevent erosion.
- i. Junk or Inoperable Vehicle. No junk, or inoperable, vehicle shall be located on any commercial property, except when stored within a completely enclosed building or in a manner in conformance with the Township Zoning Resolution.
- j. Traffic Markings. All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized.
- k. Conduct of Business
 - (1) All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view in a manner approved by the Enforcement Officer.

(2) All storage of materials, goods, or products, including inoperable vehicles, shall be within a completely enclosed building. EXCEPTION: Those businesses which are permitted or conditionally permitted under the terms of the American Township Zoning Resolution to conduct business or maintain outdoor storage of materials, goods or products out-of-doors are excepted from compliance with this and subparagraph 1.

i. Exterior, Light Fixtures. Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties (per local zoning regulation).

22.6.5 Vegetation

- a. Vegetation Cutting Required. All grass, weeds or rank vegetation shall be periodically cut and in no case shall exceed a height of eight (8) inches.
- b. Maintenance of Plantings. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

22.6.6 Stairways

- a. Exterior Stairways. All exterior stairways on all commercial premises shall be in accordance with the following procedures:
- (1) stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
 - (2) stairways shall be maintained free of rotted or deteriorated supports;
 - (3) stairways shall have treads of uniform width and risers of uniform height; and,
 - (4) stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, the Enforcement Officer may require their installation in accordance with the provisions of the ATEPMC

22.6.7 Accessory Structures

Within ninety (90) calendar days of receiving notice all structures accessory to commercial use must meet the ATEPMC, or shall be razed to grade level and debris removed from the premises.

22.7 INDUSTRIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

22.7.1 General Provisions

Every industrial structure and industrial use shall meet all provisions and requirements of the official zoning code, building code, fire code and health ordinance applicable to the structure and its intended and present use. Where these codes require the provision of a particular facility or equipment, or where they set a structural or installation standard, such related parts of every industrial structure and industrial use shall be maintained to the minimum standard provided for in the above codes, whichever standard is higher.

The following industrial exterior property maintenance standards are applicable to all industrial structures, industrial uses, and portions of mixed use structures which are devoted to industrial use, including all exterior and structural requirements, soundness and maintenance.

22.7.2 Structural Soundness and Maintenance of Industrial Structures

Every foundation, floor, wall, ceiling and roof of every industrial structure shall be so constructed and maintained and be kept in good repair and in safe condition so as to make all interior areas weather-tight, water-tight, rodent proof and so as to be fit for human use and so as to not adversely affect the neighborhood in which they are located. Good repair, maintenance and safe condition shall include but is not limited to the following:

- a. Foundations. Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water or dampness to the interior of the building or lessen the capability of the foundation to support the building.
- b. Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the building.
- c. Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, and maintained so as to exclude adverse weather elements from entering the structure.
- d. Exterior Doors. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and water-proof and be provided with door hinges and door latches which are in good working condition.
- e. Roof. Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness in the interior portion of the building.

- f. Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained to meet the original intent and appearance.
- g. Chimneys. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- h. Structural Member. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- i. Exterior Surface. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.
- j. Decorative Features. All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

22.7.3 Paint and Coating Materials

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized federal, state, county, or local regulatory agencies for health and safety reasons.

22.7.4 Exterior Property and Structure Exteriors

All buildings and the exterior of all premises shall be properly maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

- a. Exterior Space. The exterior open space around each structure shall be maintained or so improved so as to provide for:
 - (1) The immediate diversion of water away from buildings and proper drainage of the lot;
 - (2) Grass, plantings or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures; and,
 - (3) Yard-walks, parking areas, driveways and exterior steps which are of a permanently hard, dust free surface of sound construction and properly maintained.
- b. Maintenance. The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, fire escapes, stairs, fronts, signs, windows, doors, awnings, marquees, and all surfaces thereof, shall be maintained so as to avoid

any blighting effects on neighboring properties and shall be painted or protected where necessary for the purpose of preservation. All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, and similar overhanging extensions, including their supporting structures where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration. Prohibited and obsolete signs shall be removed or replaced pursuant to the applicable sections of the American Township Zoning Resolution.

- c. Fences and Walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration.
- d. Yards. All yards, courts, and lots shall be kept free of noxious weeds, overgrown grasses, debris and other materials which may cause a fire, health, safety hazard, or general unsightliness.
- e. Hazards. Hazards and unsanitary conditions shall be eliminated.
- f. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence in the course of construction.
- g. Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except when such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
- h. Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant trees and/or shrubs or discharge, empty, or place any material fill or waste into any swale so as to impede or divert drainage flow. Small swales can be mowed as part of the yard. Larger swales in meadow situations should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving the under story growth to retard runoff and prevent erosion.
- i. Junk or Inoperable Vehicle. No junk, or inoperable, vehicle shall be located on any industrial property, except when stored within a completely enclosed building or in a manner in conformance with the American Township Zoning Resolution.

- j. Traffic Markings. All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized.
- k. Conduct of Business.
 - (1) All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view in a manner approved by the Enforcement Officer.
 - (2) All storage of materials, goods or products, including inoperable vehicles, shall be within a completely enclosed building. EXCEPTION: Those businesses which are permitted or conditionally permitted under the terms of the American Township Zoning Resolution to conduct business or maintain outdoor storage of materials, goods or products out-of-doors are excepted from compliance with this and subparagraph 1.
- l. Exterior Light Fixtures. Exterior lighting fixtures over steps, paths, walkways, courts, drives and 'parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after working hours to provide for pedestrian and employee safety and' properly aimed so as not to shine on adjacent properties (per local zoning regulation)

22.7.5 Vegetation

- a. Vegetation Cutting Required. All grass, weeds or rank vegetation shall be periodically cut and in no case shall exceed a height of eight (8) inches.
- b. Maintenance of Plantings. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

22.7.6 Stairways

- a. Exterior Stairways. All exterior stairways on all industrial premises shall be in accordance with the following provisions:
 - (1) stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
 - (2) stairways shall be maintained free of rotted or deteriorated supports;
 - (3) stairways shall have treads of uniform width and risers of uniform height; and,
 - (4) stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, the Enforcement

Officer may require their installation in accordance with the provisions of the Building Code.

22.7.7 Accessory Structures

Within ninety (90) calendar days of receiving notice all structures accessory to the industrial use, including signs, must meet the ATEPMC, or shall be razed to grade level and debris removed from the premises.

ARTICLE 23

PROHIBITION OF MEDICAL MARIJUANA

23.0 **GENERAL**

This resolution establishes the prohibition of cultivation, processing and retail dispensing of medical marijuana and prohibiting the cultivation, processing and retail dispensing of medical marijuana in all zoning districts in American Township.

23.1 **PROHIBITION OF CULTIVATION**

The cultivation of medical marijuana is prohibited in all zoning districts in American Township.

23.2 **PROHIBITION OF PROCESSING**

The processing of medical marijuana is prohibited in all zoning districts in American Township.

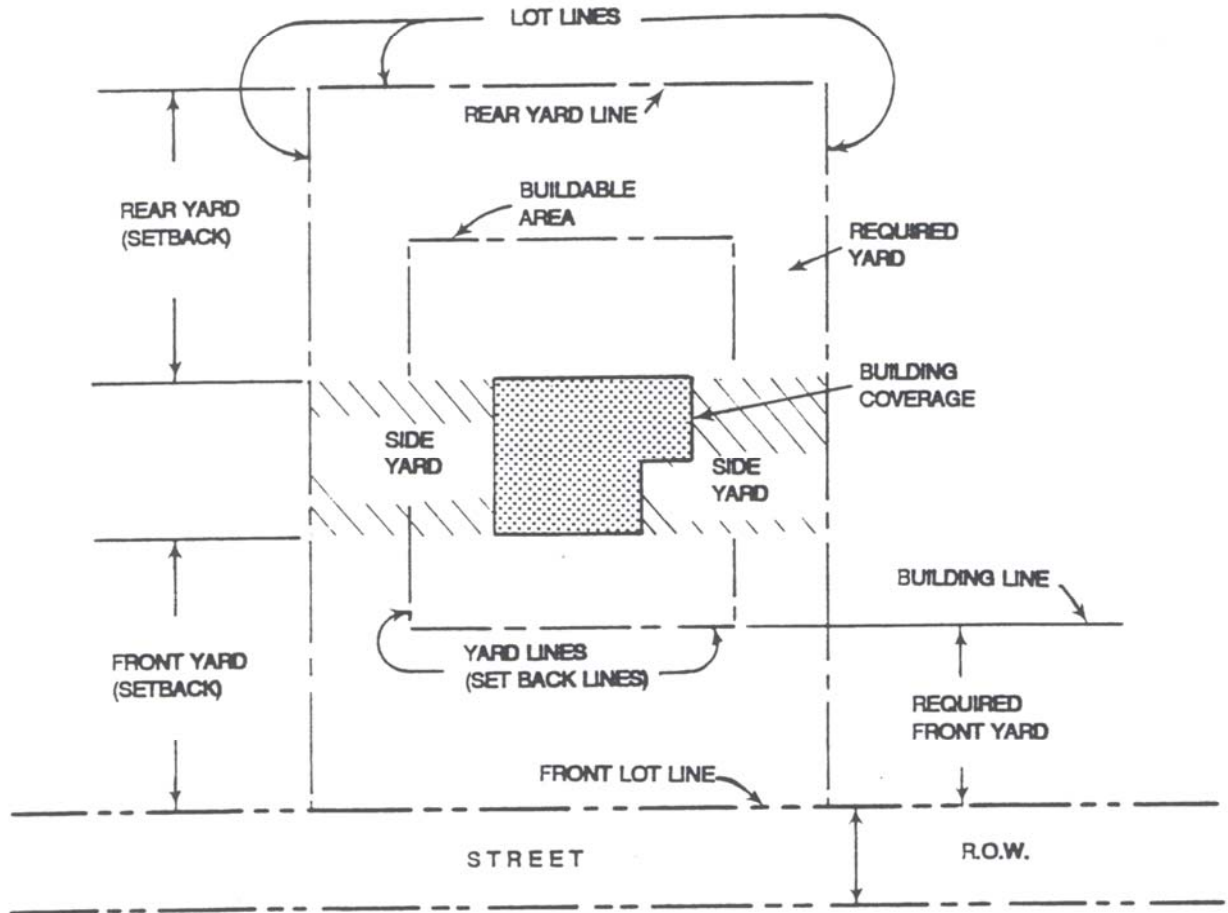
23.3 **PROHIBITION OF RETAIL DISPENSING**

The retail dispensing of medical marijuana is prohibited in all zoning districts in American Township.

APPENDIX A

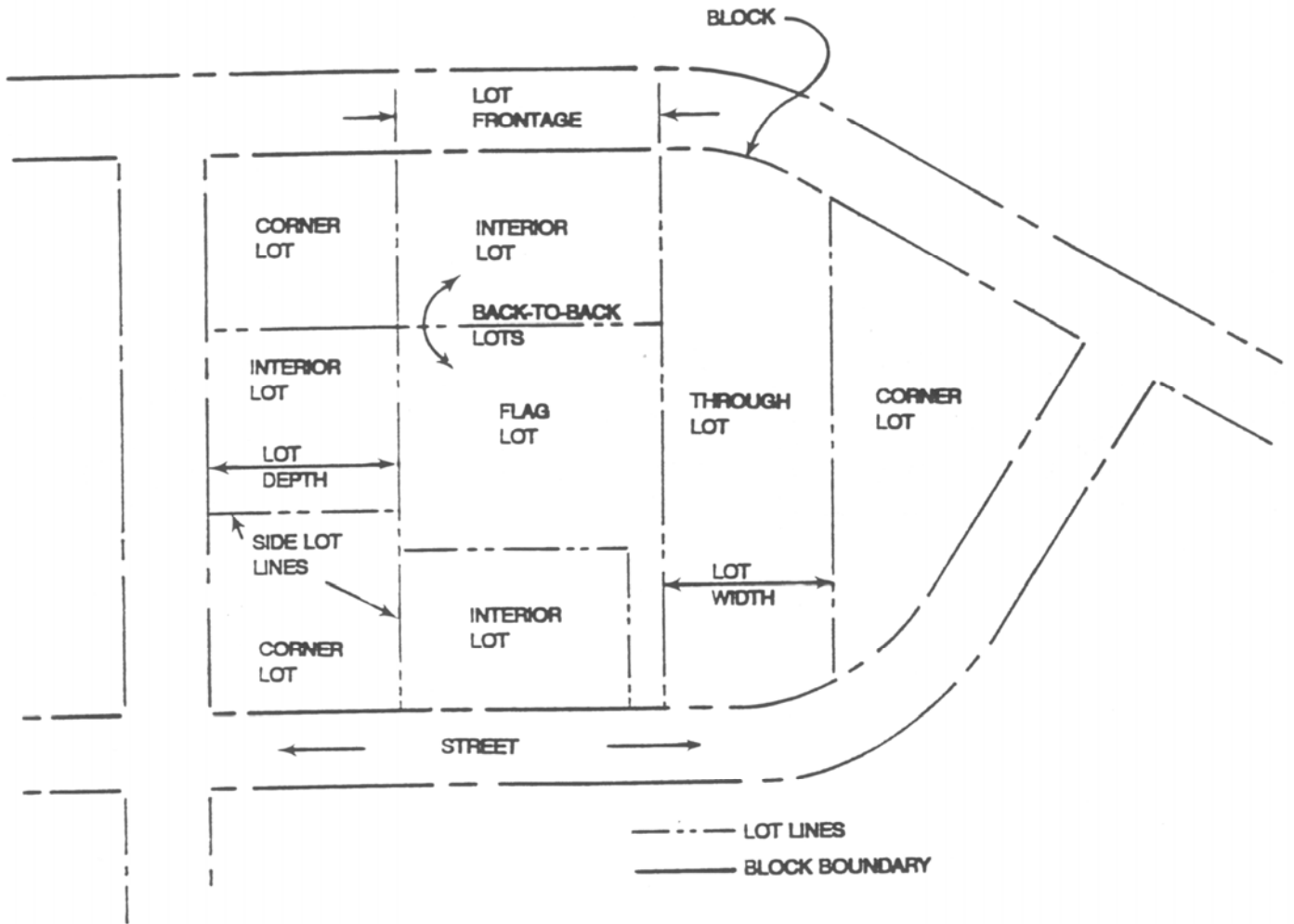
Appendix is provided for illustration/information purposes only. Please see Township Zoning Inspector for complete details/specifications.

ILLUSTRATION A: SETBACK DIMENSIONS



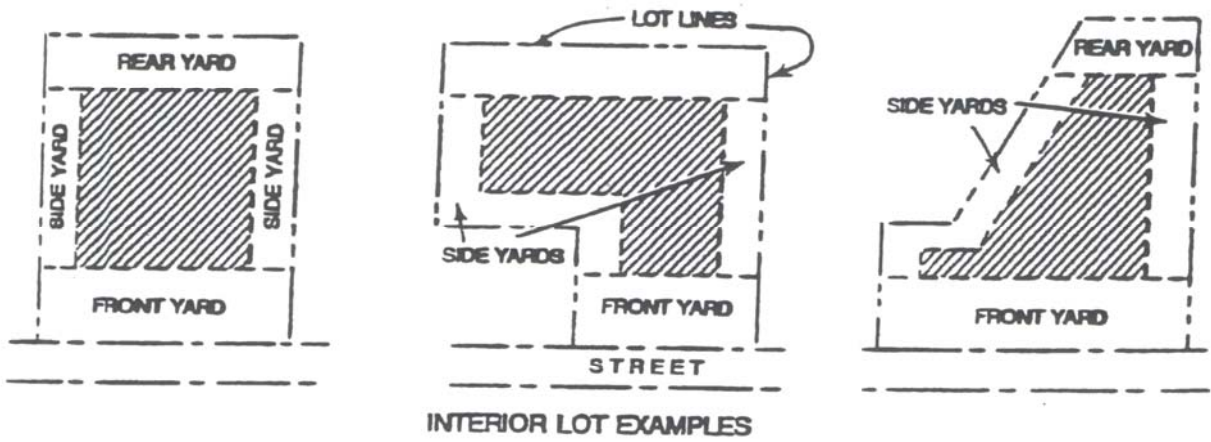
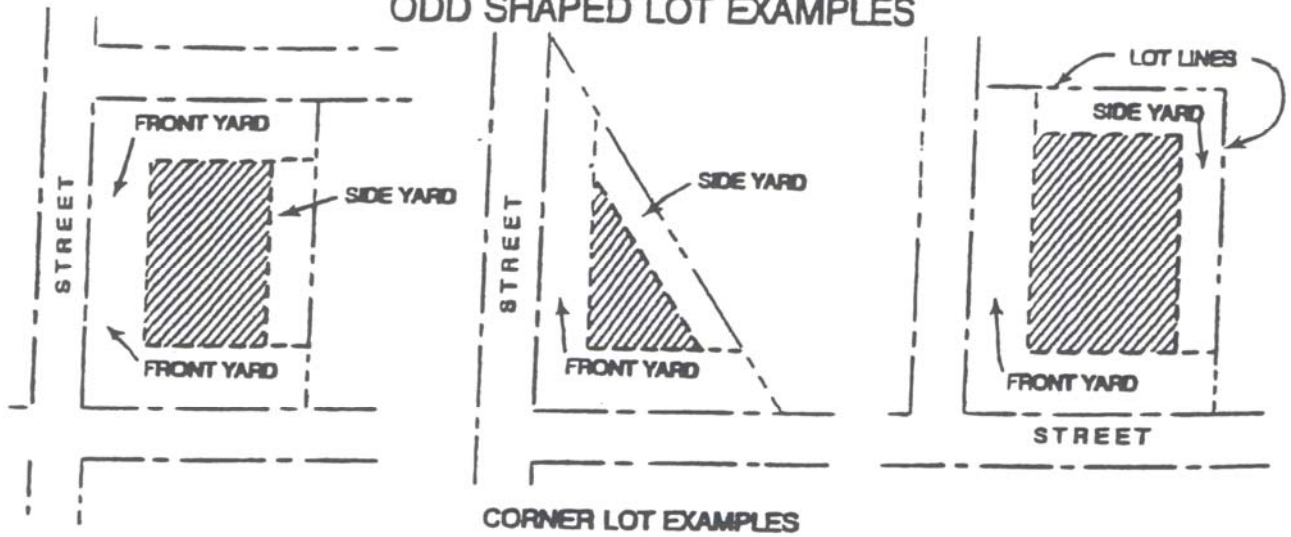
(For informational purposes only.)

ILLUSTRATION B: LOT TYPES



(For informational purposes only.)

ILLUSTRATION C:
ODD SHAPED LOT EXAMPLES

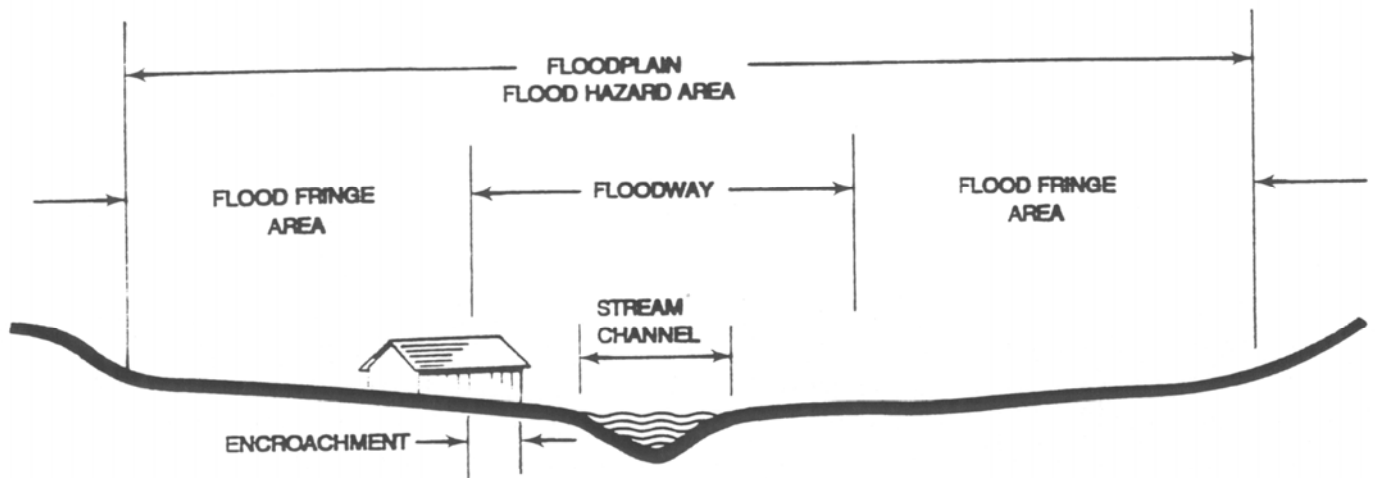


REQUIRED YARDS

 BUILDING (ZONING) ENVELOPE
(TWO DIMENSIONAL)

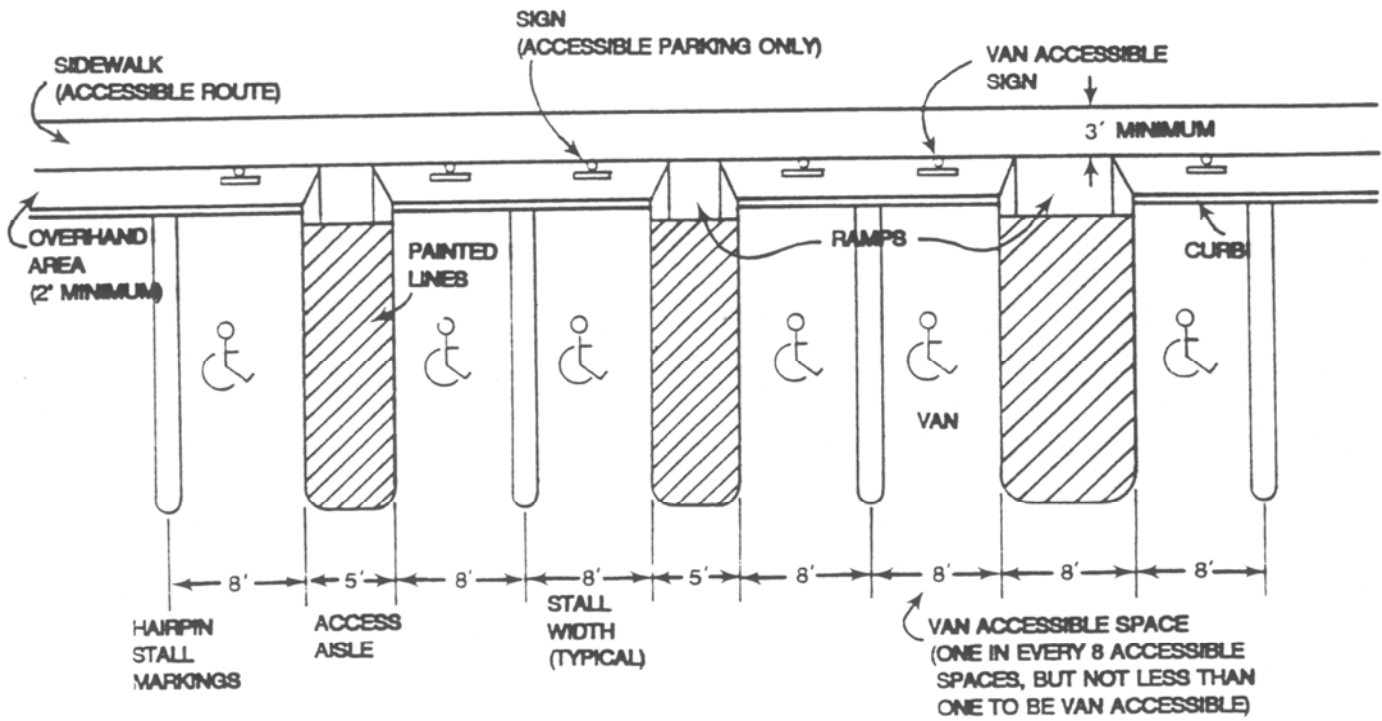
(For informational purposes only.)

ILLUSTRATION D:
FLOODPLAIN CROSS-SECTION



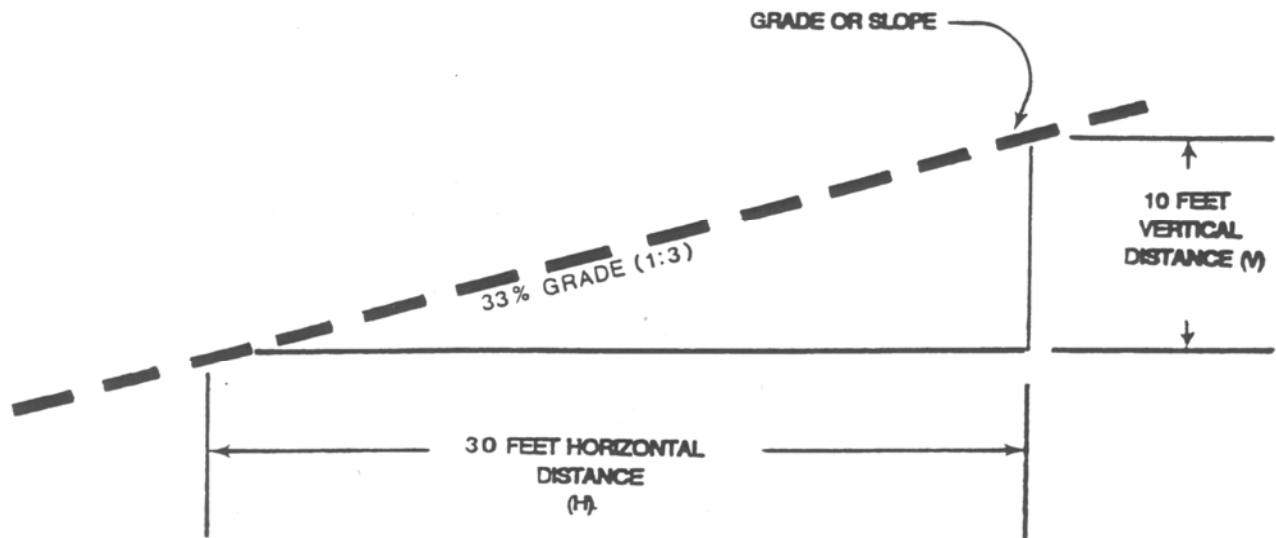
(For informational purposes only.)

ILLUSTRATION E:
 ACCESSIBLE PARKING SPACE STANDARDS



(For informational purposes only.)

ILLUSTRATION F:
DETERMINATION OF SLOPE

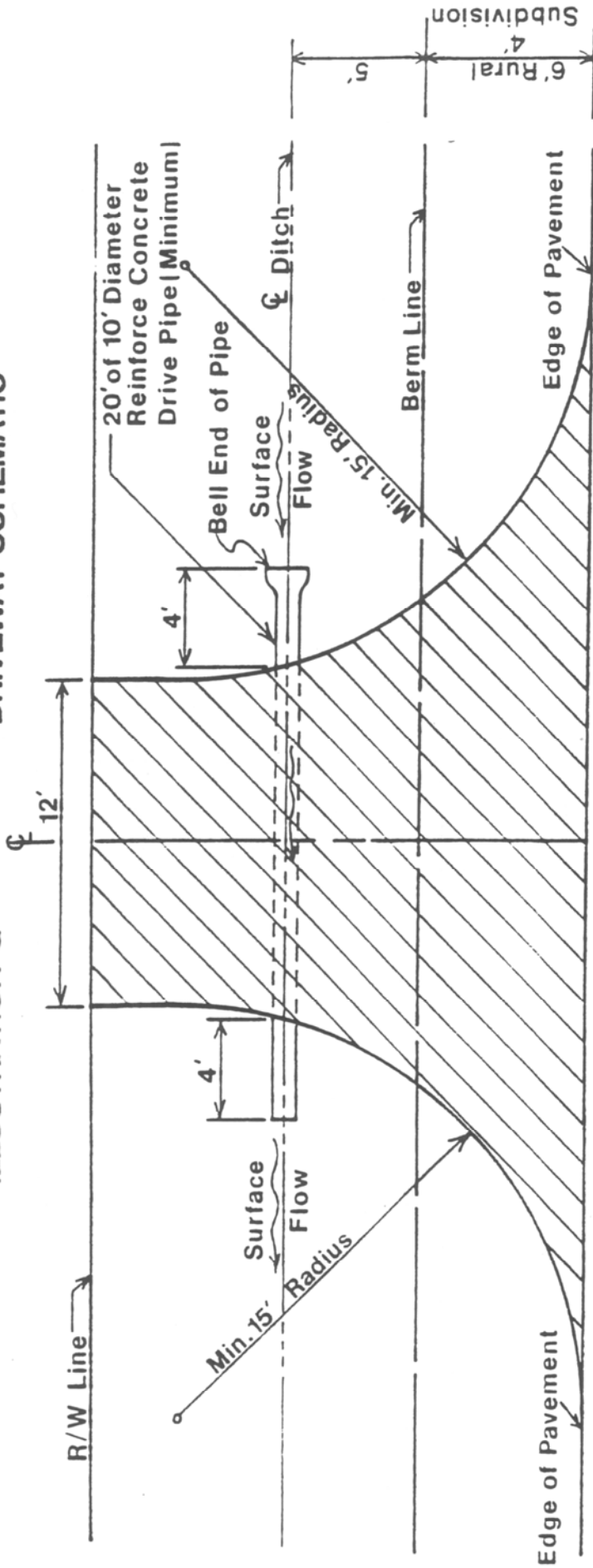


SLOPE CALCULATION = $\frac{V}{H}$
(DEGREE OF SLOPE = TANGENT OF $\frac{V}{H}$)

(For informational purposes only.)

DRIVEWAY SCHEMATIC

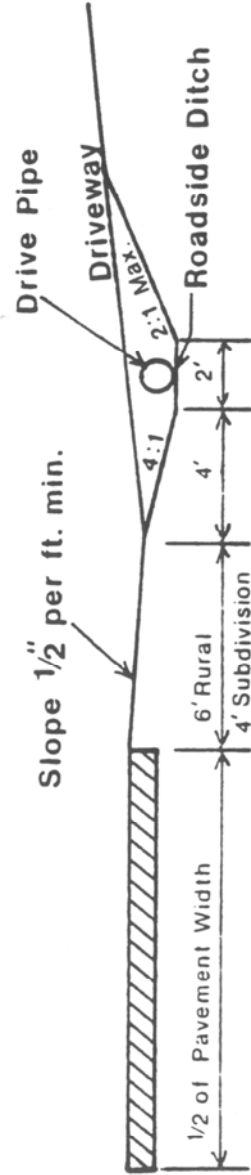
ILLUSTRATION G:



Note:

Roadside Ditch Shall Not Be Filled In

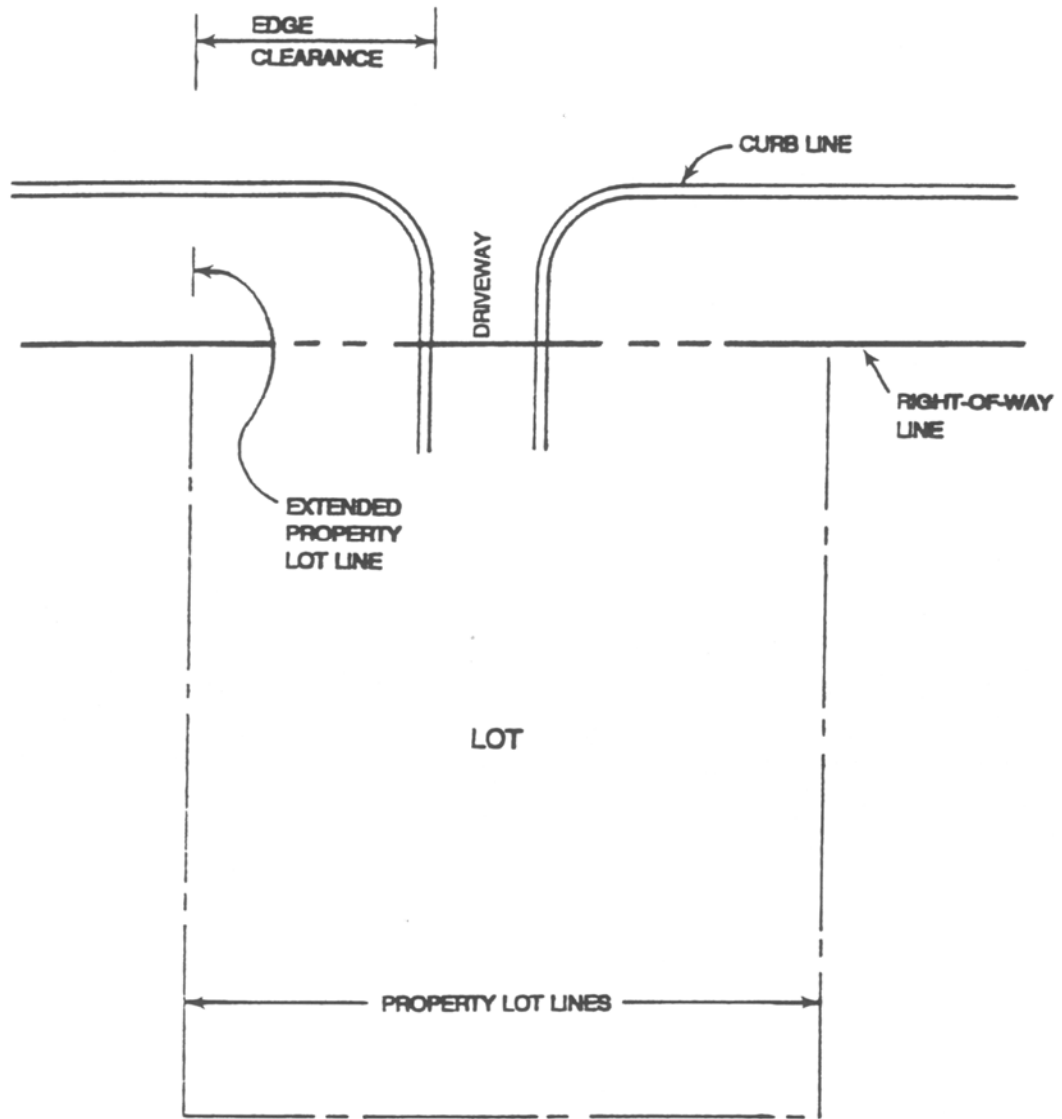
PLAN



ELEVATION

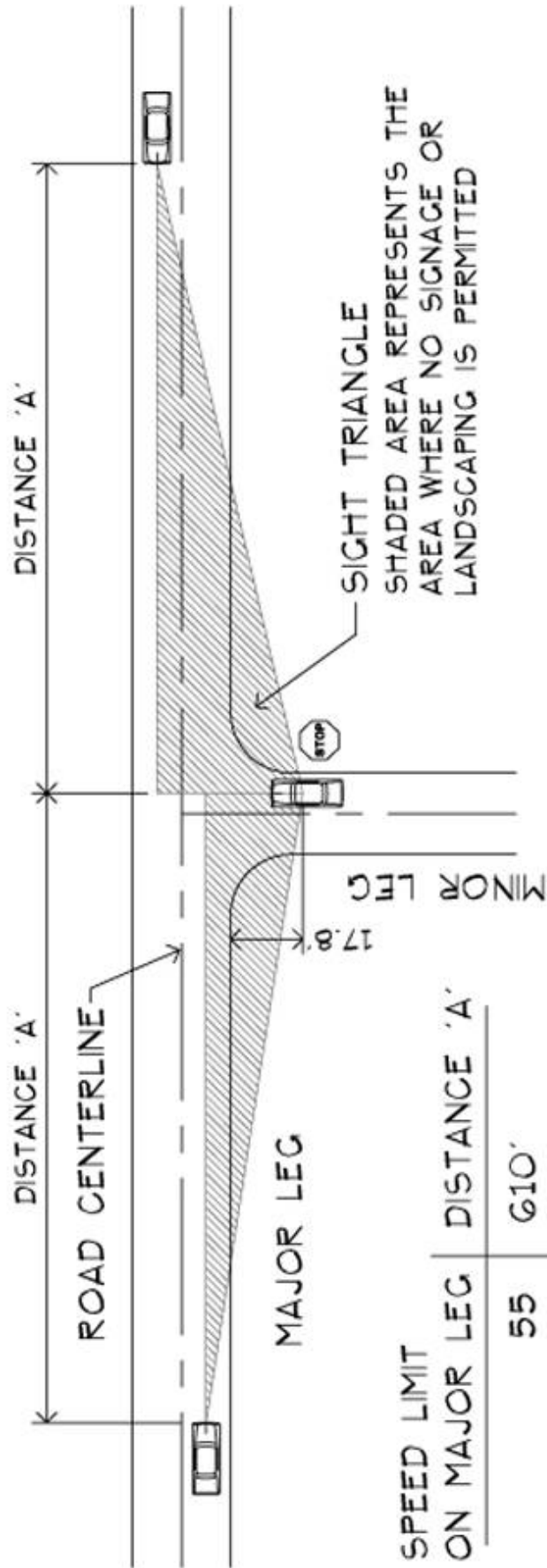
(For informational purposes only.)

ILLUSTRATION H:
EDGE CLEARANCE



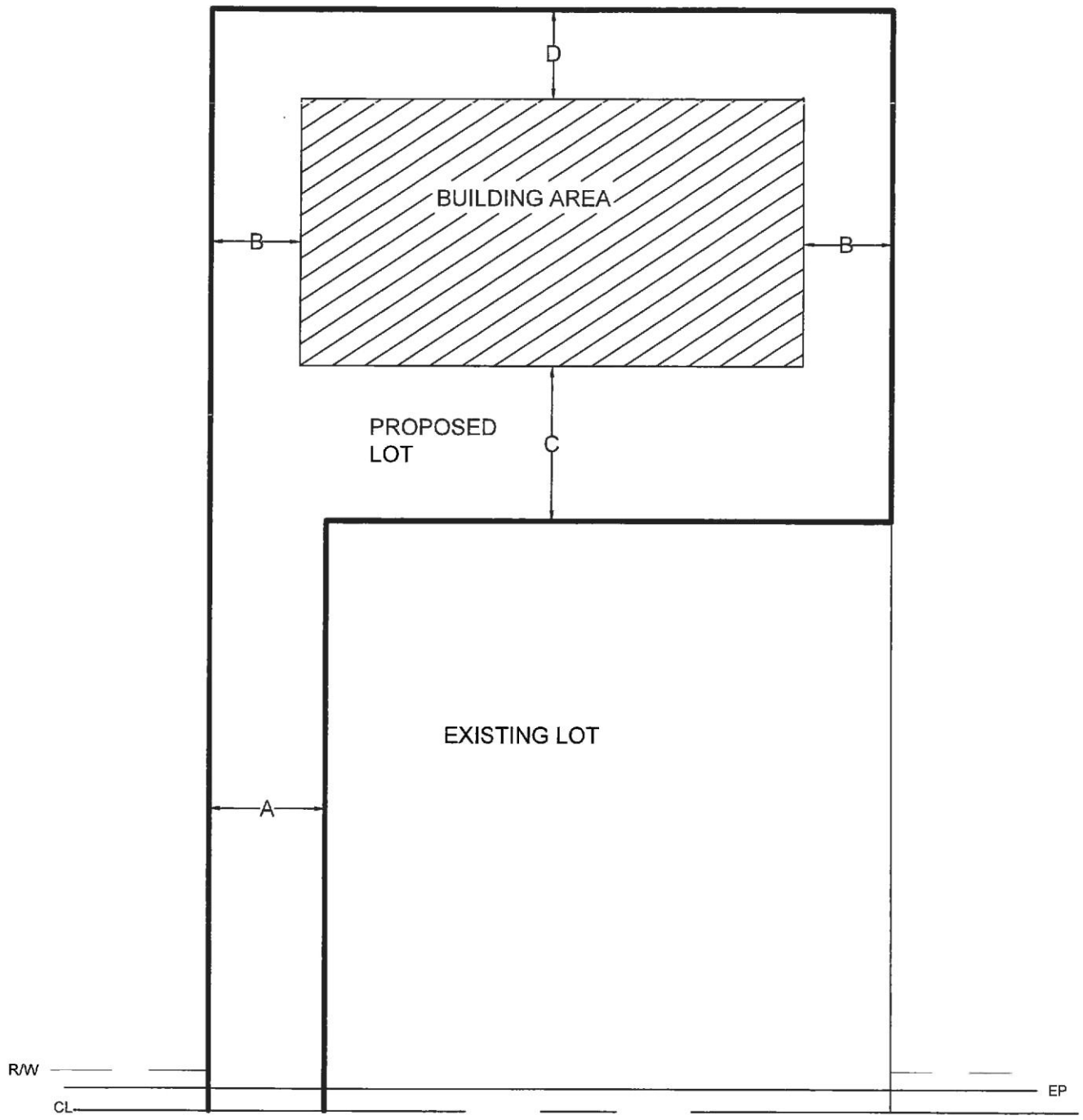
(For informational purposes only.)

ILLUSTRATION I:
SIGHT TRIANGLE EASEMENT



ACCORDING TO AASHTO POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS

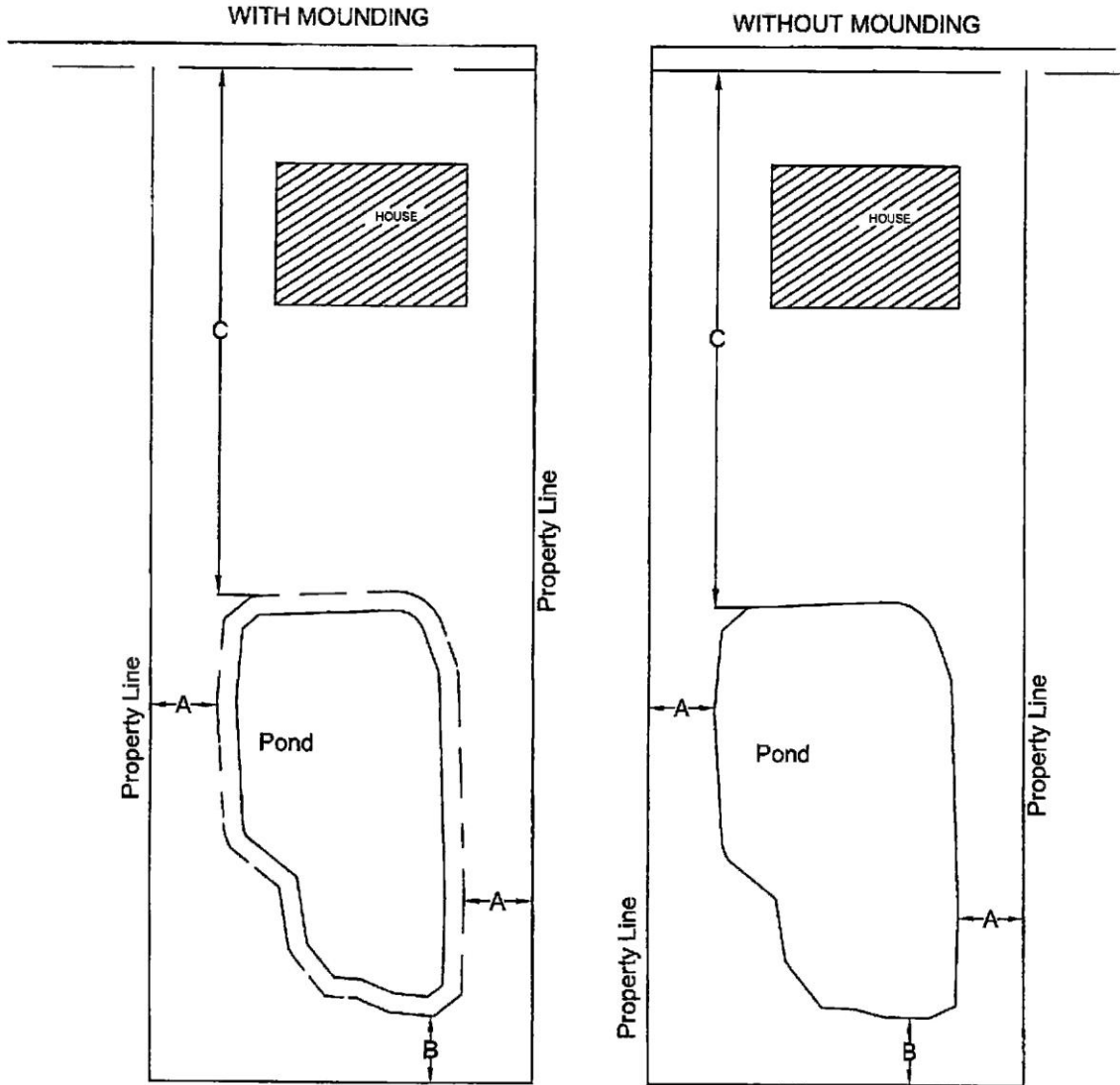
ILLUSTRATION J
FLAG LOT



APPLICABLE SETBACKS:
A- ACCESS STRIP
B- SIDE YARD SETBACK
C-FRONT YARD SETBACK
D-REAR YARD SETBACK

(For informational purposes only.)

**ILLUSTRATION K
POND SETBACK DIMENSIONS**



Dashed lines indicates base of mounding.
Solid lines indicates waters edge.

APPLICABLE SETBACKS:

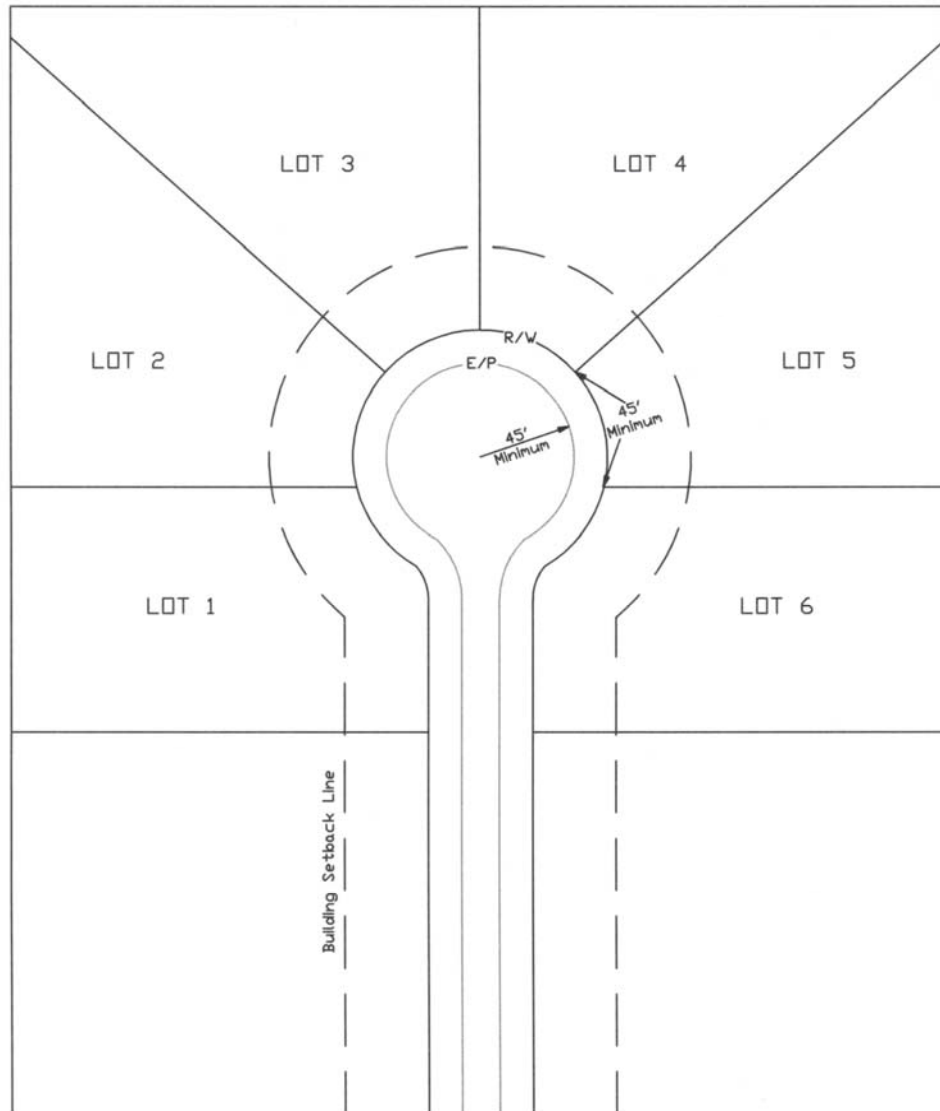
A- POND SETBACK FROM PROPERTY LINE

B- POND SETBACK FROM REAR PROPERTY LINE

C- POND SETBACK FROM ROAD RIGHT OF WAY OR PROPERTY LINE AS SPECIFIED IN TOWNSHIP ZONING REGULATIONS.

(For informational purposes only.)

Illustration L: Cul-de-sac Minimum Dimensions



R/W = Right of Way

E/P = Edge of Pavement

Maximum cul-de-sac length = 600'

Maximum # of lots on cul-de-sac bulb = 6

Driveways shall not surpass more than 53% of the total frontage.

(For Information Purposes Only)

Lima-Allen County Regional Planning Commission
221 North Main Street - Lima, Ohio 45801

To Whom It May Concern,

Pursuant to Revised Code Section 519.07, the American Township Zoning Commission hereby submits the proposed zoning resolution for American Township to the Lima-Allen County Regional Planning Commission for its consideration.

Date: July 26, 1994

/s/ Edward E. Klingler

/s/ [Signature]

/s/ Lloyd D. Grimm

/s/ Mar Bob

/s/ Calvin Lumbach

American Township Zoning Commission

CERTIFICATION

The American Township Zoning Commission hereby certifies that the foregoing proposed Resolution constitutes the text of its recommendations for the zoning plan.

Date: September 12, 1994

/s/ Edward E. Klingler

/s/ [Signature]

/s/ Lloyd D. Strimm

/s/ Marcel

/s/ Calvin Leimbach

AMERICAN TOWNSHIP
ZONING COMMISSION

Adopted by the Board of Trustees:

Date: October 10, 1994

/s/ Larry K. Vandemark

/s/ [Signature]

/s/ [Signature]

AMERICAN TOWNSHIP
BOARD OF TOWNSHIP TRUSTEES

AMENDMENTS:

- 09-09-96
- 11-30-96
- 09-24-97
- 02-25-99
- 03-29-2000
- 07-28-2003
- 02-27-2006
- 05-31-2006
- 01-31-2007
- 10-21-2009
- 05-19-2011
- 06-26-2017
- 01-28-2019