VAN WERT

COUNTY

UNINCORPORATED AREA TOWNSHIP ZONING CODE

Pleasant Township

Amended: June 11, 1998
Effective: July 13, 1998
Amended: April 24, 2024
Effective: May 24, 2024

INDEX

Article	Section	Title	Page
1		**Purpose**	1
2		**Title**	3
3		**Interpretation of Standards**	3
4		**Definitions**	4
5		**Establishment of Districts**	12
	1	Purpose	12
	2	Establishment of Districts	12
	3	Zoning District Map	12
	4	Zoning Map Legend	12
	5	Identification of Official Zoning Map	12
	6	Interpretation of District Boundaries	12
	7	Zoning Map Amendments	13
6		**General Provisions**	14
	1	Conformance Required	14
	2	Continuing Existing Uses	14
	3	Non-Conforming Uses or Buildings	14
	4	Agriculture	15
	5	Building Under Construction	15
7		**"A/R"- Agricultural and Residential Districts**	16
	1	Principal Permitted Uses	16
	2	Conditional Uses	16
	3	Accessory Uses as Conditional Uses	20
	4	Prohibited Uses	21
	5	Yard Requirements	21
	6	Percentage of Lot Coverage	22
	7	Required Lot Area	22
	8	Setbacks	22
	9	Height of Structures	22
		CHART	23

INDEX

Article	Section	Title	Page
8		**"C" Commercial District**	24
	1	Principal Permitted Uses	24
	2	Conditional Uses	24
	3	Accessory Uses	24
	4	Yard Requirements	24
	5	Distance from Other Uses	25
	6	Percentage of Lot Coverage	25
	7	Required Lot Area	25
	8	Height of Structures	25
		CHART	26
9		**"I" Industrial Uses**	27
	1	Conditional Uses	27
	2	Prohibited Uses	27
	3	Required Conditions	27
	4	Yard Requirements	28
	5	Distance from Other Uses	28
	6	Percentage of Lot Coverage	28
	7	Required Lot Area	28
	8	Height of Structures	28
		CHART	29
10		**Parking Areas**	30
	1	Parking Requirements	30
	2	Parking Conditions and Limitations	31
11		**Special Provisions**	32
	1	Campers & Campgrounds	32
	2	Hotel, Motels, Tourist Camps	33
	3	Lighting	33
11	4	Camps for Transient Workers	34
	5	Group Residential Facilities	34
	6	Ponds/Swimming Pools	35

	7	Handicapped Parking	35
	8	Visibility at Intersections	36
	9	Manufactured Housing	36
	10	Junk and Other Nuisances	37
	11	Required Refuse Collection Areas	38
	12	Screening	39
	13	Regulation of Amusement Arcades	39
	14	Regulation of Adult Entertainment Business	41
	15	Regulation of Manufactured and Mobile Home Parks	43
	16	Home Occupations and Business as Accessory Use	44
	17	Agriculture and Agriculture Production	45
	18	Agritourism	46
	19	Signs	48
	20	Drug Paraphernalia Establishments	51
	21	Satellite Dish Antennas	53
	22	Telecommunication Towers	54
	23	Drainage and Water Removal	57
	24	Sewer and Water in Non-Public-Sewer Areas	58
	25	Lot Splits	58
	26	Zoning Permits	58
12		**Exceptions to Regulations**	59
	1	Nonconforming Lot of Record	59
	2	Substitution	59
13		**Procedures and Requirements for Appeals and Variances**	60
	1	General	60
13	2	Appeals	60
	3	Variances	60
	4	Application and Standards for Variances	60
	5	Additional Conditions and Safeguards	61
	6	Public Hearing the Board of Zoning Appeals	61
	7	Notice of Public Hearing in Newspaper	61
	8	Notice of Parties of Interest	61

	9	Action by Board of Zoning Appeals	61
	10	Term of Variance	61
14		**Procedures and Requirements for Conditional Use Permits; Substantially Similar Uses**	62
	1	Conditional Uses	62
	2	Substantially Similar Uses	64
15		**Amendment**	65
	1	Procedure for Amendments of District Changes	65
	2	General	65
	3	Initiation of Zoning Amendments	65
	4	Contents of Application for Zoning Map Amendment	65
	5	Contents of Application for Zoning Text Amendment	65
	6	Transmitted to Zoning Commission	65
	7	Submission to County Regional Planning Commission	66
	8	Submission to Director of Transportation	66
	9	Public Hearing by Zoning Commission	66
	10	Notice of Public Hearing in Newspaper	66
	11	Notice of Property Owners by Zoning Commission	66
	12	Recommendation by Zoning Commission	66
	13	Public Hearing by Township Trustees	67
	14	Action by Board of Township Trustees	67
15	15	Effective Date and Referendum	67
16		**Administration**	68
	1	Purpose	68
	2	General Provisions	68
	3	Zoning Inspector	68
	4	Responsibilities of Zoning Inspector	68
	5	Zoning Commission	69
	6	Township of Zoning Appeals	69
	7	Powers of Board of Zoning Appeals	69
	8	Rules, Organization, and Meetings of Zoning Appeals Board	69
	9	Duties of Zoning Inspector, Board of Appeals, Township	

		Trustees and Courts on Matters of Appeal	70
	10	Township Trustees	70
	11	Schedule of Fees	70
17		**Enforcement**	71
	1	General	71
	2	Zoning Permits Required	71
	3	Contents of Application of Zoning Permits	71
	4	Approval of Zoning Permit	71
	5	Submission to Director of Transportation	71
	6	Expiration of Zoning Permit	72
	7	Record of Zoning Permits	72
	8	Failure to Obtain a Zoning Permit	72
	9	Construction and Use to be Provided in Applications, Plans, Permits, and Certifications	72
	10	Complaints Regarding Violations	72
	11	Entry and Inspection of Property	72
	12	Stop Work Order	72
17	13	Zoning Permits Revocation	72
	14	Notice of Violation	72
	15	Ticketing Procedure	73
	16	Penalties and Fines	73
	17	Additional Remedies	73
18		**Validity and Repeal**	74
	1	Validity	74
	2	Repeal	74
19		**Renewable Energy**	75
	1	Small Wind Turbines	75
	2	Small Solar Facilities	75

ARTICLE 1 – PURPOSE

1.1: This Zoning Resolution is adopted and amended pursuant to Chapter 519 of the Ohio Revised Code for the following purposes, among others to promote and protect the health, safety, morals, and general welfare of the present and future inhabitants of the Township while protecting the property rights of all residents. To protect the quality of life within the Township through the protection of the total environment, the prevention of nuisances and hazards, and the provision of adequate light, air, and convenient access to property. To ensure the compatibility of land Uses which are either adjacent or in proximity to each other. To promote, ensure and control the orderly development of all lands within the Township to its appropriate Use. To promote and secure the most appropriate Use of land to facilitate and provide adequate public and private improvements.

1.2: General Authority and Jurisdiction. Per Ohio Revised Code Section (ORC) 519.02, in the interest of the public health, safety, and general welfare, the Township Trustees may, in accordance with a comprehensive plan, regulate the location, height, bulk, number of stories, and size of Buildings and other Structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, Setback Building lines, sizes of Yards, courts, and other Open Spaces, the density of population, the Uses of Buildings and other Structures, including tents, cabins, and trailer coaches, and the Uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the Township, and establish reasonable residential landscaping standards and residential architectural standards, excluding exterior building materials, for the unincorporated territory of the Township; and, for all these purposes, the Township Trustees may divide all or any part of the unincorporated territory of the Township into Districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of Building or other Structure or Use throughout any District or zone, but the regulations in one District or zone may differ from those in other Districts or zones.

A) For any activities permitted and regulated under ORC Chapters 1513 (coal surface mining) or 1514 (other surface mining) and any related processing activities, the Township Trustees may regulate under the authority conferred by Ohio Revised Code Section 519.02 only in the interest of public health and safety.

B) Pursuant to ORC 519.02.B, the Township Trustees may modify its administrative zoning procedures with regard to adult entertainment establishments, defined in ORC Section 2907.39, as the Trustees determine necessary to ensure that the procedures comply with all applicable constitutional requirements.

C) The provisions of this Resolution shall apply to all lands, Buildings, Structures, Signs, and/or Uses within the unincorporated area of the Township unless otherwise specified herein or exempted by the Ohio Revised Code (ORC) or by any other law or governing agency with jurisdiction or authority over such matter.

D) Agriculture, viticulture, dairying, animal/poultry, husbandry, and other such Uses recognized by the Ohio Revised Code shall be permitted in accordance with ORC 519.01 and 519.21 as well as the standards set forth in Section 11.17, of this Resolution, as may be amended.

E) Agritourism shall be permitted in accordance with ORC 901.80 and 519.21(C)(4) as well as the standards set forth in Section 11.18, as may be amended.

F) Farm Markets shall be permitted in accordance with ORC 519.21(C)(1) and the standards set forth in Section 11.17E, as may be amended.

G) Public Utilities and Railroads. In accordance with ORC 519.211, public utilities and railroads shall not be prohibited in respect to the location, erecting, construction, reconstruction, change, Alteration, maintenance, removal, use or enlargement of any Buildings or Structures for the operation of its business except as otherwise provided for telecommunication towers in Section 11.22 of this Zoning Resolution.

(H) Governmental Facilities. Any local, state, or federal governmental Use shall not be prohibited in any Zoning District. Such local, state, or federal governmental bodies proposing a use of land or construction of a Building incidental to their governmental functions and responsibilities shall make a good faith effort to comply with this Zoning Resolution.

(I) Sale or Use of Alcoholic Beverages. In accordance with ORC 519.21, the sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any Retail business, Hotel, lunchroom, or Restaurant is permitted.

(J) Outdoor Advertising. In accordance with ORC 519.20, outdoor advertising shall be classified as a business Use and shall be permitted in all Districts zoned for industry, business, trade, or lands used for agricultural purposes.

(K) Oil and Gas Production. In accordance with ORC 1509.02, the permitting, location, and spacing of oil and gas wells and production operations shall fall under the authority of the Ohio Department of Natural Resource's Division of Oil and Gas Resources.

(L) Biodiesel and Energy Production. In accordance with ORC 519.21.C.2, biodiesel production, biomass energy production, or electric or heat energy production where the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under ORC Sections 5713.30 to 5713.37 for real property tax purposes shall be a permitted Use in all Zoning Districts.

(M) Biologically Derived Methane Gas Production. In accordance with ORC 519.21.C.3, biologically derived methane gas production where the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Sections 5173.30 to 5713.37 for real property tax purposes shall be a permitted Use in all Zoning Districts so long as the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten (17,060,710) British thermal units, five (5) megawatts, or both.

(N) Medical Marijuana. In accordance with ORC 519.21.D, the Township reserves the right to, via this Resolution and/or a separate resolution, to prohibit medical marijuana, cultivators, processors, and/or retail dispensaries from being located within the unincorporated territory of the township as well as the right to regulate the location of said facilities within the aforementioned area.

(O) Permanently Sited Manufactured Homes shall be permitted in any Zoning District where a single-family home is permitted in accordance with ORC 519.212 but are subject to regulation as authorized by the aforementioned code section.

(P) Small Wind Farms and Small Solar Facilities shall be PROHIBITED in PLEASANT TOWNSHIP in accordance with ORC 519.213 and the standards set forth in Article 19, as may be amended.

(Q) Amateur radio service communications and structures. In accordance with ORC 519.214, the Township shall comply with ORC 5502.031 regarding the regulation of amateur radio service communications and structures.

ARTICLE 2 – TITLE

2.1: This Resolution shall be known and may be cited and referred to as the "Township, Unincorporated Area, Zoning Code" and the map which accompanies this Resolution and is hereby incorporated herein and made a part hereof, shall be referred to as the "Township, Unincorporated Area, and Zoning Map".

ARTICLE 3 – INTERPRETATION OF STANDARDS

3.1: 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, morals, and general welfare. Whenever the requirements of this Resolution conflict with itself, the stricter, higher standard shall apply. Whenever the requirements of this Resolution conflict with the Ohio Revised Code (ORC), the ORC shall prevail.

3.2: Separability. If for any reason any one or more articles, sections, sentences, clauses or parts of this Zoning Resolution shall be declared by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution held invalid, and the invalidity of any section, sentence, clause, or part of this Zoning Resolution in one or more instances shall not affect or prejudice in any way the validity of this Zoning Resolution in any other instance.

ARTICLE 4 – DEFINITIONS

4.1: For the purposes of this resolution, the following rules of interpretation for terms and words shall apply:

A.) The word "person" includes an individual, association, organization, partnership, trust, company, corporation, or any other legal entity.
B.) The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular, unless the context clearly indicates the contrary.
C.) The word "shall" is a mandatory requirement.
D.) The word "may" is a permissive requirement.
E.) The word "should" is a preferred requirement.
F.) Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning whether by legislative definition or otherwise, shall be construed accordingly.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Resolution.

Accessory Use (Or Structure): A subordinate use of a building, structure, or lot or a subordinate building or structure: 1) the use of which is clearly incidental to the use of the principle building, structure, or use of a lot; 2) which is customary in connection with the principal building, structure or use of a lot; 3) which is located on the same lot with the principal building.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory use shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage of offal to swine or other animals.

Agricultural Production: Commercial aquaculture, algaculture, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

Agritourism: Subject to the provisions of R.C. 519.21, as may be amended and supplemented, an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.

Agritourism Provider: Anyone who owns, operates, provides, or sponsors an Agritourism activity, whether or not for a fee, including employees at Agritourism activities.

Antenna: Communications equipment that transmits or receives radio frequency signals in the form of wireless service.

Alley: A public or private way affording secondary means of access to abutting property.

Basement: That portion of any structure located partly below the average adjoining lot grade.

Beginning of Construction: The incorporation of labor or materials necessary for the erection, enlargement, alteration, repair, moving, removing, conversion or demolition of any building, system, or facility.

Board: The Board of Zoning Appeals of Township.

Building: Structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or chattels.

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.

Campground: any tract of land used for parking five (5) or more portable camping units or self-contained recreational vehicles for recreation, vacation, or business purposes.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

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

District: Portions of the unincorporated territory of Township, Van Wert County, within which certain uniform regulations and requirements or various combinations thereof, apply under the provisions of the Resolution.

Dump: A place or premises used for the dumping, storing, burying, reducing disposing of or burning garbage, refuse, scrap metal, scrap paper, rubbish, offal, dead animals, or other organic or inorganic waste, except such as result or are produced from the normal use of the premises by the occupant thereof.

Dwelling: Any building or portion thereof occupied or intended to be occupied exclusively for residence purposes only, but not including a tent, cabin, trailer or trailer coach.

a.) ***Dwelling, Single-Family*** – A building occupied or constructed to be occupied exclusively for residence purposes by one (1) family or housekeeping unit.

b.) ***Dwelling, Two-Family*** – A building occupied or constructed to be occupied exclusively by not more than two (2) families or housekeeping units.

c.) ***Dwelling, Multiple, Or Apartment House*** - A building or portion thereof occupied or constructed to be occupied by more than two families or house-keeping units.

Earth Embankment: Any mounding of dirt or other material that rises above the original lay of the land.

Easement: The right of a person, governmental entity, public utility, or other firm to use public or private land owned by another for a specific purpose as established by an instrument of record in the Van Wert County Recorder's Office.

Family: One or more persons related by blood, adoption, guardianship or marriage, living and cooking together as a single housekeeping unit, exclusive of live-in hired employees. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, guardianship, or marriage shall be deemed to constitute a family, exclusive of live-in hired employees. A family shall not include a society, club, fraternity, sorority, association, lodge, federation, coterie, or a like organization; any group of individuals whose association is temporary or seasonal in nature; and any group of individuals who are in a group living arrangement as a result of criminal offenses.

Farm: Land that is composed of tracts, lots, or parcels totaling not less than ten acres devoted to agricultural production or totaling less than ten acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars from agricultural production.

Farm Market: a producer operated facility where fresh fruits and vegetables and other food items are offered for sale.

Fence: An artificially constructed structure consisting of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected as a boundary or means of protection to enclose, screen, or separate areas on a lot.

Finished Grade Level: the elevation of the finished grade of the ground immediately adjacent to a building or structure at its exterior foundation.

Garage-Private: a building designed and used for the storage of motor vehicles.

Garage-Public: a space or structure, other than a private garage, for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers.

Group Residential Care Facility: a residential facility, licensed and/or approved and regulated by the State of Ohio as defined in ORC Section 5119.34 (B)(1)(b)., which provides rehabilitative or habitation services. There are two 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 of rehabilitation of dependent or delinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility means 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.

b.) ***Class II***: Any state, federal, or locally approved dwelling or place used as 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.

Hazardous Waste: Substances or materials that are considered to be toxic, caustic, corrosive, abrasive, or otherwise injurious in nature that may be detrimental or deleterious to the health of any person or others coming into contact with such material or substance and which cannot be handled by routine waste management techniques as defined in the OAC Section 3745-51-03.

Home Business: An occupation that is operated out of the owner's home and has no more than two (2) non-residential employees or volunteers.

Home Occupation/Incidental Business: An occupation for a profit conducted within a dwelling on a lot within a residential zoning district and has zero (0) non-residential employees or volunteers.

Hospital: A building containing beds accommodations for the diagnosis, treatment, and care of human ailments by licensed physicians and other medical staff.

Hospital, veterinary: A building containing accommodations for the diagnosis and treatment of animals by licensed veterinarians and staff.

Junk: Old or scrap copper, brass, rope, rags, trash, wastes, batteries, paper, rubber, plastic, dismantled or wrecked vehicles or parts thereof, iron, steel, and other old scrap ferrous or nonferrous materials. Junk is any vegetation, garbage, refuse, or any other debris.

Junk vehicle: Any vehicle that meets all of the following criteria:

1) three (3) years old or older;
2) apparently inoperable; and
3) extensively damaged, including but not limited to, any of the following: missing wheels, tires, engine, or transmission, etc.

Junk Yard: any land, property, structure, building or combination of the same, on which junk or junk vehicles are stored, processed, or bought or sold.

Lot: a parcel of land, which shall be a lot of record.

Lot, corner: a lot located at the intersection of two (2) or more roads.

Lot Coverage: The percentage of the total lot area that is occupied by the total horizontal area of all buildings, driveways, loading/unloading spaces, and parking area on a lot.

Lot, depth: The total distance of each side lot line measured from the front line to the rear lot line.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in the section.

Lot, Minimum Area: The total area, expressed in acres, included within the boundary lines of a lot is computed exclusive of any portion of the right-of-way of any abutting public or private road.

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

Manufactured/Mobile Home Park: is any tract of land upon which three or more manufactured or mobile 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 the park. "Manufactured home park" does not include any of the following:

(1) A tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp as defined in section 3729.01 of the Revised Code;

(2) A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority;

(3) A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

Manufactured housing: manufactured homes and mobile homes.

Mobile home: a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a

manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

Non-Conforming Use: the use of a building, structure or lot devoted to or occupied by, or for, a use that does not conform with the provisions of this Resolution or amendments thereto, for the district in which it is located.

Nursing Home: a home as defined in O.R.C. Section 3721.01 and generally used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal assistance but not skilled nursing care. A nursing home is licensed to provide personal assistance and skilled nursing care.

O.A.C.: The Ohio Administrative Code.

O.R.C. or R.C.: The Ohio Revised Code.

Parking Lot: an off-road space designed for parking of vehicles, including driveways & aisles.

Parking Space: an off-road space designed for parking of vehicles in association with a specific use.

Pond: a body of confined or stagnant fresh water, other than a pool.

Pools – Swimming: Any indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by the residents and their nonpaying guests.

a.) ***Private:*** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family 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.

Porch: a covered area adjoining an entrance to a building with no more than three (3) enclosed sides.

Private Road: a recorded easement held by a private owner or established legal entity for private use as a road-right-of-way and not accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

Produce: fresh fruit and vegetables, eggs, grains, herbs, honey, maple syrup and milk.

Public Road: a road right-of-way for public use as defined in O.R.C. Section 5535.01 and accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

Recreational Vehicle: a portable vehicular structure designed and constructed to be used as a temporary dwelling including travel trailers, motor homes, and a camper that meets the criteria as defined in O.R.C. Section 4501.01(Q).

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 neighborhood agricultural products or other products produced on the premises upon which such a stand is located.

Satellite dish antenna: an accessory structure capable of receiving, for the sole benefit of the principal use it serves, radio or television signals from a transmitter or a transmitter relay located orbitally. This definition may include direct broadcast systems and television reception only systems.

School: any public school chartered by the Ohio Board of Regents or conforming to minimum standards prescribed by the state board of education and any private or parochial school certified by the Ohio Department of Education which offers sate approved courses of instruction.

Scrap metal processing: An establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous metal for re-melting purposes.

Self-service storage facility: A building or group of buildings on a lot consisting of individual self-contained and fully enclosed units of various sizes for self-storage of personal property.

Service station: Buildings and premises where fuel, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail.

Setback Line: A line established by the Zoning Resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in said code. (See Yard)

Sewage system, on-site: A septic tank or similar installation on an individual lot which provides for the treatment of sewage and disposal of the effluent subject to the approval of the Van Wert County Health Department.

Short Term Rental (STR): the rental of a primary residence or portion thereof for a period of less than thirty (30) consecutive nights, for which the guest compensates a hosting platform, owner, or lessee of the unit.

Sign: A structure or part of a building or surface or any device or part thereof which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, or advertisement.

Small solar facility: solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts. See Article 19.2 herein contained in this resolution.

Small wind farm: wind turbines and associated facilities that are not subject to the jurisdiction of the power siting board under sections 4906.20 and 4906.201 of the Revised Code. See Article 19.1 herein contained in this resolution.

Stable, Commercial: a stable which boards more than six horses.

Story: the portion of a building, other than a basement, as defined herein, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for living quarters or if two-thirds of its volume is about the average level of the adjacent ground.

Story, Half: "Half-Story" shall mean a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.

Street or Road: a public right-of-way affording the principal means of access to abutting property, the term street shall include avenue, drive, circle, road, highway, or similar term. See also public road.

Structure: anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards.

Structural Alteration: any change in the structural members of a building, such as walls, columns, beams and girders.

Telecommunications Tower: any free-standing structure, or structure attached to a building or other structure, which meets the criteria set forth in O.R.C. Section 519.211 and this resolution.

Tourist Camp: a group of attached or detached cottages, cabins, or similar buildings, containing individual sleeping or living units, but not including kitchen or cooking spaces, for the accommodation of transient guests and not for permanent residents, including auto courts, motels or motor lodges.

Trailer: an unpowered vehicle towed by another vehicle and is further defined in O.R.C. Section 4501.01(M). "Trailer" does not include a manufactured home or travel trailer (*SEE DEFINITION for Recreational vehicle and manufactured home*).

Type A family day-care home and Type A home: a permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one (1) time or a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one (1) time are under (2) years of age and as defined in O.R.C. Section 5104.01 (TT). In counting children for the purposes of this definition, any children under six (6) years of age who related to licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. "Type A family day-care home" and "Type A home" do not include any child day camp as defined in O.R.C. Section 5104.01 (I).

Type B family day-care home and Type B home: a permanent residence of the provider in which childcare is provided for one (1) to six (6) children at one (1) time and in which no more than three (3) children are under two (2) years of age at one (1) time and as defined in O.R.C. Section 5104.01 (UU). In counting children for the purposes of this definition, any children under (6) years of age who are related to the provider and who are on the premises of the Type B home shall be counted. "Type B family day-care home" and "Type B home" do not include any child day camp as defined in O.R.C. Section 5104.01 (I).

Use: an activity permitted within the zoning district in which a lot is located as specified in this resolution.

Variance: a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vehicle: Anything that is or has been on wheels, runners, or tracks.

Vehicle Repair: The repair, rebuilding, and reconditioning of vehicles, or farm implements including collision service, painting, and steam cleaning of vehicles.

Waste: For the purpose of the Resolution "waste" shall include the following:

> ***Hazardous Waste-*** any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the director, because of its quantity, concentration or physical or chemical characteristics, may do either of the following:
>
> > a.) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness;
> >
> > b.) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.
>
> Hazardous waste includes any substance identified by regulation as hazardous waste under the "Resource Conservation and Recovery Act of 1976," 90 State. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended.

Solid Waste: unwanted residual solid or semi-solid material as results from industrial operations, including those of public utility companies, and commercial, distribution, research, agricultural, and community operations, including garbage, tires, combustible, noncombustible, or radioactive material, street dirt, and debris.

Litter: garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, on private property not owned by him, or in or on waters of the state unless one of the following applies:

a.) The person has been directed to do so by a public official as part of a litter collection drive;

b.) The person has thrown, dropped, discarded, placed, or deposited the material in a receptacle in a manner that prevented its being carried away by the elements;

c.) The person has been issued a permit or license covering the material pursuant to Chapter 3734 or 6111 of the Revised Code.

Walkway: a horizontal structure made of concrete, bricks, stone, pavers, wood chips, or other like construction for the purpose of creating a pathway for walking. A walkway may include a sidewalk or a trail.

Water, central: A system having one (1) or more wells or other sources of water supply joined together by pipelines so as to form a water distribution system for more than one (1) dwelling or building, community, or region subject to the approval of the Van Wert County Sanitarian.

Waterline: The outer most edge line of water, where it meets dirt or other material.

Yard: open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1.) ***Yard, Front***: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

2.) ***Yard, Rear***: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

3.) ***Yard, Side***: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Certificate or Permit: Written statement issued by the Zoning inspector in accordance with the regulations specified in this resolution.

Zoning Commission: The Township Commission.

Zoning Inspector: The Zoning Inspector is the person designated by the Board of Township Trustees to administer and enforce zoning regulations and related Resolutions. The Zoning Inspector shall have such powers as are conferred upon him/her by this Resolution and State Statutes.

Zoning Map: The official zoning map of the township, which shows the boundaries of the zoning districts, established in this resolution.

ARTICLE 5 – ESTABLISHMENT OF DISTRICTS

5.1: 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.

5.2: Establishment of Districts: In order to carry out the purposes and provisions of this Resolution, the Township is hereby divided into the following Zoning Districts:

AR- Agricultural and Residential District

C- Commercial District

I - Industrial 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 flexibility in its administration to allow future expansion and emendation.

5.3: Zoning District Map: The districts established in Article 5.2, 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.

5.4: 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 Article 5.7.

5.5: Identification of Official Zoning Map: The Official Zoning Map shall be properly identified by the signature of the Chairman of the Board of Township Trustees, as attested by the Township Fiscal Officer, and bearing the official seal. The Map shall be maintained by the Zoning Inspector and shall remain on file in the office of the Fiscal Officer. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the description(s) as found in the text of the Resolution or any other Resolution. The Official Zoning Map shall be a reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by Resolution.

5.6: Interpretation of District Boundaries: 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:

A.) 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;

B.) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;

C.) 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:

D.) 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;

E.) Whenever any street, alley, or other public way is vacated by official Board of Township Trustees action, the zoning district adjoin 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.

5.7: Zoning Map Amendments: After 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 and attested by the Fiscal Officer.

ARTICLE 6 – GENERAL PROVISIONS

6.1: Conformance Required: Except as hereinafter specified, no land, building, structure, or premises, shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the district in which it is located.

6.2: Continuing Existing Uses: Any use, building, or structure, existing at the time of the enactment of this Resolution may be continued, even though such use, building or structure may not conform with the provisions of this Resolution of the district in which it is located.

6.3: Non-Conforming Uses or Buildings: No existing building or premises devoted to a use not permitted by this Resolution in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use there of is changed to a use permitted in the district in which such building or premises is located, except as follows:

A.) Substitution

1.) If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Notice of intention to change or substitute shall be filed with the Zoning Inspector and such substitution or change shall require a Zoning Certificate, issued in conformity with the requirements of Article 17.

2.) Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use, unless such change shall be allowed by the Zoning Board of Appeals, after a public hearing as provided in Article 13.

3.) When authorized by the Board, the substitution for a non-conforming use of another non-conforming use, if no structural alterations, except those required by law or regulation, are made; provided, however, that in any "AR" District no change shall be permitted to any use prohibited in an "I" District.

B.) Discontinuance: In the event that a non-conforming use of any building, structure, or any premises or land is voluntarily discontinued for two (2) years or more, any further use thereof shall be conformity with the provisions of the Resolution.

C.) Extensions of Existing Non-Conforming Uses:

1.) When authorized by the Board of Zoning Appeals, the extension or completion of a building devoted to a non-conforming use upon a lot, occupied by such building or on a lot adjacent, provided that such lot was under the same ownership as the lot in question on the date such building became non-conforming; and where such extension is necessary and incidental to the existing use of such building; provided, however, that the floor area of such extension shall not exceed in all, thirty-five (35%) percent of the floor area of the existing building or building devoted to a non-conforming use and provided further, that such extension or extensions shall be undertaken within five (5) years of the date when the use of such building became non-conforming.

2.) When authorized by the Board of Zoning Appeals, a non-conforming use may be extended throughout those parts of a building which were manifestly designed or arranged for such use prior to the effective date of this Resolution, if no structural alterations, except those required by law, are made therein.

D.) Replacing Damaged Buildings: Any non-conforming building or structure damaged more than fifty (50%) percent of its then fair market value, as determined by three (3) qualified disinterested appraisers, exclusive of the foundations, at the time of damage by fire, flood, explosion, war, riot, or Act of God, shall not be restored or reconstructed and used as before such happening; but if less than (50%) percent damaged above the

foundation, it may be restored, reconstructed, or used as before, provided that such restoration be started within six (6) months of the date of such damage.

6.4: Agriculture: Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes, as defined in the ORC, 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, and no building permit shall be required for any such use, building or structure.

6.5: Buildings Under Construction: Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any premises, building, structure, or part thereof, the construction of which shall have been started prior to the effective date of this Resolution and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control provided that, in any event such construction shall be completed within one (1) year after the effective date of this Resolution. Upon application to the Board of Trustees, an extension of six (6) months may be allowed by the Board of Trustees.

ARTICLE 7 – "A/R" – AGRICULTURAL AND RESIDENTIAL DISTRICTS

7.1: The following regulations and the regulations contained in Article 6 shall apply in the "AR", Agricultural and Residential District.

A.) Principal Permitted Uses

1.) Agriculture and the use of agricultural buildings and structures,

2.) Single Family Dwellings – Shall have a lot size of at least one and one-half (1 1/2) acre. There shall be a minimum of two (2) acres for single family dwelling and pond.

7.2: The following uses shall be deemed to be conditional uses and shall be permitted only when authorized by the Board of Zoning Appeals.

A.) Conditional Uses

1.) Lodging and Boarding Houses- Shall have a lot size of at least one and one-half (1 1/2) acre.

2.) Nursing and Convalescent Homes- Shall have a lot size of ten (10) acres.

3.) Private Clubs, Fraternities, Sororities, Lodges, and other similar clubs- Shall have a lot size of ten (10) acres.

4.) Commercial Stables- Shall have a lot size of five (5) acres and provided that such buildings shall be a distance of two hundred (200) feet from any lot in an "AR" District.

5.) Veterinary Clinics and Commercial Dog Kennels- Shall have a lot size of five (5) acres and provided that all buildings, including runways, shall be a distance of three hundred (300) feet from any lot in an "AR" District.

6.) Public or privately owned and operated airports or landing fields.

7.) Commercial swimming pools, including; fishing lakes, gun clubs, and skeet shooting ranges.

8.) Commercial hunting preserves

9.) Private golf courses.

10.) Temporary sawmills- For cutting timber grown on the premises, provided that any power or power producing equipment is located at least two (200) feet from all adjacent property lines.

11.) Private recreation areas and centers including country clubs, swimming pools.

12.) Cemeteries

13.) Campers and Campgrounds; provided that all such camps comply with all pertinent statutes of the State of Ohio Sanitary Code regulating recreational vehicle camps and parks, and provided further that, the provision of the said statues and regulations notwithstanding, the minimum area allotted to each recreational vehicle shall be not less than one thousand five hundred (1,500) square feet, and that such camps comply with the pertinent provisions of this Resolution.

14.) Multi-Family Dwellings shall have a lot size of at least one and one-half (1 1/2) acre, with an additional minimum one-half $^1/_2$ acre per dwelling unit and limited to two (2) stories.

15.) Mobile Homes shall be in an approved mobile home park.

16.) Incidental/Home Business, Home Occupations

17.) All Uses considered "C" Commercial

18.) All Uses considered "I" Industrial

19.) Churches and places of assembly and related accessory structures thereto – Shall have a lot size of at least two (2) acres.

20.) Schools, public, parochial or private, and accessory structures thereto.

21.) Publicly owned and operated buildings and facilities, except those specifically prohibited or restricted in this Resolution.

22.) Hospitals, medical clinics, *sanitariums* and charitable institutions for the treatment of diseases. Such uses shall have a lot size of at least ten (10) acres and side and rear yards of at least one hundred (100) feet.

23.) Public parks, playgrounds and community centers, public recreation areas and centers including country clubs, swimming pools and golf course, public and private forests and wildlife preserves, and similar uses, except those specifically prohibited or restricted in this resolution, provided that any structures erected in connection with such uses are at least three hundred (300) feet from any residence existing at the time such structures are erected. This provision may be waived or modified by the Zoning Board of Appeals, after public hearing, in accordance with the pertinent provisions of Article 16.

24.) Telecommunication Towers. Telecommunication towers may be regulated in areas zoned for residential Use, including the A/R District, those areas being classified by this Resolution as Residential and Planned Residential Zoning Districts, upon receipt of an objection pursuant to ORC 519.211(B)(2). The provisions of this Resolution concerning telecommunication towers are not intended to replace or modify ORC 519.211, but instead are intended to incorporate ORC 519.211 and its terms into this Resolution. Any notice of an objection shall comply with the provisions of ORC 519.211(B)(3). Upon timely receipt by the Township Trustees of an objection to a proposed telecommunication tower, the Trustees shall proceed as provided in ORC 519.211(B)(4)(a). Telecommunication towers shall be permitted as a Use exempt from any local zoning authority in residential zoned areas if no objections are timely filed as provided in ORC 519.211(B)(4)(b). If objections are timely filed consistent with ORC 519.211(B) for a proposed telecommunications tower in a District zoned for residential Use then the telecommunications may only be permitted as a Conditional Use by the Board of Zoning Appeals, provided that all of the following conditions of this Section are met. An application for Conditional Use shall be filed with the Board of Zoning Appeals.

A) Conditional Use Application Requirements. In addition to the requirements of Section 11.22, the application shall include:
   1) A site plan must be submitted at the time the application for the Conditional Use Permit is submitted. The site plan shall contain the following:
      a) The location of all the applicant's existing facilities both within the Township and within one (1) mile of the proposed site.
      b) The general location of planned future facilities, if known.
      c) For each location shown on the plan, there shall be listed: i) The type and size of tower at each location; ii) The type of equipment located or proposed on each tower; iii) The space available on the tower for additional equipment; iv) The ground network, if any, served by the tower; and v) A site plan showing the Lot on which any existing or proposed tower, antenna or equipment is located.
      d) A site plan for the facility which is being applied for shall also be submitted containing: i) The location, type and size of existing and proposed towers, antennas and equipment located at the site; ii) The location of existing and proposed buildings and structures, access easements and parking areas; iii) Detailed drawings of the screening plan and related design standards; and
      e) A written certification from a professional engineer registered in accordance with the laws of the State of Ohio certifying the following: i) That the tower's design is structurally sound and in compliance with all applicable federal, state, and local building laws including, without limitation, the Ohio Basic Building Code and the National Electric Code; ii) That the tower complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER); and iii) That the tower will, to the extent possible, accommodate co-location of additional wireless communication antennas for future use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location.

B) General Requirements for Telecommunication Towers.

1) The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed to service the applicant's service area and that there are no alternative sites reasonably available in any area. This shall include an explanation and accompanying documentation as to why a tower on this proposed site is technically necessary; a description of the suitability of the use of existing towers, other structures or technology not requiring the use of the proposed new tower; and a demonstration that a technically suitable location is not reasonably available on an existing tower, building or structure. If another tower is technically suitable, the applicant must show that a request to co-locate was made and that such request was rejected.
2) All towers shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the state or federal government with the authority to regulate such towers. If the applicable standards and regulations are changed, then the owners/operators of the towers shall, if required by the applicable governmental authority, bring such towers into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the applicable governmental authority.
3) The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued.
4) The owner/operator shall annually file a declaration with the Zoning Inspector which certifies that the radio frequency transmission and/or reception equipment attached to the tower is in use and is operational.
5) The owner/operator shall provide documentation that notice has been provided in accordance with Section 519.211 of the Ohio Revised Code.

C) Development Standards for all Telecommunication Towers.

1) No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are Contiguous to one another, or some of which are Contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are Contiguous to one another and adjacent to the opposite side of the same dedicated public road, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.
2) The maximum height of a tower shall not exceed one hundred fifty (150) feet.
3) The tower shall not be placed closer than one hundred fifty (150) feet from any existing residential Dwelling unit.
4) The minimum lot size for which a tower is to be placed shall be two (2) acres.
5) The tower shall be located no closer to a Street Right-of-Way than fifteen (15) feet behind the established Building Setback line.
6) A tower shall be set back from any adjoining Lot Line a distance which is equal to the height of the tower as measured from its base.
7) Security fencing shall be provided to prevent uncontrolled access to the tower site. The tower shall be screened by an eight (8) foot high Fence or barrier. A continuous evergreen hedge, trees or similar landscape materials of a size, type, area, and design deemed appropriate by the Board of Zoning Appeals shall be placed outside of and along the Fence or barrier. Any solid Fence or barrier shall contain no advertising but may contain one small identification Sign not to exceed three (3) square feet in size. The storage of any equipment must be contained inside the screened area.

8) The Lot on which the tower is to be located shall meet the minimum Frontage requirements of the Zoning District in which it is located.
9) Any screening shall be maintained in good condition. The applicant is responsible for ensuring that the area on which the tower is to be located is kept free of weeds and trash. The outside storage of vehicles or equipment must be contained within the screened area.
10) The tower and related screening shall be designed to be aesthetically and architecturally compatible with the surrounding environment. The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain, or be illuminated by, artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC). All surfaces shall be maintained in good condition, absent of flaking or peeling paint, and rust. Unless otherwise approved by the Board of Zoning Appeals, the tower shall be of a non-corrosive monopole design.
11) No advertising is permitted anywhere on the telecommunications tower facility except for one identification sign not to exceed one square foot in size.
12) The tower shall be fully automated and unattended daily and shall be visited only for periodic and necessary maintenance. Also, all utility service to the tower shall be underground in accordance with applicable federal, state, and local codes.
13) Where the tower is located on a property which is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application and that vehicular access is provided to the property. Reasonable access and circulation shall be provided to the tower.
14) The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said tower has reached full antenna capacity. Antenna towers are not permitted to be built to a height which exceeds the applicant's service need as substantiated by the testimony and certification of the applicant's engineer. If the tower must be extended in the future to accommodate co-location, the initial tower foundation must be designed to accommodate this extension capability. This ultimate height shall be specified on the drawings submitted with the application. Unless otherwise approved, the tower height shall not be extended until co-locators are installed.
15) A tower may be attached to a residential or nonresidential Building or Structure that is a permitted Use and Structure in the District, provided that the tower's height does not exceed twenty (20) feet above the existing Building or Structure to which the tower is attached; and further provided that all requirements except those found in Items C.2, C.7, and C.9 herein are met. All roof-mounted towers shall be screened from view to the extent possible. The outside storage of vehicles or equipment, if not located inside the Building or Structure on which the tower is located, shall be screened by a minimum eight (8) foot high solid masonry or concrete wall and, outside of and along the wall, a continuous evergreen hedge, trees or similar landscape materials of a size and type deemed appropriate by the Board of Zoning Appeals. The screening shall be maintained in good condition. Any solid wall shall contain no advertising but may contain one small identification Sign not to exceed one (1) square foot in size. The applicant is responsible for ensuring that the tower area is kept free of Junk, trash, and weeds.

D) Exception to Conditional Use Permit. Telecommunications towers meeting the following conditions shall not be required to obtain a Conditional Use Permit but shall be deemed to be permitted Uses requiring a Certificate of Zoning Compliance. Should the owner/operator of a telecommunications tower desire to co-locate a tower on another existing telecommunications tower or on another utility Structure and such co-location will result in a substantial change in the height of the tower, then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: A.1.e.i and ii; B.2, 3, and 4; and C.5, 7,

10, 11, 12, and 13; herein. A substantial change in height shall mean the addition of more than forty (40) feet to the existing tower or Structure.

25.) Short-term rentals, provided that:

1) Parking shall not be permitted in the area defined as the front yard setback of the existing zone district.
2) The vehicular use area shall be located and designed so as to minimize impact on the neighborhood.
3.) Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties.
4.) No exterior alterations of an existing structure shall be made that depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
5.) All exterior lighting shall be directed away from adjacent residential properties.
6.) The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents along with a structured procedure whereby resident's grievances may be filed with the Township and resolved by the facility.
7.) Meals shall be served only to guests or residents of the facility and not to the general public.
8.) An emergency response plan shall be submitted detailing safety measures and response procedures.

26.) Day Care Centers, where permitted, shall adhere to the following standards:

A.) The building occupied by the use shall be compatible with neighborhood structures in dimension, size and architecture.
B.) There shall be an outdoor play area of eighty-five (85) square feet or more per child.
C.) Such play area shall be enclosed with a chain link fence or its equivalent in strength and protective character to a minimum height of five (5) to control accessibility of children to adjoining hazardous conditions such as streets, ponds, pools, etc. or adjacent yards.
D.) A drop-off area with space provided so that children are not dropped off along a public right of way.
E.) Parking spaces are provided as specified in this resolution.
F.) Exterior lighting conforms with provisions set forth in this resolution.

27.) Any other use as determined by the Board of Zoning Appeals to be of the same general character as the above permitted uses, but not including any use specifically prohibited or restricted in this Resolution.

7.3 Accessory Uses as Conditional Uses: Uses and structures customarily incident to any of the principal permitted uses shall be considered conditional uses and shall be permitted only when authorized by the Board.

A.) Incidental business uses/Home Occupations (no person not a resident may work/volunteer) and Home Businesses (no more than two outside employees), provided that such business use is owner-operated by an owner resident on the premises, and subject to the following restrictions:

1.) All such accessory uses shall involve the services of persons using the premises as their private residence and shall entail no internal changes in the structural form of the building, such as the removal of partitions or parts there-of.
2.) Such uses shall not entail the sale of articles on the premises except those which are customarily incidental to the permitted occupations.
3.) All such accessory uses shall be restricted to such uses as are not offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration, and to such as are not accompanied by an unreasonable number of calls or stops by either pedestrians or vehicles, nor by any use of the premises that may be unsightly or otherwise objectionable by reason of accumulation of material or debris.

4.) Such accessory uses shall not involve any extension or modification of said dwelling which will alter its outward appearance as a dwelling.
5.) Such accessory uses shall not involve any outward evidence of such other than a sign not exceeding two (2) square feet in area.
6.) Such accessory uses shall not occupy more than twenty-five (25%) percent of the floor area of a single floor dwelling.
7.) If such accessory uses are conducted in an accessory building, such accessory building shall be located on the rear of the lot and shall not have a floor area greater than fifty (50%) percent of the floor area of the dwelling.
8.) Roadside stands are also permitted, provided they offer for sale only those agricultural products produced on the premises.
9.) Any building housing power or power producing machinery or equipment shall be distant at least one hundred (100) feet from all adjacent property lines.
10.) No portion of the premises within the required set-back lines shall be used for the storage of material or equipment.
11.) Variances to the requirements of Article 7.3 may be requested at time of application for conditional use.

7.4: The following uses are prohibited:

1.) Landfills and Dumps

2.) Junk Yards

3.) Drive-in Theaters

4.) Quarries and Tile Mills

5.) The manufacture, wholesale or retail sale of fireworks.

6.) Inns, drinking establishments, nightclubs.

7.) All uses prohibited in the "C" and "I" Districts.

8.) In general, any use, which may be obnoxious, offensive, or detrimental to the neighborhood by reason of the emission of odor, dust, gas, smoke, vibration or noise.

9.) Commercial Racetracks and Dragstrips

10.) All uses not otherwise permitted shall be considered prohibited.

7.5: Yard Requirements:

A.) **On all roads, streets, and highways:** the building line shall be at least ninety (90) feet from the center line of the road, street, or highway. Except in the case of a roadside stand, in which case the building line shall be at least ten (10) feet from the right-of-way. Also, hospitals, commercial stables and veterinary clinics shall have a two hundred (200) feet set back.

B.) **Side Yards:** Dwelling Units and Accessory Buildings: Every dwelling and accessory building shall have two side yards, the width of which shall be a minimum of twenty (20) feet each.

C.) **Front Yard:** Dwelling Units: Every dwelling shall have a front yard, the width of which shall be a minimum of one hundred fifty (150) feet.

D.) **Side Yards**: Other Uses: All permitted uses, other than dwellings and accessory buildings thereto, shall have two side yards, the width of which shall not be less than twenty (20) feet each, except in the case of; hospitals, commercial stables and veterinary clinics, where the width shall not be less than one hundred fifty (150) feet each.

E.) **Front Yard:** Other Uses: All permitted uses, other than dwellings and accessory buildings, shall have a front yard, the width of which shall be one hundred fifty (150) feet, except in the case of hospitals and commercial

stables, in which case, the width of the front yard shall be two hundred (200) feet. Also, veterinary clinics shall have a front yard of not less than one hundred fifty (150) feet in width.

F.) **Rear Yard**: A rear yard shall not be less than thirty (30) feet, except in the case of; hospitals, commercial stables and veterinary clinics, where the rear yard shall not be less than one hundred (100) feet.

G.) **Accessory Buildings:** Shall be located in rear or side yard.

7.6: Percent of Lot Coverage: Buildings including accessory buildings shall not cover more than thirty-five (35%) percent of the area of any lot or premises.

7.7: Required Lot Area: All lots used for single family residential purposes shall have a minimum frontage of one hundred fifty (150) feet and a minimum area of one and one-half (1 ½) acre. All lots for Multi-Family dwellings shall have a minimum frontage of one hundred fifty (150) feet, a minimum area of one and one-half acre (1 ½), and an additional minimum of one-half (1/2) acre in lot area per dwelling unit. Required lot area with a pond is two (2) acres.

7.8: Setbacks: Additional Requirements: In addition to the required setbacks as listed on the "AR" District Chart, the following shall apply:

A.) Fences along a right-of-way shall not be within the right-of-way area.

B.) Trees/shrubs/wind breaks or similar vegetation shall have a setback of twenty (20) feet from the Right of Way. All vegetation must be maintained and shall not constitute a nuisance.

C.) Inanimate structures, with the exception of boundary markers/corner posts, shall have a setback of two and one half (2 ½) feet from adjoin lot lines.

D.) If the landowner wishes to vary from required setbacks in this section, then a sign-off form may be used. The form must be signed by all adjoining, affected, property owners, and submitted with request for variance.

7.9: Height of Structures: Except as otherwise provided in this Resolution: the height of any structure may not exceed 50 (fifty) feet from the original pre-construction grade level.

"A/R"- Agricultural/Residential District: Principle Permitted Use Conditional Uses*	Minimum Lot Size	Frontage (In Feet)	Front Set Back (On date of permit application) from Centerline of road (In feet)	Side Least Width (In feet)	Rear (In Feet)	Maximum Lot Coverage
Single Family Dwelling	1 ½ Acre	150	90	20	30	35
Single Family Dwelling with Pond	2 Acres	150	90	20	30	35
Agriculture *			90	20	30	
Multi-Family Dwelling	1 ½ Acre **	150	90	20	30	35
Earth embankment edge set back from home		150	90	20	30	35
Churches	2 Acres	150	90	20	30	35
Schools-Structures to not require permit. Set back requirements must be met.		150	**90**	**20**	**30**	**35**
Public Park, Playgrounds. Structures must be at least 300 feet from any existing residence						
Public Buildings			90	20	30	
Class I, Type B Group Residential Facility			90	20	30	
Hospitals	10 Acres	200	200	150	100	35
Campgrounds*, Manufactured/Mobile Home Parks* - Must conform to state regulations	**1500 sq ft**	150	**90**	**50**	50	**35**

* Agriculture on or near lots in a platted subdivision and on lots one (1) acre or less and buildings or structures on land used for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall be subject to setback, height, and minimum floor area requirements set forth in this resolution.

Incidental/Home Business/ Home Occupations**						
Cemeteries**	10 Acres					
Boarding Homes**	1½ Acre	150	90	20	30	35
Nursing/Convalescent Home**	10 Acres	150	90	20	30	35
Public Utilities & Railroads -cannot be regulated by zoning						
Trees/Shrubs/Wind breaks-from Right of Way				20	20	
Private Clubs/Lodges**	10 Acres	150	90	20	30	35
Commercial Stables	10 Acres	150	90	20	30	35
Veterinary Clinics**	5 Acres	150	200	300	300	35
Parking-must be approved in accordance with Resolution.						

_____ Zoning Permit	_____ Variance	_____ State Permit/ Licenses
_____ Conditional Use Permit	_____ Water/Sewage Permit	_____ Local Permit/ Licenses

**An additional minimum one-half (1/2) acre in lot size per dwelling unit is required to meet current Health Department Regulations on lot size

Article 8 – "C"- Commercial District

8.1: The following regulations and the regulations contained in Article 6 shall apply in the "C", Commercial District.

A.) **Principal Permitted Uses:**

Any use or structure permitted or as regulated in "AR" Districts.

1.) Stores and shops for conducting any retail or personal service business, also food processing where the products are for sale exclusively on the premises.

2.) Automobile, trailer and farm implement establishments for display, hire, sales and repair, including sale lots, provided that such establishments are not junk yards as hereinbefore defined in this Resolution.

3.) Theatres; provided that for drive-in theatres the screen shall be so located as so the front of the screen is not visible from adjacent streets or highways and said screen shall be setback not less than two hundred (200) feet from the established right-of-way of any highway.

4.) Swimming pools, skating, golf driving ranges or similar open air recreational uses and facilities.

5.) Bowling alley, motel, skating rink, carpenter, sheet metal and sign painting shop, bakery, laundry, clothes cleaning and/or dyeing establishments, wholesale business, storage or warehouse, commercial greenhouse provided that no heating plant or ventilating flue in connection with such operations shall be within fifty (50) feet of any "R-1" District or "A-1" District.

6.) Any other use as determined by the Board of Zoning Appeals to be of the same general character as the above permitted uses, including any kind of manufacturing or treatment incidental to the conduct of a retail business conducted on the premises but not including any use which is prohibited or restricted in an "I-1" District.

7.) A building may be used for a combination of business and residence purposes and; if so used, shall be classified under "C", Business District regulations.

8.) All uses not otherwise permitted shall be considered prohibited.

8.2: The following regulations and the regulations contained in Article 6 shall be considered before issuing a conditional use permit. In addition, the Board shall give due regard to the nature and condition of all adjacent uses and buildings; and in authorizing a conditional use permit, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation (in addition to those expressly stipulated in this Resolution for the particular conditional use) as the Board may deem necessary for the protection of adjacent properties and public interest.

A.) Conditional "C" Uses

1.) Drive-in restaurants and eating establishments,

2.) Any other use as determined by the Board to be the same general character as the above permitted uses.

3.) A building may be used for a combination of business and residence purposes and, if so used, shall be classified under "C" Commercial use.

8.3 Accessory Uses: Uses and structures customarily incidental to any of the conditional "C" uses are permitted, except that no such accessory use or structure shall be of a type permitted or regulated in an "I" District.

8.4 Yard Requirements:

A.) On all roads, streets and highways, the building line shall be at least one hundred and fifty (150) feet from the centerline of the road, street or highway.

B.) Side Yards: All business uses and accessory building shall have two side yards, the width of which shall be a minimum of fifty (50) feet each.

C.) Front Yard: All business uses shall have a front yard, the width of which shall be a minimum of one hundred and fifty (150) feet.

D.) Rear Yard: The rear yard shall not be less than fifty (50) feet.

8.5: Distance from Other Uses: No business use shall be located within two hundred (200) feet of a building lot in an "AR" District.

8.6: Percentage of Lot Coverage: Building including accessory buildings shall not cover more than thirty-five (35%) percent of the area of any lot or premises.

8.7: Required Lot Area: All lots used for business uses shall have a minimum lot area of one and one-half (1 1/2) acre.

8.8: Height of Structures: The height of any structure may not exceed fifty (50) feet from the original pre-construction grade level.

"C"-Commercial District	Lot Size	Frontage (In Feet)	Front Set Back from Centerline of road on date of permit application (In feet)	Side Least Width (In feet)	Rear (In Feet)	Maximum % Lot Coverage
All Commercial Uses-Permitted and Conditional	1 1/2 Acres	150	150	50	50	35
Earth Embankment Edge is set back line for structures		150	150	50	50	35

In addition, commercial use shall comply with distancing requirements to lots in the "AR" District

ARTICLE 9- "I"- INDUSTRIAL DISTRICT

9.1: The following regulations and the regulations contained in Article 6 shall are considered before issuing a conditional "I" use permit. In addition, the Board shall give due regard to the nature and condition of all adjacent uses and buildings; and in authorizing a conditional use permit, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation (in addition to those already expressly stipulated in this Resolution for the particular conditional use) as the Board may deem necessary for the protection of adjacent properties and public interest.

A.) **Conditional Uses:** A building or premises may be used for any purpose permitted in "AR" and "C" Districts except those listed immediately below:

No zoning certificate shall be issued for any use in conflict with any resolution of Van Wert County or law of the State of Ohio regulating nuisances.

No zoning certificate shall be issued for any of the following uses until and unless the location of such use shall have been authorized by the Board in a manner provided in Article 13.

1.) Abattoirs and slaughterhouses or stock yards.

2.) Acid manufacture or wholesale storage of acids.

3.) Cement, lime, gypsum or Plaster of Paris manufacturer.

4.) Distillation of bones.

5.) Explosive manufacture or storage, or the use of fissionable material as the primary source of power.

6.) Fat rendering, fertilizer, gas, or glue manufacture.

7.) Petroleum or petroleum products refining.

8.) Smelting or reduction of ores or metallurgical products.

9.) Race tracts and courses for the conduct of seasonal or periodic racing meets of aircraft, horses, dogs, automobiles, motorcycles and the like.

10.) Junk yards.

11.) Auto wrecking, equipment wrecking yards.

12.) Any use which may be obnoxious or offensive by reason of the emission of odor, gas, smoke, vibration or noise.

13.) Any special or conditional use as listed in Article 7, Paragraph 7.2, 7.3.

14.) Industrial warehousing

9.2: Prohibited Uses: The following use is prohibited:

A.) Dumping, storing, burying, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except as a result from the normal use of the premises, or the maintenance and use of any premises as dump as defined in this Resolution, unless such dumping is done at a place provided by the Township Trustees for such specific purpose.

B.) All uses not otherwise permitted shall be considered prohibited.

9.3 Required Conditions:

A.) The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance, shall be employed.

B.) All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least two hundred (200) feet from any "AR" District.

9.4 Yard Requirements:

A.) On all roads, streets and highways, the building line shall be at least two hundred (200) feet from the center line of the road, street or highway.

B.) Side Yards. All Industrial "I" uses and accessory buildings shall have two side yards, the width of which shall be a minimum of two hundred (200) feet when located adjacent to an A/R use and, one hundred (100) feet when located adjacent to a C or I use.

C.) Front Yard. All Industrial "I" uses shall be a front yard, the width of which shall be a minimum of two hundred (200) feet each.

D.) Rear Yard. The rear yard shall not be less than two hundred (200) feet.

9.5: Distance from Other Uses: No Industrial "I" use shall be located within two hundred (200) feet of a building lot in the "AR" District and one hundred (100) feet of a commercial site in the "C" District

9.6: Percentage of Lot Coverage: Buildings including accessory buildings shall not cover more than thirty-five (35%) percent of the area of any lot or premises.

9.7: Required Lot Area: All lots used for Industrial "I" uses shall have a minimum area of three acres.

9.8: Height of Structures: The height of any structure may not exceed fifty (50) feet from the original pre-construction grade level.

"I"-Industrial District Conditional Uses	Lot Size	Frontage (In Feet)	Front Set Back from Centerline of road on date of permit application (In feet)	Side Least Width (In feet)	Rear (In Feet)	Maximum % Lot Coverage
All Industrial Uses	3 Acres	200	200	** See Below	200	35
Earth Embankment Edge is set back line for structure		200	200	** See below	200	35

** 200 feet when located adjacent to "AR" District

** 100 feet when located adjacent to "C" District

ARTICLE 10 – PARKING AREAS

10.1: Parking Requirements: In all districts, in connection with every industrial, commercial, business, trade, institution, recreational or dwelling use, space for parking and storage of vehicles shall be provided, and shall comply with the following requirements:

A) Areas of required parking areas shall be in accordance with the following schedule, but in no event shall a required parking lot, except for dwellings, are less than 1000 square feet in area.
   1) Automobile Sales and Service Garages- fifty (50%) percent of floor area.
   2) Businesses and Professional Offices- fifty (50%) percent of floor area.
   3) Bowling Alleys- 5 spaces for each alley.
   4) Churches and Schools- 1 space for each of the 4 seats in a principal auditorium or one space for each 8 classroom seats, whichever is greater.
   5) Dance Halls, Assembly Halls – 200% of floor area used for dancing or assembly.
   6) Hospitals- One space for each 2 beds.
   7) Hotels, motels, tourist camps- One space for each bedroom.
   8) Manufacturing plants- One space for each two employees or 30% of floor area, whichever is greater.
   9) Restaurants- 200% of floor space.
   10) Retail stores and Business- 200% of floor area.
   11) Warehouse- One space for each two employees.
   12) Dwelling- One space for each family or dwelling unit.

B) For each of the permitted uses there shall be provided sufficient space for the off-street parking of motor vehicles to accommodate the normal number of motor vehicles which will congregate as a result of the uses of such building or premises. For all other permitted uses, the number of parking spaces required shall be determined by the Board of Zoning Appeals, and in accordance with the pertinent provisions of this Resolution.

C) Accessory uses shall provide sufficient off-street parking to accommodate the number of vehicles reasonably expected to use the services involved and proper arrangements for vehicular exits and entrances shall be made in order to reduce potential traffic hazards.

D) In the case of uses not specifically mentioned herein, the provision for a use which is so mentioned and to which said use is similar shall apply.

E) Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements.
   1) No part of any parking area shall be closer than the building set back line to any street or road center line except in the case of corner lots when such distance shall be as determined by the Board of Appeals.
   2) In case any parking area abuts a building lot in an "AR" District, then no part of the parking area shall extend beyond the front building line for a distance of not less than one hundred (100) feet measured from the building lot in the "AR" District.
   3) Off-street parking areas, for more than ten (10) vehicles, adjoining or facing any building lot in an "AR" District or institutional premises, shall be effectively screened by a masonry wall or compact evergreen hedge. Such wall or hedge shall not be less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between such a wall or hedge and the adjoining premises shall be maintained in good condition.
   4) Off-street parking areas for more than ten (10) vehicles shall be paved with asphaltic material or concrete so as to provide a durable, dust-free surface.
   5) Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoin or facing building lots in any "AR" District.

10.2: Parking Conditions and Limitations: The Board of Appeals may also authorize, subject to the provisions of Article 13 or Article 14, the establishment and operation of off-street parking areas in any "AR" District that adjoins a "C" or "I" District, subject to the following conditions and limitations.

A.) Any parking area established in accordance with this provision shall meet the following conditions.

1.) Such parking shall be accessory to and for the use of a business or industrial establishment located in the adjoining "C" or "I" District.

2.) The application shall be accompanied by the names and addresses of all property owners within five hundred (500) feet of the premises in question.

3.) As a condition of the issuance of a Zoning Certificate, the board may prescribe such requirements of conditions deemed desirable in respect to surfacing, marking, and lighting, wall, fencing or planting for the protection of adjacent property.

A Zoning Certificate issued for such accessory parking areas under the above provisions shall be revocable, subject to continued compliance with the requirements and conditions.

ARTICLE 11 – SPECIAL PROVISIONS

General: It is the purpose of these special regulations 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, 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 infringing upon the property rights of others.

11.1: Campers & Campgrounds: The following provisions, in addition to other conditions provided in this Resolution, shall apply to all recreational vehicles and recreational vehicle parks.

No permanent residency or occupancy of a recreational vehicle shall be permitted. Use of a recreational vehicle as a temporary dwelling will be subject to a conditional use permit. Sewage requirements must be met.

A.) **Definitions:**

a. *Recreational Vehicle:* is a portable vehicular structure designed and constructed to be used as a temporary dwelling and meets the criteria as defined in O.R.C. Section 4501.01(Q) and meets all of the following conditions:
   i. It is designed for the sole purpose of recreational travel.
   ii. It is not used for the purpose of engaging in business for profit.
   iii. It is not used for the purpose of engaging in intrastate commerce.
   iv. It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended.
   v. It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.
   vi. It is classed as one of the following:
      1. Travel trailer or house vehicle is a non-self-propelled recreational vehicle that does not exceed an overall length of forty feet, exclusive of bumper and tongue or coupling. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code.
      2. Motor home is a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
      3. Truck camper is a non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.
      4. Fifth wheel trailer is a vehicle that is of such size and weight as to be movable without a special highway permit, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.
      5. Park trailer is a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

b. *Self-contained recreational vehicle* is a recreational vehicle that can operate independent of connections to sewer and water and has plumbing fixtures or appliances all of which are connected to sewage holding tanks located within the vehicle. "Self-contained recreational vehicle" includes a park model.

c. *Recreation camp:* is any tract of land upon which five or more portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the camp. A tract of land that is subdivided for lease or other contract of the individual lots is a recreation camp if five or more portable camping units are placed on it for recreation, vacation, or business purposes. This does not include any tract of land used solely for the storage or display for sale of dependent recreational vehicles, solely as a temporary park-camp, or solely as a manufactured home park.

d. *Recreational vehicle park* is any tract of land used for parking five or more self-contained recreational vehicles and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the park facilities and any tract of land that is subdivided for lease or other contract of the individual lots for the express or implied purpose of placing self-contained recreational vehicles for recreation, vacation, or business purposes. This does not include any tract of land used solely for the storage or display for sale of self-contained recreational vehicles, solely as a temporary park-camp, or solely as a manufactured home park.

B.) **Yard Requirements:** The yard requirements shall be as follows:

a. Front yard requirements shall be the same as for other uses in the district in which the camp is located and no trailer, display, play area, or parking area shall occupy such front yard.

b. Where the camp abuts an "AR" District the required side yard shall be fifty (50) feet from such "AR" boundary, and no trailer shall be parked closer than seventy-five (75) feet to such "AR" boundary.

c. Where the camp abuts a "C" or "I" District the required side yard shall be fifty (50) feet and no trailer shall be parked closer than fifty (50) feet to such "C" or "I" boundary.

d. Rear yards shall be at least fifty (50) feet and no trailer shall be parked in any such required rear yard.

C.) **Screening:** Campgrounds shall be screened from adjoining premises by protective planting, fences or other means approved by the Board of Appeals.

D.) **Roads, Parking Areas**: Roads and parking areas shall be paved to provide a dust-free, durable surface.

E.) **Enlargements:** All enlargements or extensions to existing camps, where such enlargement or extension will provide spaces for three or more trailers, including any already existing on the premises, shall require application for a Zoning Permit as if it were a new establishment and no enlargement or extension shall be permitted unless the existing camp is made to conform substantially with all the requirements for new camp construction and all such extensions conform with the requirements of this Resolution.

F.) **Lot Size:** No campground hereinafter established in any "AR" District shall be established on premises less than two (2) acres in size. In any "C" or "I" District the lot size shall be sufficient to allow compliance with all yard requirements.

G.) **Sewage:** proper sewage removal must be established and comply with all Van Wert County Health Department and Ohio Environmental Protection Agency requirements.

11.2: Hotels, Motels, Tourist Camps: Motels and tourist camps located in an "AR" District shall meet the following requirements:

1) No buildings shall be closer than one hundred fifty (150) feet to any adjacent property line, except the right-of-way line of a public road or highway.
2) The building or buildings shall comply with all front yard requirements.
3) Parking areas shall comply with the requirements of Article 10, but in addition thereto no part of any parking areas shall be in front of a building line.

11.3: Lighting: Any lighting used in connection with any business or industrial use shall be so arranged as to reflect away from adjoining or facing premises.

11.4: Camps for Transient Workers: All camps or establishments for transient workers, involving the erection and use of temporary, semi-permanent or permanent structures shall provide adequate living and sanitary facilities. Such camps shall comply with all pertinent requirements of the Van Wert County Board of Health and the Ohio Department of Health. The Board, in accordance with the provisions of Article 13, may impose such requirements and conditions with respect to location, construction, maintenance and operation- in addition to those expressly stipulated- as the Board may deem necessary for the protection of adjacent properties and the public interest.

11.5: Group Residential Facilities: Section 11.5A to 11.5F inclusive shall apply to the location, operation, and maintenance of group residential facilities.

A.) **Purpose:** It is the purpose of Section 11.5A to 11.5F inclusive of this Resolution to regulate the location, operation, and maintenance of group residential facilities in order to promote 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 rehabilitation.

B.) **Definition:** "*Group Residential Facility*" shall mean any community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative services. There are two classed of Group Residential Facilities: "Class I": Any state, federal, or locally approved dwelling of 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 delinquent children, the physically handicapped or disabled, or those with development disabilities or mental illnesses.

C.) 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. "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 uses, 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 (5) or fewer residents, exclusive of staff.

D.) **Conditional Use Permit Required**: A Class I Type B group residential facility is permitted by right in any residential district. 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 14 of this Resolution. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:

1.) Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency.

2.) Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.

3.) Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or requires special off-street parking.

4.) Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.

5.) No such facility may be located within six hundred (600) feet of another such facility.

6.) No sign shall be erected by such facility for purposes of identification except a permitted street address sign.

7.) The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.

8.) Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational, and retail services required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.

9.) The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.

10.) 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.

E.) **Zoning of Group Residential Facilities:** Group residential facilities shall be as follows:

Class I Type A is a conditional us in the A/R, C, I Districts

Class I Type B is a permitted use in all residential Districts A/R, C, I

Class II Type A is a conditional use in the A/R, C, I Districts

Class II Type B is a conditional use in the A/R, C, I Districts

F.) **Variance to Distancing Requirement**: The Board of Zoning Appeals may grant a variance with respect to the distancing requirement contained in Section 11.5C if the applicant clearly demonstrates that the proposed location has unique advantages with respect to proximity to employment opportunities, social services, public transportation, or similar amenities.

G.) **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.

11.6: Ponds/Swimming Pools

A.) Side yard and rear yard setback for any swimming pool or pond shall be twenty feet (20') from adjacent or adjoining property line.

B.) All swimming pools, including temporary pools, associated with a single family or multi-family structures shall be located in the rear yard behind the structure. For ponds, the front set back shall be ninety feet (90') from center line of road.

C.) No earth embankment or water line can be closer than twenty feet (20') to any adjacent or adjoining property line.

D.) All state & local laws must be followed.

E.) Must meet current Van Wert County Health District requirements & private insurance requirements.

F.) Utilization of available information resources is encouraged. The Van Wert County Sanitarian will assist with siting a pond on a residential lot to assure compliance with all Health Department distancing regulations. The Soil & Water Conservation office may assist with soil suitability, design, and other important information.

11.7: Handicapped Parking: Parking facilities serving buildings and activities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows:

Total Spaces in Lot/Structure	Number of Designated Accessible Spaces
Up to 100	One 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

11.8: Visibility at Intersections: On a corner lot at the intersection of two streets/roads 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/roads within the center lines of such corner lot for a distance of sixty-five (65) feet measured from the intersection point of the center at each corner.

11.9: Manufactured Housing:

A.) Sections 11.9B to 11.9G inclusive of this Resolution shall apply to location, construction, and maintenance of manufactured housing in all districts.

B.) **Purpose**: It is the purpose of Section 11.9D to 11.9G inclusive of this Resolution to promote the health, safety, and welfare of the community by establishing regulations governing the siting, construction, and maintenance of manufactured 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.

C.) **Definitions**:

Manufactured Home: A non-self-propelled building unit or assembly of closed construction fabricated in an off-site facility, and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A 5401, 5403 and that has a permanent label or tag permanently affixed to it as specified in 42 U.S.C.A 5415, certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all windows. (ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like. Manufactured homes shall be subject to the same standards as single-family dwellings .

Mobile Home: A building unit or assembly of closed construction as defined in O.R.C. Section 4501.01 (O), and which is designed to be used as a dwelling with or without a permanent foundation, and which does not conform to the National Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403 as amended. A "*mobile home*" does not mean an "*industrialized unit*", "*manufactured home*" or "*recreational vehicle*" as defined in this resolution. A building or nonself-propelled vehicle is a "*mobile home*" whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed regardless of the nature of the foundation provided.

D.) **Site Requirements**: Any manufactured housing proposed to be located in any district shall comply with the following requirements;

1.) 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, per manufacturer's requirements, including tie downs.

2.) All wheels and conveyance mechanisms shall be removed from the structure

3.) The siting of the structure shall comply with all yard setback requirements in effect for the district for which it is proposed

4.) The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.

5.) The site shall be serviced by utilities in such manner as required by Resolution.

6.) Skirting shall be placed within sixty (60) days.

E.) **Zoning of Manufactured Housing**: Mobile homes shall be permitted only in approved mobile home parks, unless otherwise authorized in this Resolution. Manufactured homes and modular homes which meet the design and appearance standards contained in Section 11.9F shall be permitted accordingly.

F.) **Single-Family Design and Appearance Standards**: Single-family residential homes, whether modular, manufactured, or site-built construction, shall comply with the following design and appearance standards

1.) The structure shall be in conformance with the siting requirements contained in Section 11.9D

2.) The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.

G.) **Uniformity With Respect to Granting of Variances:** The granting of variances from the requirements of this Resolution with respect to the siting of single-family home structures, their design or appearance, shall be uniformly and equitably done, irrespective of the fact that the structure proposed for such siting is a site-built structure, modular or manufactured home, and shall be guided by the provisions of Article 13 of this Resolution.

11.10: Junk and Other Nuisances:

A.) **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 the Ohio Revised Code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

B.) **Removal of junk motor vehicle:** As specified in in O.R.C. Section 505.871, the board of township trustees may provide, by resolution, for the removal of any vehicle in the unincorporated territory of the township that the board determines is a junk motor vehicle as defined in section 505.173 of the O.R.C.

C.) **Commercial Motor Vehicles**: As referenced in the Ohio Revised Code, no commercial vehicles, to include commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, shall be parked or stored on any property 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.

D.) **Unlicensed Vehicles**: No automotive vehicles, recreational 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.

E.) **Disabled Vehicles**: The parking of a disabled vehicle within any district for a period of more than one week shall be prohibited, except that such vehicle may be stored in an enclosed building.

F.) **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 nay 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, the occupation or use of any land or building in any district shall be in violation of this Resolution if one or more of the following conditions is found to exist at any time:

1) The use or storage of flammable or explosive materials is not adequately protected by firefighting and fire-protection equipment or by such safety devices as are normally required for such activities;
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;
3) Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
4) Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
5) Objectionable noise as determined by the Zoning Inspector due to volume, frequency, or beat is present;
6) Vibration discernible by the Zoning Inspector without instruments is present on an adjoining lot or property;
7) Direct of reflected glare is present which is visible from any street or from any property not within an Industrial District;
8) Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;
9) Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.

G.) **Removal, Repair, Or Securance of Insecure, Unsafe Buildings or Structures:** As specified in in O.R.C. Section 505.86, the board of township trustees, by resolution, may provide for the removal, repair, or securance of buildings or other structures in the township that have been declared insecure, unsafe, or structurally defective by any fire department under contract with the township other authority responsible under Chapter 3781. of the Revised Code for the enforcement of building regulations or the performance of building inspections in the township, or buildings or other structures that have been declared to be in a condition dangerous to life or health or unfit for human habitation by the board of health of the general health district of which the township is a part.

H.) **Abatement, control, or removal of vegetation, garbage, refuse, and other debris:** As specified in in O.R.C. Section 505.87, the board of township trustees, may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance.

11.11: Required Refuse Collection Areas: The refuse collection areas provided by all business, industrial, and multifamily residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collections purposes, as determined necessary by the Zoning Inspector. In addition, the following requirements shall be met:

1) The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
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 closed containers constructed of impervious materials.
3) Storage areas in residential districts shall utilize such additional screening as required in this Resolution.

11.12: Screening: Screening or buffering in compliance with the provisions of this Section shall be provided for any permitted or conditionally permitted non-residential uses which abut any residential district, in addition to setback and yard requirements provided elsewhere in the Resolution. 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 weighting 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 14 of this Resolution. The following provisions shall apply with respect to screening.

A.) **Screening shall be provided for one or more of the following purposes:**

1.) A visual barrier to partially or completely obstruct the view of structures or activities.

2.) An acoustic screen to aid in absorbing or deflecting noise.

3.) A physical barrier to contain debris and litter.

B.) **Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning Inspector or Board of Zoning Appeals, in the event of an appeal, variance, or conditional use:**

1.) A solid masonry wall;

2.) A solidly constructed decorative fence;

3.) A louvered fence;

4.) A dense vegetative plantings;

5.) A landscaped mounding;

C.) **Height of screening shall be in accordance with the following:**

1.) Visual screening walls, fences, plantings, or mounds shall be a minimum of five and one-half (5 ½) feet high in order to accomplish the desired screening effect in required front yards where maximum height shall be not greater than two and one-half (2 ½) feet. Plantings shall be a minimum of four (4) feet in height at the time of planting.

2.) A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least five and one-half (5 ½) 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.

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

E.) Whenever required screening is adjacent to parking areas or drive-ways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.

F.) 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.

11.13: Regulation of Amusement Arcades: The following regulations shall apply to amusement arcades as herein defined:

A.) **Purpose**: The purpose of Sections 11.13A to 11.13I 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 the Resolution with the requirements of Ohio law 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.

B.) **Definition**: The following definitions shall apply in the interpretation of this Resolution:

Amusement Arcade is 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 is 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 or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, 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.

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

C.) **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 14 of this Resolution. In addition to said provisions, amusement arcades shall comply with the following conditional use criteria:

1.) Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located.

2.) Amusement arcades shall have an adult who is 18 years of age or over on the premises and supervising the amusement arcade at all times during its hours of operation.

3.) Amusement arcades shall have necessary security personnel as required by the appropriate law enforcement agency to police the interior and exterior of the premises.

4.) 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.

5.) 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.

6.) If the place of business or premises for which an amusement arcade is proposed is a free-standing building, the application for the conditional use permit shall include an approvable exterior lighting plan.

7.) In establishments which serve alcoholic beverages, any area containing amusement devices shall be visually separated from that portion or portions of the establishment wherein alcoholic beverages are served or sold for carrying out of the premises.

8.) No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within five hundred (500) feet of any adult entertainment business.

9.) 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 less than eighteen (18) years of age to operate any devices on the premises before 4:00 p.m. on days when school is in session.

D.) **Zoning of Amusement Arcades**: Amusement arcades shall be conditionally permitted uses only in the "C" and "I" Districts.

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

F.)**Restricted Access to Certain Minors**: No amusement arcade exhibitor shall permit, on days when school is in session, any person less than eighteen (18) years of age 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 juke boxes, mechanical musical instruments, or other mechanical amusement devices designed to be ridden, such as mechanical horses, automobiles, and carrousels.

11.14: Regulation of Adult Entertainment Business: The following Regulations shall apply to adult entertainment business as herein defined.

A.) **Purpose**: The purpose of this section in 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 entertainment businesses, residentially zoned areas, schools, churches, parks and playgrounds within the township.

B.) **Definition**: The following definition shall apply in the interpretation of this Resolution:

Adult Entertainment Business is 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 is an establishment which utilizes fifteen (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, electrically 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 materials as defined in this section.

Adult Motion Picture Theater means an enclosed motion picture theater which is regularly used or utilizes fifteen (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 section.

Adult Motion Picture Drive-In Theater is an open-air drive-in theater which is regularly used or utilized fifteen (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 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 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, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thin, 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, or elimination; or

b.) Which service is distinguished or characterized by 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 genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than full, opaque covering of any portion thereof, 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.

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.

C.) **Conditional Use Permit Required:** No building shall be erected, constructed, or developed, and no building 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 14 of this Resolution. In addition to said provisions, and adult entertainment business shall comply with the following conditional use criteria:

1.) Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located.

2.) 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.

3.) No adult entertainment business shall be permitted in a location which is within one thousand (1,000) feet of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center.

4.) No adult entertainment business shall be permitted in a location which is within five hundred (500) feet of any residence or boundary of any residential district.

5.) No adult entertainment business shall be permitted in a location which is within two hundred (200) feet of any boundary of any residential district in a local unit of government abutting the township.

D.) **Zoning of Adult Entertainment Businesses:** Adult entertainment businesses shall be conditionally permitted in accordance with the following schedule:

Conditionally Permitted Use	*Districts Wherein Permitted*
Adult Book Store	*"C" and "I"*
Adult Motion Picture Theater	*"C" and "I"*
Adult Motion Picture Drive-In Theater	*"C" and "I"*
Adults Only Entertainment	*"C" and "*

11.15: Regulation of Manufactured and Mobile Home Parks: The provision of this Section Provides for the location and regulation of manufactured home parks in order to foster their development and maintenance as an integral and stable part of the community.

A.) **Definition:**

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

Manufactured/Mobile Home Park: any tract of land upon which three or more manufactured or mobile 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 the park. "Manufactured home park" does not include any of the following:

(1) A tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp as defined in section 3729.01 of the Revised Code;

(2) A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority;

(3) A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

Manufactured housing: manufactured homes and mobile homes.

Mobile home: a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on site, is three hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

B.) **Approval Procedures**: Manufactured home parks shall be developed according to the standards and regulations stated and referenced in Sections 11.15C and 11.15D inclusive.

C.) **General Standards for Manufactured and Mobile Home Parks**: The Zoning Commission and the Board of Trustees shall review the particular facts and circumstance of each proposed manufactured home park development in terms of the following standards and shall find adequate evidence that such development meets these standards:

1.) 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.

2.) 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.

3.) 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.

4.) 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.

D.) **Manufactured and Mobile Home Park Requirements**: All manufactured and mobile home parks shall comply with the requirements of Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code.

11.16: Home Occupations and Home Businesses as Accessory Uses: Uses and structures customarily incident to any of the principal permitted uses are conditional uses.

A.) **The following accessory uses shall be considered as conditional uses**:

1.) The office or studio of a physician or surgeon, dentist, artist, lawyer, architect, engineer, insurance agent, realtor, teacher, or other professions, in his place of abode.

2.) Customary home occupations such as a handicraft, dressmaking or millinery.

3.) Personal service occupations such as a beauty shop, baby sitting or similar occupation provided all required licensures, permits, and inspections have been obtained.

4.) Any home occupation incident to agriculture.

5.) All such accessory uses shall be subject to the following requirements:

a.) No person other than members of the family residing on the premises shall be engaged in such occupation;

b.) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25%) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

c.) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building.

d.) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution, and shall not be located in a required front yard;

e.) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

f.) If such accessory uses are conducted in an accessory building, such accessory building shall be located on the rear of the lot and shall not have a floor area greater than fifty (50%) percent of the floor area of the dwelling.

g.) Roadside stands are also permitted, provided they offer for sale only agricultural products produced on the premises.

11.17: Agriculture and Agriculture production: the following regulations are permissive pursuant to O.R.C. Section 519.21:

A) Except as otherwise provided herein, this resolution confers no power on the zoning commission, the board of township trustees, or the board of zoning appeals to prohibit the use of any land for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.

B) In all zoning districts, this resolution shall regulate in any platted subdivision approved and recorded under Section 711.10 of the O.R.C. and the Van Wert County Subdivision Regulations, or in any area consisting of fifteen (15) or more lots approved by the under Section 711.131 of the O.R.C. that are contiguous with one another, or some of which are contiguous with one another and adjacent to one (1) side of a dedicated public road, and the balance of which are contiguous with one another and adjacent to the opposite side of the same dedicated public road may regulate:

a. Agriculture on lots of one (1) acre or less:
   i. The regulations for the affected zoning district set forth in this resolution shall apply.

b. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by:
   i. Minimum yards (setback building lines): The regulations for the affected zoning district set forth in this resolution shall apply.
   ii. Maximum height: The regulations for the affected zoning district set forth in this resolution shall apply.
   iii. Minimum floor area (size of buildings and structures): The regulations affected zoning district set forth in this resolution shall apply.

c. Zoning permits are required, free of charge for all buildings or structures. Setback requirements are as follows: Thirty (30) feet from the back of the property line, twenty (20) feet from the side of the property line, and ninety (90) feet from the center of the road.

C) Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five per cent (35%) of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Revised Code. After thirty-five per cent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.19 of the Revised Code.

D) 11.17(B) of this section confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.

E) Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for:

a. A farm market where fifty per cent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.

11.18: Agritourism: In the interest of the public health and safety, no agritourism operation shall be granted a zoning permit unless the following conditions have been satisfied:

1.) The agritourism provider shall provide evidence that the farm on which the agritourism operation is proposed is comprised of ten (10) acres or more in area devoted to agricultural production. If such farm is less than ten (10) acres, evidence shall be provided that such farm is currently enrolled in the Current Agricultural Use Value (CAUV) program or produces an average yearly gross income of at least twenty-five hundred dollars ($2,500) from agricultural production.

2.) The agritourism provider shall identify the educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the property and the surrounding agricultural community in general.

3.) The agritourism provider shall submit a site plan that includes the following:

a. All structures including dimensions and height.
b. Setbacks from property lines for all structures.
c. Off-street parking lots and parking areas.
d. Drives, common drives and all points of ingress and egress.
e. Any existing or proposed well and/or on-site wastewater disposal system area(s) on the property.
f. Location of all public rights-of-way and private streets.

A.) The size and setback for any structure, whether permanent or temporary, used primarily for agritourism activities shall meet the following requirements:

1.) All structures used primarily for agritourism shall be set back no less than fifty (50) feet from any public right-of-way or highway easement.

2.) All structures used primarily for agritourism shall be set back from all property lines and any existing residential structure in accordance with the following table:

Size of Agritourism Structure	Setbacks
Up to 5,000 square feet	50 feet from property lines and 200 feet from any habitable residential structure
Up to 10,000 square feet	50 feet from property lines and 300 feet from any habitable residential structure
Up to 15,000 square feet	50 feet from property lines and 400 feet from any habitable residential structure

Up to 25,000 square feet	50 feet from property lines and 500 feet from any habitable residential structure

B.) The maximum permitted size of a structure or combined square footage of structures used primarily for agritourism shall be based on the following formula:

1.) The maximum permitted size of an agritourism structure is determined by multiplying the acreage of the lot times six hundred (600). The resulting number shall be expressed in square feet.

(# of acres) X (600) = (maximum permitted size of agritourism structure in square feet)

Example: (10.0 acres) X (600) = (6,000 square feet maximum permitted for 10.0 acres)

2.) The maximum permitted size of agritourism structures on a parcel or adjacent parcels operated by the same owner or jointly with other owners shall not exceed 25,000 sq. ft regardless of lot size.

3.) The maximum permitted height of an agritourism structure shall not exceed the following:

Size of Agritourism Structure	Maximum Height
Up to 5,000 square feet	22 feet
Up to 10,000 square feet	25 feet
Up to 15,000 square feet	28 feet
Up to 25,000 square feet	30 feet

C.) The agritourism provider shall provide off-street parking in accordance with the following:

1) Agritourism operations providing educational, entertainment and/or cultural activities in a farm setting and open to the general public, regardless of whether or not an entry fee is charged, shall provide a minimum number of parking spaces as determined by the Zoning Inspector based upon similar uses identified in the off-street parking regulations in Section 412 of the O.R.C. correlated to the intensity of the use such as peak attendance periods and the size of the structure and/or land area designated for agritourism activities provided in the application.

D.) The Zoning Inspector shall not require the parking area to be improved, including any requirements governing drainage, parking area base, parking area paving or other such improvement.

E.) The agritourism provider shall provide ingress and egress via access points on a public road approved by the Township, the County Engineer or Ohio Department of Transportation, depending on the jurisdiction of the road being accessed. Such ingress and egress shall be designed to accommodate emergency vehicle access to the satisfaction of the Fire Department having jurisdiction over the property upon which the agritourism operation is located. Any ingress or egress shall not be located closer than two hundred (200) feet to any intersection of two or more public roads. Any ingress or

egress shall not be located closer than fifty (50) feet to any driveway located on any adjacent property.

11.19: Signs

A.) **General:** The purpose of this Article is to promote the public health, welfare, and safety by regulating existing and proposed out-door advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development only by permitting signs which are compatible with their surroundings.

B.) **Governmental Signs Excluded**: For the purpose of this Resolution "sign" doesn't include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

C.) **General Requirements for All Signs and Districts**: The regulations contained in this section shall apply to all signs and all Districts:

1.) Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;

2.) No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections "B" and "C" of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services.

3.) All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any.

4.) No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee.

5.) No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.

6.) No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section H herein.

7.) No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.

8.) No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20%) percent of the window surface.

9.) No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.

10.) All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm, or corporation responsible for maintaining the sign.

11.) Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.

12.) No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

13.) All signs shall be as designed and supported as to carry the weight of the sign and shall comply with the local building code in effect.

14.) All signs shall be secured in such a manner as to prevent significant movement due to wind.

15.) No signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter.

16.) No sign shall contain words, images, or graphic illustrations of an obscener or indecent nature.

17.) No sign shall be attached in such a manner that it may interfere with any required ventilation openings.

18.) 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 present danger or the prohibition of trespassing.

19.) No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires.

20.) No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like.

D.) **Permit Required**:

1.) No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Section have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted in this Section.

2.) A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.

3.) The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

E.) **Signs Permitted in All districts not requiring a Permit:**

1.) Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.

2.) Professional name plates not to exceed four (4) square feet in area.

3.) Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.

4.) Temporary signs announcing special public or institutional events for a maximum of 60 days prior to the event and for a maximum of 14 days following the event. The Zoning Inspector shall be notified prior to erection of sign.

F.) **Signs Permitted in Any District Requiring a Permit**:

1.) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area, and which shall be located on the premises of such institution.

2.) Any sign advertising a commercial enterprise, including real estate developers or sub-dividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

G.) **Signs Permitted in Business and Industrial Districts Requiring a Permit**: the regulations set forth in this section shall apply to signs in all "C" and "I" districts and such signs shall require a permit.

1.) In a "C" or "I" district, each business shall be permitted one (1) flat or wall on-premises sign. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may be an area equivalent to one and one half (1 ½) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.

2.) In a "C" or "I" district, two (2) off premises signs with a total area not exceeding six hundred (600) square feet may be permitted at a single location. No single off-premises sign shall exceed one thousand two hundred (1200) square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. Off- premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than twenty (20) feet above the level of the roadway at its nearest point. Off- premises wall signs shall have structural and supporting members concealed from view.

H.) **Temporary Signs**: Temporary signs not exceeding fifty (50) square feet in area announcing the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 11.19C, the setback requirements in Section 11.19L-O and, in addition, such other standards deemed necessary to accomplish the intent of this Section as stated in Section 11.19A.

I.) **Free-Standing Signs**: Free-standing on-premises signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

J.) **Wall Signs Pertaining to Non-Conforming Uses**: On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

K.) **Political Signs**: No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way, nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before the election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following Election Day.

L.) **Sign Setback Requirements:** Except as modified in Sections 11.19M-P, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

M.) **Increased Setback**: For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.

N.) **Setback for Off-Premises Signs**: If a setback line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of twenty (20) feet from the right-of-way line.

O.) **Setbacks for Public and Quasi-public Signs**: Real estate signs and bulletin board for a church, school or any other public, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

P.) **Special Yard Provisions**: On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located.

Q.) **Limitation**: For the purpose of this Section, outdoor advertising off-premises signs shall be classified as business use and be permitted in all districts zoned for industrial or commercial or land used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

R.) **Maintenance:** All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Inspector shall remove any off-premises advertising signs or structure found to be unsafe or structurally unsound within thirty (30) days of issuing a notification. The Zoning Inspector shall remove any on-premises sign which is determined to be unsafe or structurally unsound within ten (10) days of issuance of notification.

S.) **Non-Conforming Signs and Structures**: Advertising signs and structures in existence prior to the effective date of this Resolution which violate or are otherwise not in conformance with the provisions of Section 11.19 shall be deemed non-conforming. All such legal non-conforming signs and structures shall be maintained in accordance with 11.19. The burden of establishing the legal non-conforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

T.) **Loss of Legal Non-Conforming Status**: A legal non-conforming sign shall immediately lose its legal non-conforming status, and therefore must be brought into conformance with this Section or be removed, if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; or if it is part of an establishment which discontinues operation for ninety (90) consecutive days; or if it is structurally damaged to an extent greater than one half of its estimated replacement value. Similarly, any legal non-conforming advertising structure so damaged must be brought into compliance or be removed.

U.) **Violations**: In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of Section 11.19 shall be deemed a violation and shall be punishable under Article 17 of this Resolution. Political signs posted in violation of Section 11.19K of this Resolution are subject to removal by the Zoning Inspector five (5) days after written notice of violation of Section 11.19K has been given.

11.20: Drug Paraphernalia Establishments:

A.) **Prohibition of Drug Paraphernalia Establishments**: In addition to all other regulations in this Resolution, the following provisions shall apply to the location of drug paraphernalia establishments in this Township.

B.) **Purpose**: It is the purpose of Section 11.20 of this Resolution to promote and protect the health, safety and welfare by prohibiting the location of drug paraphernalia establishments within this Township. It is further the intent of this Section to establish penalties under this Resolution for the illegal location of such establishments, in addition to the other criminal penalties relating to their operation or establishment.

C.) **Definitions:** The following definitions shall apply in the interpretation of this Resolution:

Drug Paraphernalia Establishment is any place or any part of a place, whether or not operated as a business, within a building structure, or dwelling, or any parcel located within the Township where drug paraphernalia, as defined in this Section, are manufactured, stored, displayed, processed, packaged, distributed, offered for sale, or sold. "Drug Paraphernalia Establishment" does not include manufacturers, wholesalers, retailers, pharmacies, or other persons or businesses or professions acting in accordance with the provisions of Ohio Revised Code Chapters 3719, 4715, 4729, 4731, and 4741, or properly licensed or authorized research facilities or hospitals. "Drug Paraphernalia" means all devices, equipment, products, and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, enhancing the effect of or otherwise introducing into the human body a controlled substance as defined in Chapter 3719, Ohio Revised Code. It includes, but is not limited to:

a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
d) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
f) Dilutants and adulterants, such as quinine hydrochloride, mannitol, rannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances.
g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise clearing or refining marijuana or similar substances.
h) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in packaging small quantities of controlled substances.
i) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
j) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
k) Objects or devices used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil or other controlled substance into the human body, such as: metal, wooden, acrylic, glass, stone, plastic, ceramic pipes with or without a screen, permanent screens, hashish heads, or punctured metal bowls; water pipes; smoking masks or carburetion tubes, pipes, masks, or devices; chamber pipes, electric pipes, air-driven pipes, ice pipes or chillers; chillums; bongs; miniature cocaine spoons or cocaine vials; roach clips; or similar devices or objects.

In determining whether a specific object or device is drug paraphernalia as herein defined, the following factors may be considered: instructions, descriptive materials, or advertising accompanying the object or device;

statements by the owner or other direct or circumstantial evidence concerning its use, proposed use, or proposed sale; the proximity of any controlled substance to the object or device, or the presence of any controlled substance residue on the object or device, or the presence of any controlled substance residue on the object or device; the manner in which it is displayed or offered for sale; expert testimony concerning its use.

D.) **Drug Paraphernalia Establishments as Prohibited Uses**: Drug Paraphernalia Establishments as herein defined are and shall be prohibited uses within all districts within this Township.

11.21: Satellite Dish Antennas: Sections 11.21A to 11.21F inclusive shall apply to the location and construction of dish-typed satellite signal receiving antennas as herein defined.

A.) **Purpose**: It is the purpose of Sections 11.21A to 11.21F 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 wind loads, and the reasonable accommodation of the aesthetic concerns of neighboring property owners.

B.) **Definitions**: The following definitions shall apply in the interpretations 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, parabolic, or similar in shape.

Dish-type satellite signal-receiving antennas: including 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, or a combination of two 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.

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.

C.) **Zoning Permit Required**: No person, firm or corporation shall undertake the construction, erection or installation of any satellite dish over three feet (3') in diameter without a zoning permit issued in accordance with the provisions of this Resolution. In addition to the requirements of Article 17 of this Resolution, the application for such permit shall include the following:

1.) A description of the type of earth station proposed;

2.) A plot plan of the lot, premises, or parcel of land showing the location of the proposed earth station and all other buildings thereon;

3.) Plans depicting the specifications and elevations of the proposed location, to include satisfactory screening and landscaping for ground-mounted structures;

4.) Details of the method of assembly and construction of the proposed earth station;

5.) A fee as required according to Article 16 for the review of plans and specifications and the inspection of construction.

D.) **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.

1.) The maximum diameter of any ground-mounted satellite dish shall not exceed fifteen (15) feet;

2.) The maximum height of any ground-mounted satellite dish shall not exceed eighteen (18) feet above the finished grade;

3.) The apparatus shall conform to required setbacks;

4.) All wiring and grounding apparatus shall be in accordance with the National Electrical Code;

5.) The apparatus shall be mounted upon a solid concrete slab;

E.) **Roof-Mounted Satellite Dish Antennas**: Roof-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 roof-mounted dishes:

1.) The maximum diameter of any roof-mounted satellite dish shall not exceed three (3) feet;

2.) 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;

3.) All wiring and grounding of the apparatus shall be in accordance with the National Electrical Code;

4.) The apparatus, its mounting and all supporting devices shall be constructed and erected in accordance with the National Building Code directly upon the roof of the principal building, and shall not be mounted upon a spire, tower, turret, chimney, pole, or any appurtenance thereto attached;

F.) **Variances on Locational Characteristics**: An applicant may request a variance from the accessory building requirement and the required height restrictions in compliance with the procedures of Article 13 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.

11.22: Telecommunication Towers:

A.) **Purpose**: The purpose of this Resolution is to establish general guidelines for the siting of antennas. The goals of this Resolution are to 1) encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community, 2) encourage strongly the joint use of new and existing tower sites, 3) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, 4) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and 5) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

B.) **Authorization and Federal Requirements**: Such structures shall comply with applicable FAA and FCC regulations; evidence of compliance must be submitted prior to issuance of a permit for tower construction. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Resolution shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute ground for the removal of the tower or antenna at the owner's expense. Any such removal by the Township Trustees shall be in the manner provided for in the Ohio Revised Code.

C.) **Certification:** All certifications required under this section shall be by an Ohio registered engineer.

D.) **Conditional Use**: Radio, television, or microwave towers and similar commercial structures shall be conditional uses within all zoning districts.

E.) **Design:** New telecommunication towers in excess of one hundred fifty (150) feet, excluding monopoles, shall be designed structurally to accommodate the maximum amount of additional antenna reasonably practicable to promote shared use of towers.

F.) **Placement and Height**:

1.) Unless the Federal Communications Commission promulgates rules to the contrary, all personal wireless service facilities shall be a distance of not less than 350 feet from the nearest property line of a school, day-care center, camp, or playground and, if installed in a cemetery, shall be at least 500 feet from the nearest property line.

2.) Setback shall be equal to the height of the tower unless an engineer certifies the fall zone to be within the setback area proposed. For guyed towers, applicants should submit certified break-apart area calculations in order for the property boundary setbacks of the tower to be determined.

Alternatively, if the applicant chooses not to submit break-apart calculations, the minimum setbacks shall be one hundred ten (110) percent of the height of the tower, as measured from all property lines.

G.) **Safety Standards**:

1.) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township Trustees concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the Township Trustees may remove such tower at the owner's expense. Any such removal by the Township Trustees shall be in the manner provided for in the Ohio Revised Code.

2.) No tower shall be situated on the properties so that if the tower falls, it would strike or cause damage to any power line, or so that any part of the tower exceeds beyond the parameters of the property after the tower has fallen.

H.) **Lighting**: Towers shall not be artificially lit, unless required by the FAA or other applicable authority. If lighting is required, the Township Trustees may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

I.) **Fencing**: A chain-link fence no less than six (6) feet in height from finished grade shall be constructed around each telecommunication tower and around related support or guy anchors. Access shall only be through a locked gate.

J.) **Warning Signs:** All warning signs shall use at least six-inch lettering and be installed five (5) feet above the finished grade of the fence. "NO TRESPASSING" warning signs shall be attached to the fence and shall be spaced no more than forty (40) feet apart. If high voltage (above 220 volts) is necessary for the operation of the tower and is present at the base of the tower, signs located no more than forty (40) feet apart and attached to the fence or wall shall indicate "DANGER-HIGH VOLTAGE". In the event that warning signs intended to be attached to a fence should be obstructed by landscaping, then the applicant shall attach warning signs to free-

standing poles that are situated around the site so as to be clearly visible and not obstructed by any landscaping.

K.) **Maintenance of Facilities**: The applicant shall submit a certified inspection report at least once every five (5) years to ensure the continuing structural integrity of the tower and accessory structures. If the report recommends that repairs or maintenance are required, then a letter shall be submitted to the Township to verify that such repairs and/or maintenance have been completed. The Township Trustees may require repair or removal of the tower based on the inspection report. The Township shall have no responsibility regarding such repairs and/or maintenance. Existing, nonconforming towers shall be subject to current approval requirements if replacement is required.

L.) **Shared Use:** To discourage the proliferation of telecommunication towers, shared use of tower structures is both permitted, as a conditional use, and encouraged. Placement of more than one tower on a land site may be permitted if all setbacks, design, and landscape requirements are met for each tower. New tower applications shall not be accepted unless the applicant makes a good faith effort to substantially demonstrate that no existing or planned tower can accommodate the applicant's antenna or transmitter.

M.) **Dedication of Tower Use**: For towers over one hundred (100) feet in height, the Township Trustees may require, as a condition of approval, the dedication of space on the tower for telecommunications equipment as required for public safety. Specific requests for such public use shall be discussed with the applicant prior to formal approval.

N.) **Landscape Buffers**: Landscape buffers shall be required around the perimeter fencing of the tower and any accessory uses, including guy anchors, except that the standard shall be waived when the proposed landscaping would not be visible from adjacent lots or right-of-way. Landscape buffers, located outside and within ten (10) feet of the fence, shall include one tree for every twenty (20) linear feet of fence and suitable ground cover.

O.) **Access**: A twelve-foot-wide stabilized access driveway is acceptable, unless it is determined, based on public safety concerns, which circumstances require paved access. The turnaround must be found to be acceptable for public safety usage.

P.) **Parking**: For new towers exceeding one hundred fifty (150) feet in height, a minimum of one on-site parking space shall be provided. The parking area shall be paved if the access road is paved. After evaluation of the proposed tower and related facilities, it may be determined that additional spaces are required as a condition of approval.

Q.) **Occupancy**: telecommunication towers and accessory structures shall be unoccupied.

R.) **Signs and Advertising**: The use of any portion of a tower for signs or advertising purposes is prohibited.

S.) **Submittal Requirements**: A development plan/application shall include:

1.) Written authorization from the property owner of the proposed tower site.

2.) A site plan: drawn to scale, showing the property boundaries, showing any tower guy wire anchors and other apparatus, existing and proposed structures, scaled elevation view, access road(s) location and surface material, parking area, fences, location and content of (any or warning) signs, exterior lighting specifications, landscaping plan, land elevation contours, existing land uses surrounding the site, proposed transmission buildings and/or other accessory uses with details including elevations and proposed use.

3.) A written report including: information describing the tower height and design; a cross-section of the structure; engineering specifications detailing construction of tower, base, and guy wire anchorage;

information describing the proposed painting and lighting schemes; information describing the tower's capacity, including the number and type of antennas that it can accommodate; radio frequency coverage (not to be made a part of the public record) all tower structural information to be certified by a licensed public engineer; wireless telecommunications data to be certified by a licensed public wireless telecommunications professional; information discussing unavailability of other sites for one or more of the following reasons – refusal by current tower owner, topographic limitations, adjacent impediments blocking transmission, site limitations to tower construction, technical limitations of the system, equipment exceeds structural capacity of facility or tower, no space on existing facility or tower, other limiting factors rendering existing facilities or towers unusable, an update of capacity on an existing tower.

T.) **Fire Protection**: Tower support buildings shall be built of noncombustible construction with built-in ventilation. A smoke detector shall be installed which upon activation will shunt the electrical power to the building. No combustible storage is permitted in tower support buildings.

U.) **Tower Removal**: Any tower that is no longer in use for its original telecommunications purpose shall be removed at the owner's expense. The owner shall provide the Township with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. The equipment on the ground is not to be removed, however, until the tower structure has first been dismantled and removed. If such antenna or tower is not removed within said ninety (90) days, the Township Trustees may, in the manner provided in the Ohio Revised Code, remove such antenna or tower at the owner's expense. The Township may employ all legal measures, including, if necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

V.) **Tower Replacement**: Existing towers that may be determined to be nonconforming structures as a result of the application of the distancing requirements of the setback requirements of this Resolution may be replaced one time by a tower of equal or lesser height, if the replacement is completed within five (5) years of the effective date of this Resolution.

11.23 Drainage and Water Removal:

The Township is not responsible for your water removal. Sewage water and downspouts or surface water should be drained through your own established outlet. Road tile is not to be used for this purpose and will not be tolerated.

In any District and in connection with any use of structure, the owner, or lessee, or user shall provide appropriate drainage. If possible, all surface waters and drainage shall be disposed of on the owner's, lessee's, or user's own property, and if not, such waters shall be disposed of so as not to adversely affect the neighboring or adjacent property.

This provision shall not apply to the installation of agricultural field drainage tiles.

If the property of others must be crossed in order to comply with this provision, the owner, lessee, or user shall be responsible for all damage caused thereby and for securing any permission from the owners, and shall not connect to, or interfere with existing drainage systems on the property of others, unless it is with their approval.

11.24 Sewer and Water in Non-Public-Sewer Areas:

The Van Wert County Health Department has sole responsibility for household sewage and water systems for non-public-sewer areas of Van Wert County.

Any lot on which an individual would like to build a single-family dwelling must be at least one and a half (1 ½) acre in size with one hundred and fifty feet (150') of road frontage.

The lot must be well drained and have no ponds. Residential uses with a pond require two (2) acres.

Pertinent data such as soil suitability, acreage, and distancing requirements shall be considered. The Health Department has the final jurisdiction in determining whether or not a lot is permitted to have a sewage system located on it.

11.25 Lot Splits:

Lot splits of six (6) or more lots from an original parcel are major subdivisions. Major subdivision regulations are to be obtained from the Van Wert County Regional Planning Commission.

Lot splits of five (5) or fewer lots from an original parcel are minor subdivisions. The Van Wert County Application for Approval of Minor Subdivision form must be completed. There is to be attached a description of the land in question and a survey plan by a certified surveyor.

No lot split application shall be approved until flood hazard area information has been obtained from the Van Wert County Regional Planning Commission. If the lot is intended to be utilized for new construction, the pre-approval of the County Sanitarian must be given prior to submittal to the Zoning Inspector for review and approval. If the lot is within a flood hazard area, County Flood Plain Management policies shall apply and can be obtained from the Van Wert County Regional Planning Commission.

11.26 Zoning Permits:

No zoning permit for new construction shall be approved until flood hazard area information has been obtained from the Van Wert County Regional Planning. If the lot is within a flood hazard area, County Flood Plain Management policies shall apply and can be obtained from the Van Wert County Regional Planning Commission. If the lot is intended to be utilized for residential construction, the approval for well and septic must be given by the appropriate official, County Sanitarian or EPA. The County Engineer shall also review and approve road cuts and drainage prior to submittal to Zoning Inspector for review and approval.

ARTICLE 12 – EXCEPTIONS TO REGULATIONS

12.1: Nonconforming Lot of Record:

The regulations specified in this Resolution shall be subject to the following exceptions and regulations. In any zoning district, a building, structure, or use, as permitted herein, shall be allowed on any lot of record with a lot area, frontage, and width less than the minimum prescribed herein, which meets any of the following criteria:

A.) Use of Existing Lots of Record: Nothing in the area requirements of the Resolution relating to lot area for residential use shall be held to prohibit the erection of a single-family dwelling upon a lot, the area of frontage of which is less than that prescribed herein, provided such lot or plat was of official record as of the effective date of this Resolution, subject to the following requirements.
B.) The front yard shall be as established in the Resolution.
C.) In case the frontage of the lot of record is fifty (50) feet or less the side yards shall be at least three (3) feet.
D.) In case the frontage of the lot of record is more than fifty (50) feet the side yards shall be as established in the Resolution.
E.) It was a lot of record prior to the enactment of the zoning resolution thereto which resulted in the non-conformity.
F.) it is in conformity with all of the regulations of the zoning resolution thereto which were in effect at the time it became a lot of record.
G.) The amount of non-conformity has not been increased since it became nonconforming.
H.) It complies with all other regulations set forth herein except minimum lot area, frontage, and width.

12.2: Substitution:

A nonconforming use may be substituted for a lawful nonconforming use provided that such use is of the same kind and character as the prior lawful nonconforming use and does not result in an increase in noise, pollution, traffic, dwelling units or in the number of persons using the property.

ARTICLE 13 – PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

13.1: General:

Appeals and variances shall conform to the procedures and requirements of Sections 13.2 to 13.12 inclusive, of this Resolution. As specified in Article 16, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

13.2: Appeals:

Appeals to the Board of Zoning Appeals concerning interpretation or administration of the Resolution may be taken by any person aggrieved or by any officer or bureau of the Township Trustees of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filling, 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 from was taken.

13.3: 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 building in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience of profit, but only where strict application of the provisions of the Resolution would result in unnecessary hardship.

13.4: 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:

A.) Name, address, and phone number of applicant(s);

B.) Legal description of property;

C.) A list containing the names and mailing addresses of all owners of adjoining property.

D.) Description or nature of variance requested;

E.) A fee as established by Resolution;

F.) Narrative statements establishing and substantiating that variance conforms to following standards:

1.) **Area Variances:** The Board of Zoning Appeals shall not grant an area Variance unless the property owner has encountered practical difficulties in the use of such owner's property. The Board of Zoning Appeals shall consider all relevant factors in determining whether the applicant has encountered practical difficulties in the use of such property including, but not limited to:

A) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the Variance.

B) Whether the Variance is substantial.

C) Whether the essential character of the neighborhood would be substantially altered, or whether adjoining properties would suffer a substantial detriment as a result of the variance.

D) Whether the Variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage, emergency response, maintenance of public infrastructure).

E) Whether the property owner purchased the property with knowledge of the zoning restriction.

F) Whether the property owner's predicament feasibly can be obviated through some method other than a Variance.

G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the Variance.

2.) **Use Variances:** The Board of Zoning Appeals shall not grant a Variance to permit a non-permitted or prohibited Use unless an unnecessary hardship exists. An unnecessary hardship shall exist only if the property owner is able to sufficiently prove, with facts, that it is not economically feasible to put their property to any Use permitted within its current zoning classification due to characteristics unique to the property. An unnecessary hardship shall not be considered to exist if the property is suitable for any Use permitted within its current zoning classification.

13.5: Additional Conditions and Safeguards:

The Board 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.

13.6: Public Hearing by the Board of Zoning Appeals:

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.

13.7: Notice of Public Hearing in Newspaper: Before conducting the public hearing required in Section 13.6, notice of such hearing shall be given in one 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 public hearing, and the nature of the proposed appeal or variance.

13.8: Notice to Parties of Interest:

Before conducting the public hearing required in Section 13.6, 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 day 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 of notices published in newspapers as specified in Section 13.7.

13.9: Action by Board of Zoning Appeals:

Within thirty (30) days after the public hearing required in Section 13.6, the Board of Zoning Appeals shall approve, with supplementary conditions as specified in Section 13.5, or disapprove the request for appeal or 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 16.9.

13.10: 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.

ARTICLE 14 - PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES

14.1: Conditional Uses:

The provisions of Section 14.1A to 14.11 inclusive of this Resolution apply to the location and maintenance of any and all conditional uses.

A.) **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 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, and method of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits of Sections 14.1B to 14.11.

B.) **Contents of Conditional Use Permit Application**: Any owner or agent thereof, of property for which a conditional use which a conditional use is proposed shall make an application for a conditional use permit by filing it 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:

1.) Name, address and phone number of the applicant;
2.) Legal description of the property;
3.) Zoning District;
4.) Description of existing use;
5.) Description of proposed condition use;
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 spaced refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require;
7.) a narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
8.) A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
9.) A fee as established by Resolution;
10.) A narrative addressing each of the applicable criteria contained in Section 14.1C.

C. **General Standards for All Conditional Uses**: The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1.) Is in fact a conditional use as established under the provisions of Articles 7-9 and appears on the Schedule of District Regulations adopted for the zoning district involved;
2.) Will be in accordance with the general objectives, or with any specific objective, of the Zoning Resolution;
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;
4.) Will not be hazardous or disturbing to existing or future neighboring uses;

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;

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;

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, flare, or odors;

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;

9.) Will not result in the destruction, loss, or damage or a natural, scenic, or historic feature of major importance.

D.) **Public Hearing:** 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.

E.) **Notice of Public Hearing**: Before conducting the public hearing required in Section 14.1D, notice of such hearing shall be given in one 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.

F.) **Notice to Parties of Interest:** Prior to conducting the public hearing required in Section 14.1D, 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 14.1E, for notices published in newspapers.

G.) **Action by the Board of Zoning Appeals:** Within thirty (30) days after the date of the public hearing required in Section 14.1D, the Board shall take one of the following actions:

1.) Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional permitted, that all conditions for approval of 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 H. 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 for approval.

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 a finding shall specify the information and/or modifications which are deemed necessary.

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, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 16.9.

H.) **Supplementary Conditions and Safeguards**: In granting approval for any conditional use, the Board 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, and may result in revocation of the conditional use permit.

I.) **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 two (2) years.

14.2: Substantially Similar Uses:

A.) **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 shall follow the procedures relating to appeals and variances as specified in Article 13, 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.

B.) **Remedy by Application for Amendment**: If the Board 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 15.

C.) **Standards for Consideration of Substantially Similar Uses:** The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

1.) The compatibility of the proposed use with the general use classification system is specified in this Resolution.

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.

3.) The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Resolution.

D.) **Effect of Determination That a Use is Substantially Similar**: Should a use be determined to be substantially similar to a specific permitted or conditionally 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.

E.) **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 this 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.

ARTICLE 15- AMENDMENT

15.1: Procedure for Amendments or District Changes: This Resolution may be amended by utilizing the procedures specified in Section 15.2 to 15.15, inclusive, of this Resolution.

15.2: General: Whenever the public necessity, convenience, general welfare, or good zoning practices require, Township Trustees may, by resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures and provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

15.3: Initiation of Zoning Amendments: Amendments to this Resolution may be initiated in one of the following ways:

A.) By adoption of a motion by the Zoning Commission;

B.) By adoption of a resolution by the Board of Township Trustees;

C.) 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.

15.4: Contents of Application for Zoning Map Amendment: Applications for amendments to the Official Zoning Map adopted as part of this Resolution by Article 5 shall contain at least the following information:

A.) The name, address, and phone number of applicant;

B.) The proposed amending Resolution, approved as to form by the County Prosecutor;

C.) A statement of the reason(s) for the proposed amendment;

D.) Present use;

E.) Present zoning district;

F.) Proposed use;

G.) Proposed zoning districts;

H.) 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;

I.) A list of all property owners and their mailing addresses who are within, contiguous to, or directly across street from the parcel(s) proposed to be rezoned, except that addresses need not be included where more than ten (10) parcels to be rezoned;

J.) A fee as established by Resolution of the Township Trustees.

15.5 Contents of Application for Zoning Text Amendment: Application for amendment 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:

A.) The name, address, and phone number of the applicant;

B.) The proposed amending Resolution, approved as to form by the County Prosecutor;

C.) A statement of the reason(s) for the proposed amendment;

D.) A fee as established by Resolution of the Township Trustees.

15.6: Transmitted to Zoning Commission: Immediately after the adoption of a Resolution by the 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 County Regional Planning Commission. The 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.

15.7: Submission to County Regional Planning Commission: Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a Resolution by the Township Trustees, or 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 County Regional Planning Commission. The 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.

15.8: Submission to Director of Transportation: Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Zoning Commission may proceed as required by law; however, the Township Trustees shall not approve the amendment 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 Township Trustees that he shall proceed to acquire the land needed, the Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Township Trustees shall proceed as required by law.

15.9: Public Hearing by Zoning Commission: The Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a Resolution from the Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than neither 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.

15.10: Notice of Public Hearing in Newspaper: Before holding the public hearing as required in Section 15.9, 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 the Township at least ten (10) days before the date of said hearing. This notice shall set for the times and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such a public hearing the matter will be referred to the Township Trustees for further determination.

15.11: Notice to Property Owners by Zoning Commission: 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 failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 15.10.

15.12: Recommendation by Zoning Commission: Within thirty (30) days after the public hearing required by Section 15.9, the Zoning Commission shall recommend to the Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, 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.

15.13: Public Hearing by Township Trustees: Within thirty (30) days from the receipt of the recommendation of the Zoning Commission the Township Trustees shall hold a public hearing. Notice of such a public hearing in a newspaper of general circulation shall be given by the Township Trustees as specified in Section 15.10.

15.14: Action by Board of Township Trustees: Within twenty (20) days after the public hearing required by Section 15.13, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Trustees deny or modify the recommendation of the Commission, the unanimous vote of the Township Trustees is required.

15.15: Effective Date and Referendum: Such amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless within (30) days after the adoption of the amendment there is presented to the Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8%) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

ARTICLE 16 – ADMINISTRATION

16.1: Purpose: This article sets forth the powers and duties of the Zoning Commission, the Board of Zoning Appeals, the Board of Township Trustees, and the Zoning Inspector with respect to the administration of the provisions of this Resolution.

16.2: General Provisions: The formulation, administration and enforcement of this Zoning Resolution are hereby vested in the following offices and bodies within Township government:

A.) Zoning Inspector

B.) Zoning Commission

C.) Board of Zoning Appeals

D.) Township Trustees

E.) County Prosecutor

16.3: Zoning Inspector: A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He or she may be provided with the assistance of such other persons as the Board of Township Trustees may direct.

16.4: Responsibilities of Zoning Inspector: For the purpose of this Resolution, the Zoning Inspector shall have the following duties:

A.) Enforce the provisions of the Resolution and interpret the meaning and application of its provisions.

B.) Respond to questions concerning application for amendments to the Zoning Resolution text and the Official Zoning District Map.

C.) Issue zoning permits as provided by the Resolution and keep a record of same with a notation on any special conditions involved.

D.) Act on all applications upon which he or she is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of their refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit their request to the Board of Zoning Appeals.

E.) 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.

F.) Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Township offices.

G.) Maintain permanent and current records required by this Resolution, including but not limited to zoning permits, zoning certificates, inspection documents, and record of all variances, amendments and special uses.

H.) Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public.

I.) Review and approve site plans pursuant to this Resolution.

J.) 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.

K.) Prepare and submit an annual report 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 a report shall include recommendations concerning the fees.

16.5: Zoning Commission: The Zoning Commission shall consist of five members who must be residents of the Township and these members cannot serve on the Board of Zoning Appeals. The Zoning Commission has the power to recommend the enactment and changes and supplements to zoning and any other powers conferred by the Ohio Revised Code and this Resolution.

16.6: Township Board of Zoning Appeals: Compensation and Expenses: The Board of Township Trustees shall appoint a Board of Zoning Appeals of five members who shall be residents of the unincorporated territory in the Township included in the area zoned. The terms of all 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. Members shall be removable for the same causes and in the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by the Township Trustees and shall be for an unexpired term. The members may be allowed to pay their expenses, or such compensation, or both as the Township Trustees may approve and provide. The Board of Zoning Appeals may within the limits of the moneys appropriated by the Township Trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

16.7: Powers of Board of Zoning Appeals: The Board of Zoning Appeals may:

A.) 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 Sections 519.02 to 519.25 of the Ohio Revised Code, or of any resolution adopted pursuant thereto;

B.) Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done;

C.) 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.

D.) Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The Board shall notify the holder of the variance or certificate by certified mail of its intent to Revoke the variance or certificate under Section 16.4, and of his/her right to a hearing before the Board, within thirty days of the mailing of the notice if he/she so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his/her attorney or other representative, or he/she may present their position in writing. They may present evidence and examine witnesses appearing for or against the variance holder. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law. In exercising the above-mentioned powers, such Board may, in conformity with such Sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed form, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

16.8: Rules, Organization and Meetings of Zoning Appeals Board: The Board of Zoning Appeals shall organize and adopt rules in accordance with the Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board determines. The Chairman, or in his/her absence the Acting Chairman, may administer oaths, and the Board of Zoning Appeals may compel the

attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals 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 Township Trustees and is 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. Such appeal shall be taken within twenty 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 specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten days' notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by an attorney.

16.9: Duties of Zoning Inspector, Board of Zoning Appeals, Township Trustees and Courts on Matters of Appeal: It is the intent of this 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 only on appeal from the decision of the Zoning Inspector, and 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 Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Section and this Resolution. Under this Resolution the Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 11, or this Article. 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.

16.10: Township Trustees: The powers and duties of the Township Trustees pertaining to the Zoning Resolution are as follows:

A.) Approve the appointments of members to the Zoning Commission.

B.) Approve the appointments of members to the Zoning Board of Appeals.

C.) 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.

D.) Override a written recommendation of the Zoning Commission on a test or map amendment provided that such legislative action is passed by a unanimous vote of the Township Trustees.

16.11: 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 17 – ENFORCEMENT

17.1: General: This article stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approvals under this Resolution.

17.2: Zoning Permits Required: With the exception of agriculture, no building or other structure shall be erected, moved, added to or structurally altered, without a permit issued by the Zoning Inspector. In addition, no building, structure, or land shall be established or changed in use without a permit 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.

17.3: 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 if work has not been completed within one (1) year. Upon expiration of a zoning permit, no work may continue without application for another zoning permit. At a minimum, the application shall contain the following information and be accompanied by all required fees:

A.) Name, address, and phone number of applicant;

B.) Legal description of property;

C.) Existing use;

D.) Proposed use;

E.) Zoning District;

F.) Plans drawn to show the actual dimensions and the shape of the lot to be built upon; the exact size and location of the existing buildings on the lot, if any; and the location and dimensions of the proposed buildings(s) or alteration;

G.) Building heights;

H.) Number of off-street parking spaces or loading berths, and their layout;

I.) Location and design of access drives;

J.) Number of dwelling units;

K.) If applicable, application for a sign permit or conditional, special or temporary up permits, unless previously submitted;

L. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Resolution.

17.4: Approval of Zoning Permit: Within a reasonable period of time 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 year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector has marked such copy either as approved or disapproved and attested to same by his/her signature on such copy. One copy of the plans, similarly marked, shall be retained by the Zoning Inspector; The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with provisions of this Resolution.

17.5: 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 Ohio Department of Transportation (ODOT)

Director or any land within a radius of five-hundred (500) feet from the point of intersection of such centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail, to the ODOT Director. The Zoning Inspector shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the ODOT Director. If the ODOT Director notifies the Zoning Inspector that he/she shall proceed to acquire the land needed, the Zoning Inspector shall refuse to issue the zoning permit. If the ODOT Director 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 ODOT Director and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

17.6: Expiration of Zoning Permit: If the work described in any zoning permit has not begun within one 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 one (1) year 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 canceled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

17.7: Record of Zoning Permits: The Zoning Inspector shall maintain a record of all zoning permits and copies shall be furnished, upon request and upon payment of the established fee, to any person.

17.8: Failure to Obtain a Zoning Permit: Failure to obtain a zoning permit shall be a violation of this Resolution.

17.9: Construction and Use to Be as Provided in Applications, Plans, Permits, and Certificates: Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangements, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

17.10: Complaints Regarding Violations: 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 record properly such complaint, immediately investigate it, and take action thereon as provided by this Resolution.

17.11: 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.

17.12: Stop Work Order: Subsequent to his/her 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 order of the Zoning Inspector, shall constitute a punishable violation of this Resolution.

17.13: 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.

17.14: Notice of Violation: Whenever the Zoning Inspector or his/her 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:

A.) Be in writing;

B.) Identify the violation;

C.) Include a statement of the reason or reasons why it is being issued and refer to the Sections of this Resolution being violated; and

D.) State the time by which the violation shall be corrected.

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.

17.15: Ticketing Procedure: 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 issued a ticket. Such ticket shall:

A.) Be served personally;

B.) Be in writing;

C.) Identify the violation;

D.) State the time, date and place for appearance in court, and

E.) State the amount of the fine payable in lieu of a court appearance.

If the ticket cannot be served personally, the Zoning Inspector shall request that a summons be issued by the Court.

17.16: 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 of fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred ($500) dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice 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.

17.17: 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 an imminent threat of such a violation, the Zoning Inspector, the Prosecuting Attorney, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction abatement, or other appropriate actions to prevent, remove, abate, enjoin, terminate such violation.

ARTICLE 18 – VALIDITY AND REPEAL

18.1 Validity: If any article, section, subsection, paragraph, sentence, or phrase of this Resolution, if for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Resolution.

18.2 Repeal: This Resolution may be repealed in the following manner: The Board of Township Trustees

A.) May adopt a resolution upon its own initiative.

B.) Shall adopt a resolution if there is presented to it, a petition signed by a number of qualified voters residing in the unincorporated area of such township included in the zoning plan, equal to not less than eight (8%) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the question of whether or not the plan of zoning in effect in said township shall be repealed, to be submitted to the electors residing in the unincorporated area of the township included in the zoning plan, at the next primary or general election. In the event a majority of the vote cast on said question in said township is in favor of repeal of zoning, then said regulations shall no longer be of any force or effect in said township. Not more than one (1) such election shall be held in any two (2) calendar years.

ARTICLE 19 – RENEWABLE ENERGY

PREAMBLE: THE FOLLOWING CONTAINED HERIEN IS SPECIFICALLY DESIGNATED FOR PLEASANT TOWNSHIP:

19.1 Small Wind Turbines: Wind Projects of 5MW (Five Megawatts) or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Projects less than 5MW (Five Megawatts) and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use in accordance with ORC 519.21. Any proposed construction, erection, or siting of a Small Wind Project less than 5MW (Five Megawatts), including the wind turbine generator or Anemometer or any parts thereof shall be prohibited in all Districts.

19.2 Small Solar Facilities: Notwithstanding any other provision contained in this Zoning Resolution, pursuant to Ohio Revised Code 519.213, small solar facilities are prohibited in all zoning districts within the unincorporated areas of the Township. "*Small solar facility*" means solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50MW) megawatts. The provision does not apply to solar energy systems used for agricultural operations that are exempt from zoning pursuant to Ohio Revised Code 519.21. Single-family dwellings are permitted to have a Rooftop Solar Energy System. A "Rooftop Solar Energy Systems" means a solar energy system that is mounted to a structure or building's roof on racks. Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.

A) General Requirements

1) Integrated or Rooftop Solar Energy Systems:

i. Height: The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.

ii. Coverage: An Integrated or Rooftop Solar Energy System shall cover no more than 70% (seventy percent) of a structure's walls and/or roof, as applicable.