

Goshen  
Twp.  
Zoning  
Regulations

RESOLUTION

(Adopting Amendments/Revisions to the Goshen Township Zoning Resolution)

WHEREAS the Zoning Commission of Goshen Township has recommended the approval of amendment to the Goshen Township Zoning Resolution; so as to provide additional regulations for mobile homes, motor vehicles, adult entertainment businesses, non-conforming uses, and other specified changes; and

WHEREAS, the Goshen Township Trustees set March 15, 2004 at 7:00 p.m. as a time for Public Hearing on the same, publication of which was made in the Wapakoneta Daily News on March 1, 2004; and

WHEREAS, a Public Hearing was held at the time and place described in said publication; and

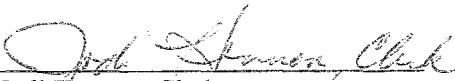
WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a unanimous vote of all members present;

THEREFORE BE IT RESOLVED that said amendment, a copy of which is attached hereto, be, and hereby is, adopted and that said amendment shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Clerk of Goshen Township mail or deliver a copy of this Resolution, with attached amendments, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, the Township Zoning Inspector, the Secretary of the Regional Planning Commission and record a copy with the Auglaize County Recorder's Office.

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The foregoing Resolution was duly adopted at the regular meeting of the Goshen Township Board of Trustees held on March 15, 2004.

  
\_\_\_\_\_  
Jodi Mennon, Clerk  
Goshen Township

RESOLUTION

RESOLVED, that whereas amendments have been proposed by the Goshen Township Zoning Commission to amend/revise the Goshen Township Zoning Resolution; so as to provide additional regulations for mobile homes, motor vehicles, adult entertainment businesses, non-conforming uses, and other specified changes, a copy of said proposed amendments/revisions being attached hereto as "Exhibit A", and

WHEREAS, a Public Hearing was held on Monday, February 9, 2004 at 6:30 p.m. in the Goshen Township House, New Hampshire, Ohio after publication in the Wapakoneta Daily News on January 29, 2004.

WHEREAS, all the members of the Zoning Commission present took the matter under advisement and gave consideration.

Upon motion made, duly seconded, and passed, the amendment/revision, attached as "Exhibit A", is hereby adopted/~~rejected~~ and the same is hereby ordered forwarded to the Goshen Township Board of Trustees for further action.

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CERTIFICATION

The foregoing is a true copy of the Resolution made by motion, seconded, and duly passed by the Goshen Township Zoning Commission on February 9, 2004 following Public Hearing pertaining to the same.

Dated this 9th day of February, 2004.

  
\_\_\_\_\_  
Chairman, Zoning Commission

**PROPOSED AMENDMENTS  
TO THE  
GOSHEN TOWNSHIP ZONING RESOLUTION**

General Purpose (paragraph 2)

This Resolution shall not prohibit the use of any land in the Township for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located. No zoning certificate shall be required for any agricultural building or structure, if the land is used for agricultural purposes. ~~is 5 acres or more.~~

Sec. II (b). Residential District  
Permitted Uses

5. **INDIVIDUAL MOBILE HOMES FOR A SINGLE FAMILY RESIDENCE, PROVIDING THE MOBILE HOME IS A MINIMUM OF 1,000 SQUARE FEET, IS SET ON A PERMANENT BLOCK FOUNDATION OR CONCRETE PAD AND IS ENTIRELY SKIRTED WITHIN 180 DAYS OF INSTALLATION.**

Section IV. Mobile Home Parks

- (d) Every mobile home hereafter placed upon a lot in a Trailer Park for Mobile Homes shall consist of not less the ~~1,000 700~~ square feet and shall be skirted entirely enclosing the bottom section **WITHIN 180 DAYS OF INSTALLATION.**

Section VII. Building AND OTHER USE Restrictions

3. Mobile Homes and trailers of less than ~~700~~ 1,000 square feet and basement residences shall be used only during such time as a residence is being constructed on the premises, said use not to exceed twelve (12) months in duration. For the purpose of this section, a "basement" is defined as that portion of a residence constructed below-ground and designed for the purpose of further construction for living quarters area above the top of the basement walls. Residences specifically designed for below ground construction shall not be considered as "basements".
7. Trailers and mobile homes of less than ~~1,000 700~~ square feet shall be used for temporary residence only as provided in paragraph 3 above, subject of all prohibitions contained elsewhere in this resolution, and then only upon proper application and issuance of zoning certificate.
8. Mobile Homes with a minimum area of ~~1,000 700~~ square feet shall be allowed as dwellings outside of Trailer Parks, upon the application and granting of the necessary Zoning Certificate and upon compliance with Section VIII, Height and Area Regulations. All such mobile homes outside of Trailer Parks shall be provided with anchors and tie downs such as cast-in-place concrete "dead men" eyelets imbedded in concrete, screw augers, arrowhead anchors, or other devices for securing the stability of the mobile home and anchored to the real estate. All such mobile home must be elevated above or rest of a concrete pad or concrete runners, must be skirted entirely enclosing the section between the bottom of the mobile home and the concrete **WITHIN 180 DAYS OF INSTALLATION**, and must have off-street parking for not less that one (1) motor vehicle.
9. **THE PARKING OF AN INOPERABLE MOTOR VEHICLE WITHIN ANY DISTRICT FOR MORE THAN ONE WEEK SHALL BE PROHIBITED, EXCEPT THAT SUCH VEHICLE MAY BE STORED IN AN ENCLOSED GARAGE OR OTHER ACCESSORY BUILDING, PROVIDED THAT NO BUSINESS SHALL BE CONDUCTED IN CONNECTION THEREWITH WHILE SUCH VEHICLE IS PARKED OR STORED.**

10. NO INOPERABLE MOTOR VEHICLE, NO TRAILER, MOTOR HOME, CAMPER, RECREATIONAL VEHICLE HAVING A GROSS VEHICLE WEIGHT OVER 9600 POUNDS SHALL BE PARKED ON OR LOCATED WITHIN THE SETBACKS OF ANY LOT OF SUCH DISTRICT.
11. NO INOPERABLE MOTOR VEHICLE, NO TRAILER, MOTOR HOME, CAMPER, RECREATIONAL VEHICLE, BOAT, AIRCRAFT, HAVING A GROSS VEHICLE WEIGHT OVER 9600 POUNDS SHALL BE PARKED ON ANY STREET FOR MORE THAN SEVENTY-TWO (72) CONTINUOUS HOURS DURING ANY THIRTY (30) DAY PERIOD.
12. IN ADDITION TO COMPLYING WITH ALL REGULATIONS WITHIN THE DISTRICT WHERE THEY ARE LOCATED, ALL ADULT ENTERTAINMENT BUSINESS SHALL COMPLY WITH THE FOLLOWING CRITERIA:
  - A. NO ADULT ENTERTAINMENT BUSINESS SHALL BE PERMITTED IN A LOCATION WHICH IS WITHIN ONE THOUSAND FIVE HUNDRED FEET (1,500') OF ANOTHER ADULT ENTERTAINMENT BUSINESS.
  - B. NO ADULT ENTERTAINMENT BUSINESS SHALL BE PERMITTED IN A LOCATION WHICH IS WITHIN ONE THOUSAND FEET (1,000') OF ANY CHURCH, ANY PUBLIC OR PRIVATE SCHOOL, ANY PARK, ANY PLAYGROUND, OR ANY SOCIAL SERVICES FACILITY OR NEIGHBORHOOD CENTER.
  - C. NO ADULT ENTERTAINMENT BUSINESS SHALL BE PERMITTED IN A LOCATION WHICH IS WITHIN FIVE HUNDRED FEET (500') OF ANY RESIDENCE OR BOUNDARY OR ANY RESIDENTIAL DISTRICT.
  - D. NO ADULT ENTERTAINMENT BUSINESS SHALL BE PERMITTED IN A LOCATION WHICH IS WITHIN FIVE HUNDRED FEET (500') OF ANY BOUNDARY OF ANY RESIDENTIAL DISTRICT IN A LOCAL UNIT OF GOVERNMENT ABUTTING THE TOWNSHIP.

FOR THE PURPOSES OF THIS SECTION CERTAIN WORDS AND/OR TERMS HAVE THE FOLLOWING MEANING:

**ADULT ENTERTAINMENT BUSINESS:** AN ADULT BOOKSTORE, ADULT MOTION PICTURE THEATER, ADULT DRIVE-IN MOTION PICTURE THEATER, OR ANY ADULT ONLY ENTERTAINMENT ESTABLISHMENT AS DEFINED BY THIS RESOLUTION.

**ADULT BOOK STORE:** AN ESTABLISHMENT WHICH UTILIZES 15 PERCENT 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 OR MECHANICALLY CONTROLLED STILL OR MOTION PICTURE MACHINES, PROJECTORS, OR OTHER IMAGE-PRODUCING DEVICES; OR BOTH, BOOKS, MAGAZINES, OTHER PERIODICALS, FILMS, TAPES AND CASSETTES WHICH ARE DISTINGUISHED BY THEIR EMPHASIS ON ADULT MATERIAL AS DEFINED IN THIS RESOLUTION.

**ADULT MOTION PICTURE THEATER:** AN ENCLOSED MOTION PICTURE THEATER WHICH IS REGULARLY USED OR UTILIZES 15 PERCENT 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 BY THIS RESOLUTION.

**ADULT MOTION PICTURE DRIVE-IN:** AN OPEN AIR DRIVE-IN THEATER WHICH IS REGULARLY USED OR UTILIZES 15 PERCENT 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 RESOLUTION.

**ADULT ONLY ENTERTAINMENT ESTABLISHMENT:** 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 CHAPTER; OR WHICH FEATURES EXHIBITIONS, DANCE ROUTINES, OR GYRATIONAL CHOREOGRAPHY OR PERSONS TOTALLY NUDE, TOPLESS, BOTTOMLESS, FEMALE IMPERSONATORS, OR SIMILAR ENTERTAINMENT OR SERVICES WHICH CONSTITUTE ADULT MATERIAL.

**ADULT MATERIAL:** ANY BOOK, MAGAZINE, NEWSPAPER, PAMPHLET, POSTER, PRINT, PICTURE, SLIDE, TRANSPARENCY, FIGURE, IMAGE, DESCRIPTION, MOTION PICTURE FILM, PHONOGRAPHIC RECORD OR TAPE, OTHER TANGIBLE THING, OR ANY SERVICE CAPABLE OR AROUSING INTEREST THROUGH SIGHT, SOUND, OR TOUCH, AND: WHICH MATERIAL IS DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS ON MATTER DISPLAYING, DESCRIBING, OR REPRESENTING SEXUAL ACTIVITY, MASTURBATION, SEXUAL EXCITEMENT, NUDITY, BESTIALITY, OR HUMAN BODILY FUNCTIONS OF ELIMINATION, OR WHICH SERVICE IS DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS ON SEXUAL ACTIVITY, MASTURBATION, SEXUAL EXCITEMENT, NUDITY, BESTIALITY, OR HUMAN BODILY FUNCTIONS OF ELIMINATION.

**BOTTOMLESS:** LESS THAN FULL OPAQUE COVERING OF MALE OR FEMALE GENITALS, PUBIC AREA, OR BUTTOCKS.

**TOPLESS:** THE SHOWING OF FEMALE BREASTS WITH LESS THAN A FULL OPAQUE COVERING OF ANY PORTION, THEREOF, BELOW THE TOP OF THE NIPPLE.

**NUDE OR NUDITY:** THE SHOWING, PRESENTATION, OR DEPICTION OF HUMAN MALE OR FEMALE GENITALS, 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 DISCERNIBLY TURGID STATE.

**SEXUAL ACTIVITY:** AS DEFINED IN OHIO REVISED CODE §2907.01.

**SEXUAL CONDUCT:** AS DEFINED IN OHIO REVISED CODE §2907.01.

**SEXUAL CONTACT:** AS DEFINED IN OHIO REVISED CODE §2907.01.

**SEXUAL EXCITEMENT:** AS DEFINED IN OHIO REVISED CODE §2907.01.

#### Section X. Non-Conforming Uses

4. WHERE, AT THE TIME OF ADOPTION OF THIS RESOLUTION LAWFUL USES OF LAND EXIST WHICH WOULD NOT BE PERMITTED BY THE REGULATIONS IMPOSED BY THIS RESOLUTION, THE USES MAY BE CONTINUED SO LONG AS THEY REMAIN OTHERWISE LAWFUL, PROVIDED:
  - A. NO SUCH NON-CONFORMING USES SHALL BE ENLARGED OR INCREASED, NOR EXTENDED TO OCCUPY A GREATER AREA OF LAND THAN WAS OCCUPIED AT THE EFFECTIVE DATE OF ADOPTION OR AMENDMENT OF THIS RESOLUTION.
  - B. NO SUCH NON-CONFORMING USES SHALL BE MOVED IN WHOLE OR IN PART TO ANY PORTION OF THE LOT OR PARCEL OTHER THAN THAT OCCUPIED BY SUCH USES AT THE EFFECTIVE DATE OF ADOPTION OR AMENDMENT OF THIS RESOLUTION.
  - C. IF ANY SUCH NON-CONFORMING USES OF LAND ARE DISCONTINUED OR ABANDONED FOR MORE THAN ONE (1) YEAR (EXCEPT WHEN GOVERNMENT ACTION IMPEDES ACCESS TO THE PREMISES), ANY SUBSEQUENT USE OF SUCH LAND SHALL CONFORM TO THE REGULATIONS SPECIFIED BY THIS RESOLUTION FOR THE DISTRICT IN WHICH SUCH LAND IS LOCATED.
  - D. NO ADDITIONAL STRUCTURE NOT CONFORMING TO THE REQUIREMENTS OF THIS RESOLUTION SHALL BE ERECTED IN CONNECTION WITH SUCH NON-CONFORMING USE OF LAND.
5. WHERE A LAWFUL STRUCTURE EXISTS AT THE EFFECTIVE DATE OF ADOPTION OR AMENDMENT OF THIS RESOLUTION THAT COULD NOT BE BUILT UNDER THE TERMS OF THIS RESOLUTION BY REASON OF RESTRICTIONS ON AREA, LOT COVERAGE, HEIGHT, YARDS, ITS LOCATION OF THE LOT, BULK, OR OTHER REQUIREMENTS CONCERNING THE STRUCTURE, SUCH STRUCTURES MAY BE CONTINUED SO LONG AS IT REMAINS OTHERWISE LAWFUL. SUBJECT TO THE FOLLOWING PROVISIONS:

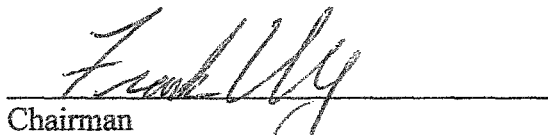
- A. NO SUCH NON-CONFORMING STRUCTURE MAY BE ENLARGED OR ALTERED IN A WAY WHICH INCREASES ITS NON-CONFORMITY, BUT ANY STRUCTURE OR PORTION THEREOF MAY BE ALTERED TO DECREASE ITS NON-CONFORMITY;
  - B. SHOULD SUCH NON-CONFORMING STRUCTURE OR NON-CONFORMING PORTION OF STRUCTURE BE DESTROYED BY FIRE OR AN ACT OF GOD, IT MAY AFTER APPROVAL BY THE BOARD OF ZONING APPEALS, BE RECONSTRUCTED AS IT PREVIOUSLY EXISTED. ALL REMAINING DEBRIS SHALL BE CLEARED AWAY AND DISPOSED OF PROPERLY WITHIN TWO (2) MONTHS OF THE TIME OF DESTRUCTION;
  - C. SHOULD SUCH STRUCTURE BE MOVED FOR ANY REASON FOR ANY DISTANCE WHATEVER, IT SHALL THEREAFTER CONFORM TO THE REGULATIONS FOR THE DISTRICT IN WHICH IT IS LOCATED AFTER IT IS MOVED.
6. IF A LAWFUL 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 LAWFUL USE MAY BE CONTINUED SO LONG AS IT REMAINS OTHERWISE LAWFUL, SUBJECT TO THE FOLLOWING PROVISIONS:
- A. NO EXISTING STRUCTURE DEVOTED TO A USE NOT PERMITTED BY THIS RESOLUTION IN THE DISTRICT IN WHICH IT IS LOCATED SHALL BE ENLARGED, EXTENDED, CONSTRUCTED, RECONSTRUCTED, MOVED, OR STRUCTURALLY ALTERED EXCEPT IN CHANGING THE USE OF THE STRUCTURE TO A USE PERMITTED IN THE DISTRICT IN WHICH IT IS LOCATED;
  - B. ANY NON-CONFORMING USE MAY BE EXTENDED THROUGHOUT ANY PARTS OF A BUILDING WHICH WERE MANIFESTLY ARRANGED OR DESIGNED FOR SUCH USE AT THE TIME OF ADOPTION OF AMENDMENT OF THIS RESOLUTION; BUT NO SUCH USE SHALL EXTENDED TO OCCUPY ANY LAND OUTSIDE SUCH BUILDING.
  - C. IF NO STRUCTURAL ALTERATIONS ARE MADE, ANY NON-CONFORMING USE OF STRUCTURE OR STRUCTURE AND LAND, MAY, UPON APPEAL TO THE BOARD OF ZONING APPEALS, BE CHANGED TO ANOTHER NON-CONFORMING USE PROVIDED THE BOARD OF ZONING APPEALS SHALL FIND THAT THE PROPOSED USE IS EQUALLY APPROPRIATE OR MORE APPROPRIATE TO THE DISTRICT THAN THE EXISTING NON-CONFORMING USE. IN PERMITTING SUCH CHANGE, THE BOARD OF ZONING APPEALS MAY REQUIRE APPROPRIATE CONDITIONS AND SAFEGUARDS IN ACCORD WITH OTHER PROVISIONS OF THIS RESOLUTION.
  - D. ANY STRUCTURE, OR STRUCTURE AND LAND IN COMBINATION, IN OR ON WHICH A NON-CONFORMING USE IS SUPERSEDED BY A PERMITTED USE, SHALL THEREAFTER CONFORM TO THE REGULATIONS FOR THE DISTRICT, AND THE NON-CONFORMING USE MAY NOT THEREAFTER BE RESUMED;
  - E. WHEN A NON-CONFORMING USE OF A STRUCTURE, OR STRUCTURE AND LAND IN COMBINATION IS DISCONTINUED OR ABANDONED FOR MORE THAN ONE (1) YEAR (EXCEPT WHEN GOVERNMENT ACTION IMPEDES ACCESS TO THE PREMISES), THE STRUCTURE OR STRUCTURE AND LAND IN COMBINATION, SHALL NOT THEREAFTER BE USED EXCEPT IN CONFORMITY WITH THE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED.
7. ANY BUILDING OR STRUCTURES THAT ARE IN DISREPAIR AND/OR ARE NO LONGER BEING USED FOR THEIR INTENDED PURPOSE(S), MUST BE DESTROYED AND REMOVED OR REMODELED OR REPAIRED TO CURRENT AND COMPLIANT PURPOSE(S). THIS MUST BE DONE WITHIN TWELVE (12) MONTHS.
8. 4. The Board of Zoning Appeals, in an appropriate case and under its power to permit variance from the terms of the resolution, may upon appeal permit the substitution of a specific non-conforming use in place of a different non-conforming use, upon such conditions and with such limitation as the board shall deem in the public interest. A non-conforming use of buildings, land, or structures, shall not entitle such user to change a lawful pre-existing use to a specific different non-conforming use without proceeding as above provided but upon the abandonment of a non-conforming use shall be deemed to have been abandonment.

**CERTIFICATION OF ZONING RESOLUTION**

May this certify that attached hereto is a true copy of the Resolution recommending/rejecting amendments to the Zoning Resolution as made by the Goshen Township Zoning Commission. This Certification is made in conformance with the Ohio Revised Code §519.12; and upon direction of the Goshen Township Zoning Commission after a Public Hearing on February 9, 2004 in accordance with law.

ATTEST:

Goshen Township Zoning Commission

  
Chairman

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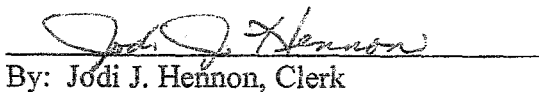
**RESOLUTION BY TRUSTEES**

Received the recommendation on February 16, 2004.

Resolved that the proposed amendment to the Zoning Resolution has been received from the Township Zoning Commission and that the Board of Township Trustees proceed pursuant to Ohio Revised Code §519.12 to hold the necessary Public Hearing. Said Public Hearing shall be held on March 15, 2004 at 7:00 P.M. p.m. after publication of the notice of said hearing being given in the Wapakoneta Daily News pursuant to law.

Dated this 16th day of February, 2004.

Goshen Township Board of Trustees

  
By: Jodi J. Hennon, Clerk



RESOLUTION

RESOLVED, that whereas amendments have been proposed by the Goshen Township Zoning Commission to amend/revise the Goshen Township Zoning Resolution; so as to provide additional regulations for mobile homes, motor vehicles, adult entertainment businesses, non-conforming uses, and other specified changes, a copy of said proposed amendments/revisions being attached hereto as "Exhibit A", and

WHEREAS, a Public Hearing was held on Monday, February 9, 2004 at 6:30 p.m. in the Goshen Township House, New Hampshire, Ohio after publication in the Wapakoneta Daily News on January 29, 2004.

WHEREAS, all the members of the Zoning Commission present took the matter under advisement and gave consideration.

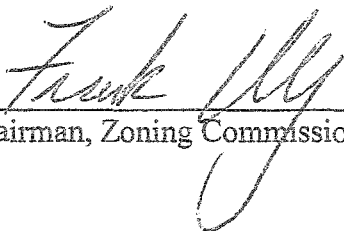
Upon motion made, duly seconded, and passed, the amendment/revision, attached as "Exhibit A", is hereby adopted/~~rejected~~ and the same is hereby ordered forwarded to the Goshen Township Board of Trustees for further action.

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CERTIFICATION

The foregoing is a true copy of the Resolution made by motion, seconded, and duly passed by the Goshen Township Zoning Commission on February 9, 2004 following Public Hearing pertaining to the same.

Dated this 9th day of February, 2004.

  
\_\_\_\_\_  
Chairman, Zoning Commission

**PROPOSED AMENDMENTS  
TO THE  
GOSHEN TOWNSHIP ZONING RESOLUTION**

General Purpose (paragraph 2)

This Resolution shall not prohibit the use of any land in the Township for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located. No zoning certificate shall be required for any agricultural building or structure, if the land is used for agricultural purposes. ~~is 5 acres or more.~~

Sec. II (b). Residential District  
Permitted Uses

- 5. INDIVIDUAL MOBILE HOMES FOR A SINGLE FAMILY RESIDENCE, PROVIDING THE MOBILE HOME IS A MINIMUM OF 1,000 SQUARE FEET, IS SET ON A PERMANENT BLOCK FOUNDATION OR CONCRETE PAD AND IS ENTIRELY SKIRTED WITHIN 180 DAYS OF INSTALLATION.**

Section IV. Mobile Home Parks

- (d) Every mobile home hereafter placed upon a lot in a Trailer Park for Mobile Homes shall consist of not less the 1,000 ~~700~~ square feet and shall be skirted entirely enclosing the bottom section **WITHIN 180 DAYS OF INSTALLATION.**

Section VII. Building AND OTHER USE Restrictions

3. Mobile Homes and trailers of less than ~~700~~ 1,000 square feet and basement residences shall be used only during such time as a residence is being constructed on the premises, said use not to exceed twelve (12) months in duration. For the purpose of this section, a "basement" is defined as that portion of a residence constructed below-ground and designed for the purpose of further construction for living quarters area above the top of the basement walls. Residences specifically designed for below ground construction shall not be considered as "basements".
7. Trailers and mobile homes of less than 1,000 ~~700~~ square feet shall be used for temporary residence only as provided in paragraph 3 above, subject of all prohibitions contained elsewhere in this resolution, and then only upon proper application and issuance of zoning certificate.
8. Mobile Homes with a minimum area of 1,000 ~~700~~ square feet shall be allowed as dwellings outside of Trailer Parks, upon the application and granting of the necessary Zoning Certificate and upon compliance with Section VIII, Height and Area Regulations. All such mobile homes outside of Trailer Parks shall be provided with anchors and tie downs such as cast-in-place concrete "dead men" eyelets imbedded in concrete, screw augers, arrowhead anchors, or other devices for securing the stability of the mobile home and anchored to the real estate. All such mobile home must be elevated above or rest of a concrete pad or concrete runners, must be skirted entirely enclosing the section between the bottom of the mobile home and the concrete **WITHIN 180 DAYS OF INSTALLATION**, and must have off-street parking for not less that one (1) motor vehicle.
- 9. THE PARKING OF AN INOPERABLE MOTOR VEHICLE WITHIN ANY DISTRICT FOR MORE THAN ONE WEEK SHALL BE PROHIBITED, EXCEPT THAT SUCH VEHICLE MAY BE STORED IN AN ENCLOSED GARAGE OR OTHER ACCESSORY BUILDING, PROVIDED THAT NO BUSINESS SHALL BE CONDUCTED IN CONNECTION THEREWITH WHILE SUCH VEHICLE IS PARKED OR STORED.**

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  - D. NO ADULT ENTERTAINMENT BUSINESS SHALL BE PERMITTED IN A LOCATION WHICH IS WITHIN FIVE HUNDRED FEET (500') OF ANY BOUNDARY OF ANY RESIDENTIAL DISTRICT IN A LOCAL UNIT OF GOVERNMENT ABUTTING THE TOWNSHIP.

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**ADULT BOOK STORE:** AN ESTABLISHMENT WHICH UTILIZES 15 PERCENT 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 OR MECHANICALLY CONTROLLED STILL OR MOTION PICTURE MACHINES, PROJECTORS, OR OTHER IMAGE-PRODUCING DEVICES; OR BOTH, BOOKS, MAGAZINES, OTHER PERIODICALS, FILMS, TAPES AND CASSETTES WHICH ARE DISTINGUISHED BY THEIR EMPHASIS ON ADULT MATERIAL AS DEFINED IN THIS RESOLUTION.

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**SEXUAL ACTIVITY:** AS DEFINED IN OHIO REVISED CODE §2907.01.

**SEXUAL CONDUCT:** AS DEFINED IN OHIO REVISED CODE §2907.01.

**SEXUAL CONTACT:** AS DEFINED IN OHIO REVISED CODE §2907.01.

**SEXUAL EXCITEMENT:** AS DEFINED IN OHIO REVISED CODE §2907.01.

Section X. Non-Conforming Uses

4. WHERE, AT THE TIME OF ADOPTION OF THIS RESOLUTION LAWFUL USES OF LAND EXIST WHICH WOULD NOT BE PERMITTED BY THE REGULATIONS IMPOSED BY THIS RESOLUTION, THE USES MAY BE CONTINUED SO LONG AS THEY REMAIN OTHERWISE LAWFUL, PROVIDED:
  - A. NO SUCH NON-CONFORMING USES SHALL BE ENLARGED OR INCREASED, NOR EXTENDED TO OCCUPY A GREATER AREA OF LAND THAN WAS OCCUPIED AT THE EFFECTIVE DATE OF ADOPTION OR AMENDMENT OF THIS RESOLUTION.
  - B. NO SUCH NON-CONFORMING USES SHALL BE MOVED IN WHOLE OR IN PART TO ANY PORTION OF THE LOT OR PARCEL OTHER THAN THAT OCCUPIED BY SUCH USES AT THE EFFECTIVE DATE OF ADOPTION OR AMENDMENT OF THIS RESOLUTION.
  - C. IF ANY SUCH NON-CONFORMING USES OF LAND ARE DISCONTINUED OR ABANDONED FOR MORE THAN ONE (1) YEAR (EXCEPT WHEN GOVERNMENT ACTION IMPEDES ACCESS TO THE PREMISES), ANY SUBSEQUENT USE OF SUCH LAND SHALL CONFORM TO THE REGULATIONS SPECIFIED BY THIS RESOLUTION FOR THE DISTRICT IN WHICH SUCH LAND IS LOCATED.
  - D. NO ADDITIONAL STRUCTURE NOT CONFORMING TO THE REQUIREMENTS OF THIS RESOLUTION SHALL BE ERECTED IN CONNECTION WITH SUCH NON-CONFORMING USE OF LAND.
5. WHERE A LAWFUL STRUCTURE EXISTS AT THE EFFECTIVE DATE OF ADOPTION OR AMENDMENT OF THIS RESOLUTION THAT COULD NOT BE BUILT UNDER THE TERMS OF THIS RESOLUTION BY REASON OF RESTRICTIONS ON AREA, LOT COVERAGE, HEIGHT, YARDS, ITS LOCATION OF THE LOT, BULK, OR OTHER REQUIREMENTS CONCERNING THE STRUCTURE, SUCH STRUCTURES MAY BE CONTINUED SO LONG AS IT REMAINS OTHERWISE LAWFUL, SUBJECT TO THE FOLLOWING PROVISIONS:

- A. NO SUCH NON-CONFORMING STRUCTURE MAY BE ENLARGED OR ALTERED IN A WAY WHICH INCREASES ITS NON-CONFORMITY, BUT ANY STRUCTURE OR PORTION THEREOF MAY BE ALTERED TO DECREASE ITS NON-CONFORMITY;
  - B. SHOULD SUCH NON-CONFORMING STRUCTURE OR NON-CONFORMING PORTION OF STRUCTURE BE DESTROYED BY FIRE OR AN ACT OF GOD, IT MAY AFTER APPROVAL BY THE BOARD OF ZONING APPEALS, BE RECONSTRUCTED AS IT PREVIOUSLY EXISTED. ALL REMAINING DEBRIS SHALL BE CLEARED AWAY AND DISPOSED OF PROPERLY WITHIN TWO (2) MONTHS OF THE TIME OF DESTRUCTION;
  - C. SHOULD SUCH STRUCTURE BE MOVED FOR ANY REASON FOR ANY DISTANCE WHATEVER, IT SHALL THEREAFTER CONFORM TO THE REGULATIONS FOR THE DISTRICT IN WHICH IT IS LOCATED AFTER IT IS MOVED.
6. IF A LAWFUL 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 LAWFUL USE MAY BE CONTINUED SO LONG AS IT REMAINS OTHERWISE LAWFUL, SUBJECT TO THE FOLLOWING PROVISIONS:
- A. NO EXISTING STRUCTURE DEVOTED TO A USE NOT PERMITTED BY THIS RESOLUTION IN THE DISTRICT IN WHICH IT IS LOCATED SHALL BE ENLARGED, EXTENDED, CONSTRUCTED, RECONSTRUCTED, MOVED, OR STRUCTURALLY ALTERED EXCEPT IN CHANGING THE USE OF THE STRUCTURE TO A USE PERMITTED IN THE DISTRICT IN WHICH IT IS LOCATED;
  - B. ANY NON-CONFORMING USE MAY BE EXTENDED THROUGHOUT ANY PARTS OF A BUILDING WHICH WERE MANIFESTLY ARRANGED OR DESIGNED FOR SUCH USE AT THE TIME OF ADOPTION OF AMENDMENT OF THIS RESOLUTION; BUT NO SUCH USE SHALL EXTENDED TO OCCUPY ANY LAND OUTSIDE SUCH BUILDING.
  - C. IF NO STRUCTURAL ALTERATIONS ARE MADE, ANY NON-CONFORMING USE OF STRUCTURE OR STRUCTURE AND LAND, MAY, UPON APPEAL TO THE BOARD OF ZONING APPEALS, BE CHANGED TO ANOTHER NON-CONFORMING USE PROVIDED THE BOARD OF ZONING APPEALS SHALL FIND THAT THE PROPOSED USE IS EQUALLY APPROPRIATE OR MORE APPROPRIATE TO THE DISTRICT THAN THE EXISTING NON-CONFORMING USE. IN PERMITTING SUCH CHANGE, THE BOARD OF ZONING APPEALS MAY REQUIRE APPROPRIATE CONDITIONS AND SAFEGUARDS IN ACCORD WITH OTHER PROVISIONS OF THIS RESOLUTION.
  - D. ANY STRUCTURE, OR STRUCTURE AND LAND IN COMBINATION, IN OR ON WHICH A NON-CONFORMING USE IS SUPERSEDED BY A PERMITTED USE, SHALL THEREAFTER CONFORM TO THE REGULATIONS FOR THE DISTRICT, AND THE NON-CONFORMING USE MAY NOT THEREAFTER BE RESUMED;
  - E. WHEN A NON-CONFORMING USE OF A STRUCTURE, OR STRUCTURE AND LAND IN COMBINATION IS DISCONTINUED OR ABANDONED FOR MORE THAN ONE (1) YEAR (EXCEPT WHEN GOVERNMENT ACTION IMPEDES ACCESS TO THE PREMISES), THE STRUCTURE OR STRUCTURE AND LAND IN COMBINATION, SHALL NOT THEREAFTER BE USED EXCEPT IN CONFORMITY WITH THE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED.
7. ANY BUILDING OR STRUCTURES THAT ARE IN DISREPAIR AND/OR ARE NO LONGER BEING USED FOR THEIR INTENDED PURPOSE(S), MUST BE DESTROYED AND REMOVED OR REMODELED OR REPAIRED TO CURRENT AND COMPLIANT PURPOSE(S). THIS MUST BE DONE WITHIN TWELVE (12) MONTHS.
8. 4. The Board of Zoning Appeals, in an appropriate case and under its power to permit variance from the terms of the resolution, may upon appeal permit the substitution of a specific non-conforming use in place of a different non-conforming use, upon such conditions and with such limitation as the board shall deem in the public interest. A non-conforming use of buildings, land, or structures, shall not entitle such user to change a lawful pre-existing use to a specific different non-conforming use without proceeding as above provided but upon the abandonment of a non-conforming use shall be deemed to have been abandonment.

9. ~~5.~~ A building or structure, except as herein above provided for, size devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use without the approval of the Board of Zoning Appeals.
10. ~~6.~~ Any person or corporation claiming right to operation or use as a pre-existing non-conforming use as described in this section shall make and preserve reasonable records and other proofs of the existence and extent of such use at the time it becomes non-conforming due to this resolution or amendments thereto.

#### SECTION XV VALIDITY

**IF ANY ARTICLE, SECTION, SUBSECTION, PARAGRAPH, SENTENCE OR PHRASE OF THIS RESOLUTION IS FOR ANY REASON HELD TO BE INVALID BY A COURT OF COMPETENT JURISDICTION, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS RESOLUTION.**

New language proposed is indicated by all **CAPITALS** and **BOLD** print.. Deleted language is indicated by -----.

No other provisions or language of the Goshen Township Zoning Resolution is hereby proposed to be amended.

ZONING RESOLUTION  
OF  
GOSHEN TOWNSHIP  
AUGLAIZE COUNTY, OHIO

\* \* \* \* \*

GENERAL PURPOSE

For the purpose of promoting and protecting the public health, safety, and general welfare; to regulate the area and dimensions of land, yards, and open spaces so as to secure adequate light, air and safety from fire and other dangers; to protect the physical environment of the Township from contamination; to protect the character of agriculture, residential, and business areas and to assure their orderly development; and to provide for the orderly growth and development of lands, the Board of Trustees find it necessary, advisable, and of great benefit to the residents of the township to provide for the division of the unincorporated area of the Township into districts of "Agricultural" and "Residential."

This Resolution shall not prohibit the use of any land in the Township for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buldings or structures are located. No zoning certificate shall be required for any agricultural building or structure, if the land used for agricultural purposes is 5 acres or more.

Nothing in this Resolution shall prohibit the later amendment to provide for an Industrial Park or to provide for the rezoning of an area or areas for Industrial uses.

ZONING RESOLUTION OF GOSHEN TOWNSHIP

AUGLAIZE COUNTY, OHIO

TITLE: A resolution providing for the Zoning of the Unincorporated areas of Goshen Township, Auglaize County, Ohio, by regulating the location, size, height and use of buildings or structures, the area and dimensions of lots and yards and the use of lands, and providing a method of administration and enforcement of this Resolution.

WHEREAS, the Board of Township Trustees of Goshen Township, Auglaize County, Ohio, deems it in the interest of the public health, safety, morals and general welfare of said Township and its residents to establish a general plan of zoning for the unincorporated area of said Township;

NOW, THEREFORE, be it resolved by the Board of Township Trustees of Goshen Township, that:

Section I. Purpose

The Board of Trustees of Goshen Township and the Board of Zoning Appeals shall not prohibit the use of any land within the township for agricultural purposes and shall not require zoning certificates and shall not prohibit the construction or use of the buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located. The Board of Trustees finds it necessary and advisable, however, to regulate the use of land other than agricultural and the location, size, and use of buildings and structures on land other than agricultural, pursuant to Section 519.01, et seq, inclusive, of the Revised Code of Ohio.

Section II. Districts

For the purpose of carrying out the provisions of this Resolution, the unincorporated area of Goshen Township shall consist of two (2) Districts, (Agricultural and Residential), and no structures or premises shall be used and no structure shall be located, erected or altered, except in conformity with the regulations prescribed herein.

Sec.II (a). Agricultural District

The "Agricultural District" shall be all of the unincorporated area of the township which is not within the confines of the "Residential" District. All land within the Agricultural District may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures shall be located, but such exemption shall not extend to buildings or structures used as dwellings. For the purpose of the resolution, "agriculture" shall include agriculture, farming, dairying,



pasturage, apiculture, horticulture, floriculture, and animal and poultry husbandry.

Permitted uses within the Agricultural District shall be confined to:

- (1) those uses normally and customarily considered as agricultural uses,
- (2) dwellings and mobile homes, in accordance with other pertinent provisions of this resolution,
- (3) non-commercial parks and playgrounds,
- (4) golf courses and country clubs,
- (5) mobile home parks and recreational camping parks,
- (6) all uses set forth under "Section III. Retail and Entertainment".

Prohibited Uses. The following uses shall be deemed to constitute a nuisance and shall not be permitted within the Agricultural District:

1. Manufacture, or storage of, explosives, gun powder, or fireworks, for other than sporting reasons or personal use, except upon application to and special permission by the Board of Zoning Appeals.
2. Dumping, storing, burying, reducing, disposing of, or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, or other poisons or toxic materials or industrial waste, except such as result from the incidental normal and proper use of the premises, unless such dumping is done at a place provided by the Township Trustees for such specific purposes, and said Township Trustees have been given the privilege to inspect and make the necessary regulations for the operation thereof.
3. Junk yards, automobile graveyards, or places for the outside collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes, or for dismantling used vehicles, for profit or business, and for personal use unless permission is given by the Board of Zoning Appeals upon proper application being made therefor.
4. Hospitals and sanitariums for drug or liquor addicts, insane or mental cases.
5. Acid manufacture.
6. Acetylene gas manufacture or industrial storage of acetylene in excess of fifteen (15) pounds pressure per square inch.
7. Turpentine, varnish or paint manufacturing or refining.
8. The outside storage of more than one (1) unlicensed motor vehicle shall be prohibited unless the same is not visible from a public roadway.

#### Sec. II (b). Residential District

The "Residential District" of Goshen Township shall be defined as all those areas of land designated as Outlots, Lots, or Inlots within the Village of New Hampshire. The Height and Area Regulations (Section VIII) shall not be applicable to the Outlots, Lots, and Inlots within New Hampshire.

Permitted uses within the Residential District shall be confined to:

- (1) Single-family and multiple-family dwellings,
- (2) Home occupations,
- (3) Retail establishments, service stations and repair garages, places of entertainment, professional and business offices,
- (4) Public and semi-public uses including churches, schools, libraries, museums, parks and playgrounds.

Prohibited uses within the Residential District shall be those "prohibited uses" described in the Agricultural District. The raising and keeping of animals for commercial use or sale shall also be prohibited in the Residential District.

### Section III. Retail and Entertainment

Nothing contained herein, unless specifically prohibited herein, shall be construed to prohibit the use of any land for the construction of a building or the reconstruction, change, alteration, maintenance, enlargement, or use of any building for mercantile, retail, drugstore, hotel, restaurant, home occupations, service stations, repair garages, professional and business offices, places of entertainment and other public and semi-public uses including churches, schools, libraries, museums, parks and playgrounds; provided, however, that zoning certificates are applied for and granted to assure conformance with lot area requirements and to assure adequate parking and delivery areas. The use of a personal residence-dwelling not requiring outside alteration or enlargement for any of the uses set forth in this Section shall be exempt from the requirement of a Zoning Certificate.

### Section IV. Mobile Home Parks

Mobile Home Parks shall be allowed and shall be exempt from those "Building Restrictions" set forth in Section VII and the "Height and Area Regulations" set forth in Section VIII., but shall be subject to the following:

- (a) Every Trailer Park for Mobile Homes shall consist of not less than five (5) acres of land.
- (b) Every mobile home hereafter placed in a Trailer Park for Mobile Homes shall be on a lot having an area of not less than seven thousand (7,000) square feet exclusive of roadways.
- (c) Each lot which a mobile home dwelling is placed shall have a front yard of not less than fifteen (15) feet; a side yard on each side of not less than fifteen (15) feet (for corner lots not less than twenty (20) feet); a rear yard of not less than twenty (20) feet, and

- shall provide for off-street parking.
- (d) Every mobile home hereafter placed upon a lot in a Trailer Park for Mobile Homes shall consist of not less than 700 square feet and shall be skirted entirely enclosing the bottom section.
  - (e) No mobile home shall be placed on any lot in a Trailer Park until such time as paved roadways with a minimum paved area of not less than forty (40) feet in width have been installed and completed adjacent to said lot together with street lighting and water, sewer and electrical service for said lot.
  - (f) Each lot shall contain a concrete pad no smaller than the mobile home to be located thereon. Each concrete pad shall contain a minimum of six (6) anchors for tie-downs to secure the stability of the mobile home.

#### Section V. Recreational Camping Parks

Recreational Camping Parks shall be allowed upon application and the granting of the necessary permit by the Zoning Commission. Recreational Camping Parks shall be exempt from those other restrictions set forth in Sections VII. and VIII., but shall be subject to the following regulations:

- (a) Camping Parks for temporary location of travel trailers, motor homes, or camping trailers shall consist of not less than five (5) acres of land.
- (b) Individual sites for travel trailers, motor homes, camping trailers in Camping Parks shall have a minimum lot size of 800 square feet and shall be equipped with at least one (1) electrical connection located either on the site or adjacent to the site.
- (c) Each Camping Park shall have:
  - (1) Management and maintenance offices including storage facilities for grounds-keeping equipment.
  - (2) A safe usable recreation area or areas conveniently located in each camping park and shall not be less in area or areas than eight (8) percent of the gross area of the trailer park or one (1) acre, whichever is greater.
  - (3) Water system inspected and approved by the Ohio Department of Health, providing adequate pressure with appropriate water connections for domestic usage.
  - (4) Toilet facilities, a dumping station, and sewer system approved by the appropriate State and local Health Boards.

- (5) Fire extinguishers shall be provided as specified in the regulations of the Ohio Department of Health.
- (6) The storage and collection of garbage and refuse within each park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air pollution. All garbage shall be stored in fly-tight, rodent-proof containers. These containers shall be located no more than two hundred (200) feet of each site as approved by the Auglaize County Health Department.

#### Section VI. Outdoor Advertising

For the purpose of this resolution, and providing of regulations for outdoor advertising, an outdoor advertising sign or billboard shall be deemed a structure and classified as a non-agricultural use, and be subject to Section VIII, paragraphs 1, 2, 3, requiring a Zoning Certificate, but a zoning certificate shall not be required if said sign or billboard complies with the following provisions of this Section:

1. There shall be no restriction in regard to height and size of signs when the same are located at a distance greater than 150 feet from the right-of-way line of any public road or highway.
2. Signs, not larger than thirty-two (32) square feet in area, are permitted when the use of the sign is in direct relation to the use of the premises. Said signs are exempt from Section VIII, paragraph 2.
3. No outdoor advertising sign more than six square feet in size shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extended beyond or above the same more than three (3) feet.

#### Section VII. Building Restrictions

1. No dwelling house shall be erected and no building shall be altered or used as a residence which contains less than eight hundred (800) square feet per family unit, exclusive of all basements, garages, porches, terraces and breezeways.
2. All dwellings shall provide off-street parking for not less than one (1) motor vehicle per family unit.
3. Trailers of less than 700 square feet and basement residences shall be used only during such time as a residence is being constructed on the premises, said use not to exceed twelve (12) months in duration. For the purpose of this section, a "basement" is defined as that portion of a residence constructed below-ground and designed for the purpose of further construction for living-quarters area above the top of the basement walls.

Residences specifically designed for below-ground construction shall not be considered as "basements".

4. All dwellings hereafter erected shall have a continuous foundation of concrete or building block, and be constructed of materials common to the building trades.

5. All wiring in dwellings hereafter erected or altered within the Township shall comply with the specifications of the National Electrical Code.

6. All sewage or waste disposal units shall be subject to approval by the Auglaize County Board of Health, and no building permit for residence dwelling shall be granted until the proper certificate is granted by the Auglaize County Department of Health approving the proposed sewage system.

7. Trailers and mobile homes of less than 700 square feet shall be used for temporary residence only, and then only upon the proper application filed with Zoning Commission and permission by the Zoning Commission.

8. Mobile Homes with a minimum area of 700 square feet shall be allowed as dwellings outside of Trailer Parks, upon the application and granting of the necessary Zoning Certificate and upon compliance with Section VIII, Height and Area Regulations. All such mobile homes outside of Trailer Parks shall be provided with anchors and tie downs such as cast-in-place concrete "dead men" eyelets imbedded in concrete, screw augers, arrowhead anchors, or other devices for securing the stability of the mobile home and anchored to the real estate. All such mobile homes must be elevated above or rest on a concrete pad or concrete runners, must be skirted entirely enclosing the section between the bottom of the mobile home and the concrete, and must have off-street parking for not less than one (1) motor vehicle.

#### Section VIII. Height and Area Regulations

1. No part of any building or structure, except church spires, towers and antennae, and except those buildings normally higher for business purposes shall exceed three (3) stories or forty (40) feet in height.

2. No building or structure, or any portion thereof, shall be erected within forty (40) feet from the right-of-way of a road. In the event said building or structure shall be located on land bounded by intersecting roadways, this restriction shall be not less than fifty (50) feet.

3. There shall be a minimum side yard clearance of fifteen (15) feet, measured from the closest point of any part of any building to the side lot line. There shall be a minimum rear yard clearance of twenty (20) feet, measured from the closest point of any part of any building to the rear lot line. This provision shall not apply to portable storage sheds of less than 200 square feet in area.

4. There shall be a minimum lot area of 15,000 square feet for each single family dwelling erected and a minimum of 10,000 square feet for each family unit in multiple family dwellings. In platted accepted subdivisions the minimum lot area shall be 15,000 square feet for single family dwellings and a minimum lot area of 3,000 square feet per family unit in multiple family dwellings.

### Section IX. Zoning Certificate

The position of Township Zoning Inspector is hereby created. He shall be appointed by the Board of Township Trustees and shall receive such compensation as the Trustees shall provide. He shall keep records of all applications for zoning certificates and the action taken thereon and shall enforce the Zoning regulations. Before entering into his duties, he shall give bond by a bonding company of not less than \$1,000.00 nor more than \$5,000.00 as fixed by the Township Trustees.

Before constructing, changing the use of, or altering any building or structure, including accessory buildings, or changing the use of any premises, except for those matters specifically excluded in this Resolution or any amendment thereto, application shall be made to the Township Zoning Inspector and a zoning certificate secured. No zoning certificate shall be required for the construction of buildings or structures incident to the use for agricultural purposes of the land of five (5) acres or more on which such buildings or structures shall be located, but such exemption shall not extend to buildings or structures used as dwellings. The application for dwellings or non-agricultural use shall indicate the exact location of the proposed construction, alteration, or change of use and shall include a plot plan, showing the proposed construction, alteration or change.

No Zoning Certificate shall be required for alterations made to the inside or outside of any building when said alterations do not increase or change the square footage of the existing structure.

A fee of Twenty-five and no/100 Dollars (\$25.00) shall be paid by the applicant prior to the issuance of a zoning certificate to cover inspection and maintaining records for the construction, reconstruction, or alteration of residences; the sum of Fifty and no/100 Dollars (\$50.00) for retail, or entertainment establishments; and Ten and no/100 Dollars (\$10.00) for all other structures. No Zoning Certificate shall be required for portable utility buildings not exceeding 200 square feet in size. Zoning Certificates shall be valid for a period of one (1) year prior to the commencement of construction and must be reissued if bona fide construction has not commenced within one (1) year of issue or reissue and further construction is intended.

### Section X. Non-Conforming Uses

1. The lawful use of any dwelling, building, or structures and of any land or premises, as existing and lawful at the time of enactment of this zoning resolution or any amendment thereto, may be continued, although such use does not conform with such resolution or amendment, but if any such non-conforming use is voluntarily discontinued for one (1) year or more, any future use of said land, building or structure shall be in conformity with this resolution.

2. Any building or structure arranged, intended, or designed for a specific non-conforming use, construction of which upon the site has been started at the time of the passage of this resolution but not complete, may be completed and put to such non-conforming use, providing it is completed within one (1) year after this resolution takes effect.

3. Any building or structure, existing as a non-conforming use at the time this resolution takes effect, which is destroyed by fire or the elements, may, upon securing a zoning certificate therefor, be reconstructed and restored as previously existing providing the same is completed within twelve (12) months from the date of said destruction, and such non-conforming use recommenced promptly thereafter.

4. The Board of Zoning Appeals, in an appropriate case and under its power to permit variance from the terms of the resolution, may upon appeal permit the substitution of a specific non-conforming use in place of a different non-conforming use, upon such conditions and with such limitation as the board shall deem in the public interest. A non-conforming use of buildings, land, or structures, shall not entitle such user to change a lawful pre-existing use to a specific different non-conforming use without proceeding as above provided but upon the abandonment of a non-conforming use shall be deemed to have been abandoned.

5. A building or structure, except as hereinabove provided for, size devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use without the approval of the Board of Zoning Appeals.

6. Any person or corporation claiming right of operation or use as a pre-existing non-conforming use as described in this section shall make and preserve reasonable records and other proofs of the existence and extent of such use at the time it becomes non-conforming due to this resolution or amendments thereto.

#### Section XI. Board of Zoning Appeals

There is hereby created a Township Board of Zoning Appeals of five (5) members who shall be residents of the unincorporated area of the Township included in the area zoned. The terms of each member shall be five (5) years beginning January 1, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired terms.

The Township Board of Zoning Appeals may:

1. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning laws or this resolution or any amendments thereto.

2. Authorize, upon appeal, in specific cases, such variance from the terms of this zoning resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the provisions of this zoning resolution. Meeting of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence, the acting chairman may administer oaths and the Township Board of Zoning Appeals may compel the attendance of witnesses. All meeting of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer or Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal or written statement specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Township Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

The party appealing to the Board shall deposit with the Clerk of the Board Twenty-five and no/100 (\$25.00) Dollars to cover expenses of notice and transmission of papers incident to the appeal. If a verbatim record is desired by appellant, he shall furnish the Court Reporter and bear the expenses of typing said record.

The Township Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days notice to the parties in interest, and decide the same within thirty (30) days after it is submitted. Upon the hearing, any party may appear in person or by attorney. Any person adversely affected by a decision of a Township Board of Zoning Appeals may appeal to the Court of Common Pleas of Auglaize County, on the ground that such decision was unreasonable or unlawful. The parties in interest who shall be notified of the hearing on appeal to the Township



Board of Zoning Appeals shall include (a.) the applicant for the zoning certificate, (b.) the person aggrieved who appealed to the Board, (c.) such other individual or individuals as the Board shall resolve, (d.) together with Notice of said Public Hearing published at least 10 days before the date of the hearing.

#### Section XII. Amendments

The Township Zoning Commission shall meet annually on the second (2nd) Wednesday in January and at other times upon call of the Chairman and may initiate amendments to this resolution from time to time. Amendments may also be initiated by the Township Trustees or by petition of owners or lessees of property in accordance with the provisions of law (R.C. 519.12) governing the same. The Township Trustees shall annually set a fee which shall be required of owners or lessees of property who file petitions to amend the Zoning Resolution, said fee to be sufficient to defray the costs of advertising, mailing, and other expenses.

No change in or departure from the text or maps of the amendment as certified by the Township Zoning Commission shall be made unless the same be first submitted to the Township Zoning Commission, proper Notice given and a Public Hearing has been held for its approval, disapproval or suggestions. If such Amendment or changes are disapproved by the Township Zoning Commission, provisions so disapproved must receive the favorable vote of the entire membership of the Board of Township Trustees in order to be adopted.

After receiving an amendment to the zoning plan from the Township Zoning Commission, the Board of Township Trustees shall consider such amendment following its own Public Hearing and vote upon the same in accordance with the provisions of law.

If the amendment to the zoning resolution is adopted by the Board of Township Trustees, it shall take effect thirty (30) days thereafter, unless within said period there is presented to the Board of Township Trustees a petition signed by a number of qualified voters residing in the unincorporated area of the Township affected by the amendment, equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last General Election in which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at the next primary or general election. In which event the amendment shall not take effect unless a majority of the electors voting on said issue shall approve the same.

Section XIII. Enforcement

It shall be unlawful to erect, construct, reconstruct, change, enlarge, locate, maintain or use any building or structure or to use any land in violation of any regulation or any provision of this resolution or any amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof in the Auglaize County Common Pleas or Municipal Court shall be fined not more than One Hundred and no/100 (\$100.00) Dollars. Each and every day during which said illegal erection, construction, reconstruciton, enlargement, location, change, maintenance or use continues may be deemed a separate offense.

Section XIV. Interpretation

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

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

RESOLUTION OF THE GOSHEN TOWNSHIP ZONING COMMISSION  
REGARDING PROPOSED AMENDMENTS TO THE GOSHEN TOWNSHIP  
ZONING RESOLUTION AND SCHEDULING OF PUBLIC HEARING

The Goshen Township Zoning Commission met on the 4th day of April, 1990 at the Goshen Township Hall with the following members present:

D. Miller  
T. Manchester  
B. Doty  
~~G. Spencer~~  
B. Lawrence

Mr. T. Manchester moved that the attached proposal for amendments to the Goshen Township Zoning Resolution be proposed and that the matter be set for public hearing as required by Ohio Revised Code §519.12 on the 2nd day of MAY, 1990 at 7:00 P..m. at the Goshen Township House, Goshen Township, Auglaize County, Ohio.

Mrs B. Lawrence seconded the motion and after discussion the roll being called upon its adoption, the votes resulted as follows:

<u>D. Miller</u>	<u>yes</u>
<u>T. Manchester</u>	<u>yes</u>
<u>B. Doty</u>	<u>yes</u>
<u>B. Lawrence</u>	<u>yes</u>

A majority of the members of the Goshen Township Zoning Commission having adopted the motion be it hereby resolved that the attached proposed amendments to the Goshen Township Zoning Resolution be submitted to a public hearing scheduled for the 2nd day of MAY, 1990 at 7:00 P..m. at the Goshen Township House, Goshen Township, Auglaize County, Ohio.

Adopted this 4 day of April, 1990.

Rebecca Lawrence  
Clerk, Goshen Township  
Zoning Commission  
Auglaize County, Ohio

CERTIFICATION OF ZONING RESOLUTION

May this certify that attached hereto is a true copy of the Resolution recommending amendments to the Zoning Resolution as made by the Goshen Township Zoning Commission. This certification is made in conformance with the Ohio Revised Code Section 519.12; and upon direction of the Goshen Township Zoning Commission after Public Hearing on May 2, 1990, in accordance with law.

GOSHEN TOWNSHIP ZONING COMMISSION

Attest:

[Signature]

By: [Signature]  
Chairman

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RESOLUTION BY TRUSTEES

Received the Recommendation on May 7, 1990.

Resolved that the proposed amendments to the Zoning Resolution have been received from the Township Zoning Commission and that the Board of Township Trustees proceed pursuant to Ohio Revised Code Section 519.12 to hold the necessary Public Hearing. Said Public Hearing shall be held on the 4th day of June, 1990, 7:00 p.m. after publication of the notice of said Hearing being given in the WAPAKONETA DAILY NEWS at least ten (10) days prior of said Hearing.

Dated this 7th day of May, 1990.

GOSHEN TOWNSHIP BOARD OF TRUSTEES

By: [Signature]  
Larry Beers, Clerk

RESOLUTION

RESOLVED, that whereas Amendments have been proposed to the Goshen Township Zoning Commission to amend the Goshen Township Zoning Regulations in respect to Sections II, VII, IX, XI, XI, XII, according to the attached Exhibit A.

WHEREAS a PUBLIC HEARING was held on Wednesday, May 2, 1990, at 7:00 p.m. in the Township Hall in New Hampshire, Ohio, after publication in the WAPAKONETA DAILY NEWS on April 19, 1990, pursuant to law; and

WHEREAS, all of the members of the Zoning Commission present took the matter under advisement and gave consideration.

Upon a Motion made, duly seconded, and unanimously passed, the Amendments are hereby adopted and the same are hereby ordered forwarded to the Goshen Township Board of Trustees for further action.

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CERTIFICATION

The foregoing is a true copy of a Resolution made by Motion, Seconded, and duly passed by the Goshen Township Zoning Commission on May 2, 1990, following the Public Hearing pertaining to the same.

Dated this May 2, 1990.

*A. Duell Miller*  
Chairman, Zoning Commission

R E S O L U T I O N

(adopting Amendments to Zoning Resolution)

WHEREAS, the Zoning Commission of Goshen Township has recommended the approval of certain amendments to the Zoning Resolution, to wit: Sections II, VII, IX, XI, and XII, a copy of which is attached hereto; and

WHEREAS, the Goshen Township Trustees set Monday, June 4, 1990 at 7:00 p.m. as a time for a Public Hearing on the same, publication of which was made in the Wapakoneta Daily News on May, 17, 1990, and

WHEREAS, a Public Hearing was held at the time and place described in said publication;

THEREFORE BE IT RESOLVED that said amendments be adopted without modification and that the same shall become effective thirty (30) days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Clerk of Goshen Township mail or deliver a copy of this Resolution, with the attached amendments, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, and to the Township Zoning Inspector.

\* \* \* \* \*

The foregoing Resolution was duly adopted at a Regular Meeting of the Goshen Township Board of Trustees held on

June 4, 1990

Larry Beers  
Clerk

PROPOSED AMENDMENTS TO GOSHERN TOWNSHIP  
ZONING RESOLUTION

Section II (a). Agricultural District

Prohibited Uses.

9. MOBILE HOMES NOT CONNECTED TO A SEWAGE AND WATER SYSTEM APPROVED BY THE AUGLAIZE COUNTY BOARD OF HEALTH SHALL BE PROHIBITED UNLESS THE SAME HAS BEEN CONVERTED TO A BUSINESS USE AND IS LOCATED ON THE PLACE WHERE THE BUSINESS IS LOCATED AND AN APPLICABLE ZONING CERTIFICATE HAS BEEN GRANTED.

10. THE USE OF SEMI-TRAILERS, MOBILE HOMES, TRAILER, OR OTHER LIKE VEHICLES FOR THE PURPOSE OF KEEPING OR STORING JUNK, RUBBISH, EQUIPMENT, OR OTHER PERSONAL PROPERTY WHICH IS NOT OPERABLE OR NOT IN USE SHALL BE PROHIBITED.

Section VII. Building Restrictions

3. MOBILE HOMES AND Trailers of less than 700 square feet and basement residences shall be used only during such time as a residence is being constructed on the premises, said use not to exceed twelve (12) months in duration. For the purpose of this section, a "basement" is defined as that portion of a residence constructed below-ground and designed for the purpose of further construction for living quarters area above the top of the basement walls. Residences specifically designed for below-ground construction shall not be considered as "basements".

7. Trailers and mobile homes of less than 700 square feet shall be used for temporary residences only AS PROVIDED IN PARAGRAPH 3 ABOVE, SUBJECT TO ALL PROHIBITIONS CONTAINED ELSEWHERE IN THIS RESOLUTION, and then only upon the proper application AND ISSUANCE OF A ZONING CERTIFICATE. ~~filed with Zoning Commission and permission by the Zoning Commission~~

Section IX. Zoning Certificate

Paragraph 4

THE TOWNSHIP TRUSTEES SHALL ANNUALLY SET THE FEES TO BE PAID BY THE APPLICANT FOR THE ISSUANCE OF ZONING CERTIFICATE TO COVER INSPECTION AND MAINTAINING RECORDS OF SUCH APPLICATIONS. ~~A fee of Twenty-five and no/100-Dollars-(\$25.00) shall be paid by the applicant prior to the issuance of a zoning certificate to cover inspection and maintaining records for the construction, reconstruction, or alteration of residences, the sum of Fifty and no/100-Dollars-(\$50.00) for retail, or entertainment establishments, and Ten and no/100-Dollars-(\$10.00) for all other structures.~~ No Zoning Certificate shall be required for portable utility buildings not exceeding 200 square feet in size.

Zoning Certificates shall be valid for a period of one (1) year prior to the commencement of construction and must be reissued if bona fide construction has not commenced within one (1) year of issue or reissue and further construction is intended.

#### Section XI. Board of Zoning Appeals

##### Paragraph 4

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the provisions of this zoning resolution. **THE BOARD WILL HOLD AN ANNUAL ORGANIZATIONAL MEETING THE SECOND (2nd) MONDAY IN JANUARY OF EACH YEAR.** Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence, the acting chairman may administer oaths and the Township Board of Zoning Appeals may compel the attendance of witnesses. All meeting of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.

##### Paragraph 6

**THE PARTY APPEALING TO THE BOARD SHALL DEPOSIT WITH THE CLERK OF THE BOARD A FEE WHICH SHALL ANNUALLY BE SET BY THE TOWNSHIP TRUSTEES TO COVER THE EXPENSES OF NOTICE AND TRANSMISSION OF PAPERS INCIDENT TO THE APPEAL.** ~~The party appealing to the Board shall deposit with the Clerk of the Board Twenty-five and no/100 (\$25.00) Dollars to cover expenses of notice and transmission of papers incident to the appeal.~~ If a verbatim record is desired by appellant, he shall furnish the Court Reporter and bear the expenses of typing said record.

#### Section XII. Amendments

##### Paragraph 1

The Township Zoning Commission shall meet annually on the ~~second~~ ~~(2nd)~~ **Wednesday SECOND (2nd) MONDAY** in January and at other times upon call of the Chairman and may initiate amendments to this resolution from time to time. Amendments may also be initiated by the Township Trustees or by petition of owners or lessees of property in accordance with the provisions of law (R.C. 519.12) governing the same. The Township Trustees shall annually set a fee which shall be required of owners or lessees of property who file petitions to amend the Zoning Resolution, said fee to be sufficient to defray the costs of advertising, mailing, and other expenses.



9. ~~5.~~ A building or structure, except as herein above provided for, size devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use without the approval of the Board of Zoning Appeals.
10. ~~6.~~ Any person or corporation claiming right to operation or use as a pre-existing non-conforming use as described in this section shall make and preserve reasonable records and other proofs of the existence and extent of such use at the time it becomes non-conforming due to this resolution or amendments thereto.

#### SECTION XV. VALIDITY

**IF ANY ARTICLE, SECTION, SUBSECTION, PARAGRAPH, SENTENCE OR PHRASE OF THIS RESOLUTION IS FOR ANY REASON HELD TO BE INVALID BY A COURT OF COMPETENT JURISDICTION, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS RESOLUTION.**

New language proposed is indicated by all **CAPITALS** and **BOLD** print.. Deleted language is indicated by -----.

No other provisions or language of the Goshen Township Zoning Resolution is hereby proposed to be amended.

NEW LANGUAGE PROPOSED IS INDICATED BY ALL  
CAPITALS AND BOLD PRINT. DELETED LANGUAGE  
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