

**JACKSON TOWNSHIP
ZONING RESOLUTION**

March 2024

PREAMBLE

This Zoning Resolution for Jackson Township, Allen County, Ohio is established and adopted by the Board of Trustees of Jackson Township as authorized and provided for by Sections 519.01 to 519.99 inclusive of the Ohio Revised Code to regulate the location, height, area, number and size of buildings and other structures, percentages of lot area which may be occupied, size of yards, buildings and other structures, and the uses of land, prescribing penalties and proceedings for the administration and enforcement of this Resolution.

It is further the intent of this Board to preserve the quality and well being of the Township by maintaining the good neighbor policy.

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ARTICLE 1

GENERAL PROVISIONS

1.0 PURPOSE

This Resolution is adopted for the purpose of promoting the public health, safety, morals, and general welfare; conserving and protecting property and property values; and, securing the most appropriate use of land.

1.1 INTERPRETATION

In interpreting and applying the provisions of this resolution, such provisions shall be held to minimum requirements. Wherever this resolution imposes a greater or lesser restriction than is required by other provisions of law, or by other rules or regulations by County, State, or other regulatory agencies, the most restrictive regulation or resolution shall govern.

1.2 ZONING MAP

The zoning map, as amended from time to time, showing all land within the unincorporated area of Jackson Township, Allen County, Ohio, is hereby adopted and declared to be a part of this Zoning Resolution and shall be the final evidence for the current zoning district status.

1.3 COMPLIANCE

- 1.3.1 No building or structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area, height and yard regulations of the district in which such building or structure is located without obtaining a zoning certificate.
- 1.3.2 No building, structure or lot shall be used for any purpose other than that which is permitted in the district in which such building, structure or lot is located.
- 1.3.3 No yard or other open space existing about any building or structure shall be so reduced in area or dimension as to make it less than the minimum required by this resolution.
- 1.3.4 Exceptions to these regulations may be granted by the Board of Zoning Appeals where there are practical difficulties causing unnecessary hardship from the strict enforcement of the regulations. Hardships cannot be self-created nor based on economic considerations and must be proved beyond a doubt by showing the inability to make a reasonable use of the property under existing terms of the resolution.
- 1.3.5 Any interior road must have a minimum of sixty (60) foot right of way and must comply with Section 505 of the Allen County Subdivision Regulations or as amended. Roadside drainage must be constructed according to the standard drawings of the County Engineer and comply with Section 507 of the Allen County Subdivision Regulations or as amended.

1.4 USES EXEMPTED FROM PROVISIONS OF RESOLUTION

- 1.4.1 The use of any land for agricultural purposes, except where regulated within platted areas on lots of less than one (1) acre.
- 1.4.2 The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business shall be permitted in all districts established by this resolution and no zoning certificate shall be required for any building or structure or for the use of any land essential to the operation of a public utility or railroad.
- 1.4.3 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.
- 1.4.4 The use of any land owned or leased by an industrial firm shall not be prohibited for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its plants; however, well drilling or production activities shall not be located or conducted nearer than five hundred (500) feet from any property line or from any existing building.

1.5 SEVERANCE AND VALIDITY

If any article, section, subsection, paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. This Resolution shall become effective from and after the date of its approval and adoption as provided by law.

1.6 ZONING DISTRICTS

For the purpose of carrying out the provisions of this Resolution, the unincorporated area of the Township may be divided into the following districts:

- Agricultural:** Land which shall be designated as "Agricultural" District.
- Class 1 - Residential:** Single-family dwelling district which shall be designated as "Residential I" District.
- Class 2 - Residential:** Land which will further the development of low density single and multiple family dwelling units shall be designated as "Residential II" District.
- Manufactured Home Park:** Land designated as "MHP" District shall further the development of well planned manufactured home parks.
- Commercial:** Land which shall be designated as "Commercial" District.
- Floodplain District:** Land which is designated as "Floodplain".

1.7 MINIMUM BUILDING SETBACK LINES

Any building erected within the Township after the adoption of these Zoning Regulations shall be so maintained and situated to provide that no portion thereof shall be closer to the center of the nearest road pavement than allowed by individual zoning district requirements.

1.8 BUFFER SCREENING

1.8.1 If, in any area, a Commercial District adjoins, abuts, or lies within one hundred (100) feet of any Residential District or if, under the provisions of this Resolution, a use permitted in a Commercial District is located on a parcel abutting or adjacent to a parcel, a buffer screening area shall be established and maintained thereon by the person or persons occupying said premises in such Commercial District.

1.8.2 The minimum width of such buffer screening areas shall be not less than ten (10) feet when located between business and residential uses.

1.9 TERRITORY NOT INCLUDED

In every case where territory has not been specifically included within a district or where a territory becomes part of the unincorporated area of the Township as the result of the disincorporation of any city, town, village, or portion thereof, or otherwise, such territory shall automatically be classified as an Agricultural District until otherwise classified.

1.10 DRAINAGE

Lots shall be developed with due consideration to storm runoff drainage. Lot drainage onto adjoining property shall not be diverted, channelized, or increased so as to cause damage or increase liability to adjoining properties. Elevation and changes are to be accommodated by intercepting the lot drainage before exiting the premises by proper use of systems such as diversion channels, drainage swales, catch basins with suitable conduits to remove water, or a combination of said systems in keeping with good design practices.

ARTICLE 2

AGRICULTURAL DISTRICTS

2.0 PERMITTED USES

2.0.1 Any agricultural use shall be permitted. See Ohio Revised Code for definition.

2.0.2 Single-family dwellings and buildings thereto, but excluding tents, cabins, trailer coaches, and basement dwellings except that any structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such excluded uses shall not be continued for more than two (2) years. Earth sheltered housing or partial underground buildings or structures designed to conserve energy shall not be considered a basement dwelling.

2.0.3 Any person may maintain an office or may carry on a customary home occupation in the dwelling house used by the person as his or her private residence providing such does not involve any outward evidence of such use other than a sign as authorized in other sections of this Resolution. The dwelling shall not be expanded or changed to accommodate such activities. The occupation is to be limited to that performed by the resident.

2.0.4 Churches and Schools may be established in this District.

2.1 DIMENSIONAL REQUIREMENTS

Number of Dwelling Units:	One (1)
Minimum Lot Area:	108,900 sq. ft. or 2.5 acres
Minimum Lot Width: (measured at building line)	150 ft.
Minimum Front Line:	150 ft.
Minimum Front Yard Setback:	60 feet measured from the centerline of the road.
Minimum Side Yard Setback:	No dwelling shall be built closer than thirty (30) feet from the adjoining property lines.
Minimum Rear Yard Setback:	No dwelling shall be built closer than thirty (30) feet from the adjoining rear property line.
Minimum Floor Area per Dwelling Unit:	980 sq. ft.
Maximum Height of Structure:	35 ft.
Minimum Off-Street Parking Required:	Two (2) spaces per dwelling

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

2.2.1 Temporary Dwelling for a caregiver for Elderly Person(s), as defined in Article 14 of this document, ELDERLY PERSON, and with approval of the Board of Zoning Appeals after recommendation of the Zoning Commission. Prescription from a doctor is required. Temporary Dwelling must be removed from the premises within thirty (30) days after the condition ceases to exist.

2.2.1.1 Dimensional Requirements:

Minimum Floor Area
per Dwelling Unit: 500 sq. ft.

Minimum Setbacks: Must comply with all set-backs in District

2.2.1.2 Mobile Homes must meet restrictions as set forth in 2.2.1 and, in addition, must comply with restrictions set forth in 8.2.1 and 8.2.2 of this document with State and Federal guidelines.

2.2.1.3 Temporary Dwellings must conform to all Allen County Health Department Regulations.

2.2.2 CEMETERIES: Cemeteries shall be allowed as a conditional use in an Agricultural District provided:

2.2.2.1 Any new cemetery shall be located on a site not less than five (5) acres in size;

2.2.2.2 No grave sites shall be located nearer than thirty (30) feet from any property line; and,

2.2.2.3 No structure shall be located nearer than one hundred (100) feet from any property line.

2.2.3 CHURCHES: Churches shall be allowed as a conditional use in an Agricultural District provided:

2.2.3.1 No structure or recreation area shall be placed a distance of less than one hundred (100) feet from any lot line;

2.2.3.2 The church shall be placed on a lot at least five (5) acres in size; and,

2.2.3.2 There shall be provided at least one (1) off street parking space measuring ten (10) feet by twenty (20) feet for every three (3) persons expected in the church when the building is occupied at its maximum capacity.

2.2.4 VETERINARY HOSPITALS: See Ohio Regulations.

2.2.5 EXTRACTIVE ACTIVITIES: Extractive activities shall be permitted as a conditional use in an Agricultural District provided:

- 2.2.5.1 No extractive activity shall be permitted less than one hundred (100) feet from any lot line; and,
- 2.2.5.2 An eight (8) foot fence must be constructed around the entire perimeter of the site.

ARTICLE 3

RESIDENTIAL DISTRICT (R-1)

3.0 CLASSIFICATIONS

One classification of Residential District is hereby established which shall be known as "R-1" (Single-Family Dwelling Units).

3.1 PERMITTED USES

Temporary Dwelling for a caregiver for Elderly Person(s), as defined in Article 14 of this document, ELDERLY PERSON, and with approval of the Board of Zoning Appeals after recommendation of the Zoning Commission. Prescription from a doctor is required. Temporary Dwelling must be removed from the premises within thirty (30) days after the condition ceases to exist.

3.1.1 Single-family dwellings and buildings accessory thereto but excluding tents, cabins, trailer coaches, basement dwellings; except that any structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such excluded use shall not be continued for more than two (2) years. Earth sheltered housing or partial underground structure designed to conserve energy shall not be considered a basement dwelling.

3.1.2 Any person may maintain an office or may carry on a customary home occupation in the dwelling house used by the person as his or her private residence providing such does not involve any outward evidence of such use other than a sign as authorized in other sections of this Resolution. The dwelling shall not be expanded or changed to accommodate such activities. The occupation is to be limited to that performed by the resident.

3.1.3 Churches and Schools may be established in this District.

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

3.2.1 Golf courses with accessory uses and structures including pro shop, restaurant, and bar operated incident thereto. Buildings and structures shall be located not less than seventy-five (75) feet from any other lot line.

3.2.2 Off-street parking spaces and lighting shall be provided in accordance with the requirements for specific uses listed in Section 5.2 of this Resolution.

3.3 DIMENSIONAL REQUIREMENTS

Number of Dwelling Units:	One (1)
Minimum Lot Area:	108,900 sq. ft. or 2.5 acres
Minimum Lot Width: (measured at the building line)	150 ft.

Minimum Floor Area:	980 sq. ft.
Minimum Front Lot Line:	150 ft.
Minimum Front Yard Setback:	60 feet measured from the centerline of the road.
Minimum Side Yard Setbacks:	30 ft. applies to main building
Minimum Rear Yard Setback:	30 ft. - applies only to the main building; 15 ft. for accessory building
Maximum Height of Structure:	35 ft.
Minimum Required Off-Street Parking:	Two (2) spaces per dwelling

ARTICLE 4

RESIDENTIAL DISTRICT (R-2)

4.0 CLASSIFICATIONS

One classification of Residential District is hereby established which shall be known as "R-2" (low density single and multiple family dwelling units).

4.1 PERMITTED USES

4.1.1 Any permitted use established within the R-1 Residential District.

4.1.2 Multiple family dwelling structures for occupancy by not more than two (2) families living independently of each other.

4.2 DIMENSIONAL REQUIREMENTS

4.2.1 SINGLE DWELLING UNIT

Number of Dwelling Units:	One (1)
Minimum Lot Area:	10,000 sq. ft.
Minimum Lot Width: (measured at the building line)	80 ft.
Minimum Floor Area:	980 sq. ft. per dwelling
Minimum Front Lot Line:	80 ft.
Minimum Front Yard Setback: (measured to centerline of road)	60 ft. 1
Minimum Side Yard Setback:	10 ft.
Minimum Rear Yard Setback:	10 ft.
Maximum Height of Structure:	35 ft.
Minimum Required Off-Street Parking:	Two (2) per dwelling

4.2.2 MULTIPLE DWELLING UNIT

Number of Dwelling Units:	Two (2)
Minimum Lot Area:	11,250 sq. ft.
Minimum Lot Width: (measured at the building line)	90 ft.
Minimum Floor Area:	980 sq. ft. per dwelling

Minimum Front Lot Line:	90 ft.
Minimum Front Yard Setback: (measured to centerline of road)	55 ft.
Minimum Side Yard Setback:	10 ft.
Minimum Rear Yard Setback:	10 ft.
Maximum Height of Structure:	35 ft.
Minimum Required Off-Street Parking:	Two (2) per dwelling

ARTICLE 5

COMMERCIAL DISTRICT

5.0 PERMITTED USES

The following uses and no other shall be permitted in the Commercial District:

- 5.0.1 Doctor office, attorney office, insurance office, architect office, engineer or surveyor office, accountant's office, tax consultant office, labor organization office, security or real estate broker office, bank, savings & loan, finance office, employment agency, travel bureau, secretarial service contractor office, or lodge hall, rooming house, hotel, motel, tourist home, restaurant, lunchroom, garage or parking lot, grocery store, hardware stores, department store, drug store, electric appliance store, supermarket, farm equipment store, shopping center, jewelry store, shoe store, clothing store, furniture store, florist shop, plant materials nursery, novelty shop, barbershop, auto repair shop, radio and television repair shop, orthopedic equipment shop, typewriter or bicycle repair shop, upholstering shop, pet shop, photography shop or studio, beauty parlor, funeral home, cemetery, piano repair shop, indoor theater, dance hall, bowling alley, commercial swimming area, skating rink, indoor or outdoor recreation center, golf course, pro shop, gasoline filling station (provided storage tanks are underground), new and used auto sales, truck and trailer sales and repair agencies, auto wash, wholesale business, auction house, dairy and locker plants, job printing shops, veterinary clinic, schools, nursery schools, churches, hospitals, day-care facilities and recreational camps.
- 5.0.2 Living quarters associated with a business establishment.
- 5.0.3 In a Commercial District a pool room, dance hall or an establishment selling or serving intoxicating beverages shall not be located within four hundred (400) feet of a public school, playground or church measured from the nearest entrance along street, road or highway lines.
- 5.0.4 Residential homes may be built in commercially zoned areas.

5.1 DIMENSIONAL REQUIREMENTS

Minimum Lot Area:	30,000 sq. ft.
Minimum Lot Width:	150 ft.
Minimum Lot Frontage:	150 ft.
Minimum Front Yard Setback:	60 ft. from centerline of the road.
Minimum Side Yard Setback:	25 ft. where side of lot adjoins an agricultural or residential district, and 55 ft. where side of lot adjoins a public street or road

Minimum Rear Yard Setback: 35 ft.

Maximum Height of Structure: 35 ft.

5.2 SUPPLEMENTARY REQUIREMENTS

5.2.1 **Lighting:** Any lighting system used to illuminate a Commercial District or part thereof adjoining a Residential District must be arranged so as to reflect the light away from the adjoining premises in said Residential District.

5.2.2 **Parking:** Off-street parking spaces measuring ten (10) feet by twenty (20) feet shall be provided according to the following schedule:

Type of Use	Parking spaces required
Banks, Business and Professional office:	One (1) for each 300 sq. ft. of floor area
Furniture and Appliance Stores, Household Equipment, or Furniture Repair Shops over 1,000 sq. ft. of floor area:	Four (4), plus two (2) for every 400 sq. ft. of floor area over 1,600 sq. ft.
Wholesale Establishments or Warehouses:	Five (5), plus one (1) for every 3,000 sq. ft. of floor area over 5,000 sq. ft.
Restaurants and Lunchrooms:	One (1) for every 100 sq. ft. of floor area
Retail Stores, Shops, etc.:	One (1) for every 200 sq. ft. of floor area

ARTICLE 6

PLANNED UNIT DEVELOPMENT DISTRICTS

6.0 PURPOSE

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

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

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

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

6.1 PERMITTED USES WITHIN THE R-PUD DISTRICT

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

- 6.1.2 Permitted uses may include one or more of the following: low to medium density (less than 4 units per acre gross density) residential dwellings, playgrounds and recreational facilities including golf courses, country clubs, conservation areas, nature preserves or public parks.
- 6.1.3 Conditional Uses in Conjunction with a Permitted Use include accessory uses and home occupations as defined elsewhere in the text.
- 6.1.4 The Zoning Commission may approve additional uses prior to the Final Plat.

6.2 GENERAL PROVISIONS

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

6.3 SPECIFIC DESIGN CRITERIA FOR THE R-PUD DISTRICT

- 6.3.1 The R-PUD district shall be a minimum of ten (10) acres in size.

- 6.3.2 The R-PUD shall have an open space design that reflects a minimum of twenty percent (20%) of the tract to be developed.
- 6.3.3 The R-PUD shall utilize a landscaping and buffering plan per the requirements of this document as identified elsewhere in this text. The landscaping and any required buffering shall be designed by a licensed landscape architect in order to achieve the necessary aesthetic balance between the PUD and the surrounding area.
- 6.3.4 The R-PUD shall provide sufficient parking to accommodate the demands of its residential and any ancillary uses as indicated elsewhere in this document.
 - 6.3.4.1 The R-PUD shall provide one (1) off-street parking area for each three (3) people of capacity plus one (1) for each employee when determining the required parking for all common areas including community rooms, outdoor swimming pools, recreational/sports facilities, etc.
 - 6.3.4.2 The R-PUD shall establish suitable evergreen landscaping as a buffer for all off-street parking areas.
- 6.3.5 R-PUDs are expected to incorporate various ancillary uses and structures in their design. The following are specific design criteria that shall be incorporated in the respective development.
 - 6.3.5.1 Private swimming pools, detached garages/sheds, hot tubs, sport courts, tennis courts, basketball courts, gazebos, play structures or other similar structures as determined by the zoning inspector shall be classified as accessory structures.
 - 6.3.5.2 Accessory structures shall be subordinate to the principal permitted use and respective principal structure. Accessory structures shall be located to the rear or side of the principal structure. No accessory structures shall be located in front yards unless specifically approved during the design review process.
 - 6.3.5.3 All utilities and service structures shall be screened with evergreen landscaping to the maximum height of the unit.
 - 6.3.5.4 Accessory structures may not encroach on any platted easement unless the Allen County Engineer approves of such encroachment.
- 6.3.6 The design and construction of publicly dedicated streets shall be coordinated with the Allen County Subdivision Regulations and Access Management Regulations. In order to adequately address the Allen County Access Management Regulations, the design of private drives or internal service roads such as in condominiums shall be presented to the Allen County Engineer for review.
- 6.3.7 In order to adequately address the Allen County Access Management Regulations, all R-PUD ODPs shall address the following driveway and sight visibility standards:

- 6.3.7.1 All multi-family and condominium roads/drives shall be designed to meet the minimum intersection sight distances as established by the Ohio Department of Transportation's (ODOT's) Location and Design (L&D) Manual sections on Intersection Sight Distance (ISD), Vertical ISD and Horizontal ISD. These sight distances are to be shown on the proposed plan. If it is determined in an approved Traffic Impact Study for the development or by an engineer designing the driveway that it is not feasible to obtain those required intersection sight distances, then the driveway shall be designed to meet the preferred safe stopping distances provided for in the ODOT L&D Manual. All such exceptions are subject to the approval of the Allen County Engineer.
- 6.3.7.2 Two (2) access points are required for developments with thirty (30) or more dwelling units to ensure adequate fire protection and access for emergency medical services.
- 6.3.7.3 All development road/drive centerline angles should be designed as close as possible to ninety (90) degrees. In no case shall the driveway be less than seventy-five (75) degrees.
- 6.3.7.4 All multi-family, condominium, manufactured home or mobile home park developments shall be designed so as vehicles are traveling in a forward motion when entering or leaving.
- 6.3.7.5 All roads/drives must provide for and maintain a sight visibility triangle as illustrated in Illustration J. Structures, landscape plantings, fences or signs other than roadway signs are not permitted in this area. The zoning inspector may permit the placement of objects in the required sight visibility triangle area provided that they do not project into the clear vertical space between the height of thirty (30) inches and ten (10) feet as measured from the pavement.
- 6.3.7.6 Maximum driveway width shall be thirty-six (36) feet as measured from the right-of-way line. For curbed driveways this width is measured from the back of the curb. Maximum driveway lane width shall be twelve (12) feet.
- 6.3.8 The R-PUD shall utilize a lighting plan in order to provide the level of illumination necessary for adequate, safe and efficient movement of vehicles and persons without affecting neighboring properties. The lighting plan shall be designed by a licensed electrical engineer in order to achieve the necessary aesthetic balance between the PUD and the surrounding area. The following standards shall be met:
 - 6.3.8.1 All multi-family or condominium clusters with five (5) or more exterior parking spaces are to be illuminated.
 - 6.3.8.2 All vehicular use and pedestrian pathways shall not drop below 0.5 foot candles. For design purposes the Light Loss Factor (LLF) shall be calculated using the Illuminating Engineering Society of North America (IESNA) latest standards.

- 6.3.8.3 Light originating at a site shall not be permitted ten (10) feet beyond the perimeter of the site.
- 6.3.8.4 All outdoor recreational/sports facility lighting shall be designed as to minimize light trespass and the impact of glare on all surrounding properties and public rights-of-way.
- 6.3.8.5 All exterior lighting shall be demonstrated on the plan submittal.

6.4 PERMITTED USES WITHIN THE SP-PUD DISTRICT

- 6.4.1 Permitted uses and development standards shall be established at the time of rezoning the property and must be identified as the conditions upon which the district is approved. Any development standards not explicitly addressed shall conform to standard district regulations. Any use not so designated shall be prohibited unless it is determined to be substantially similar to the approved uses and is in character with the proposed development.
- 6.4.2 Permitted uses, as defined under the North American Industrial Classification System (NAICS), may include one or more of the following uses: commercial banking, savings institutions and credit unions; mortgage companies; securities, commodity contracts and other financial investments; insurance carriers and related activities; offices of real estate agents, brokers and appraisers; professional, scientific and technical services (except large animal veterinary services); personal care services; arts, entertainment and recreation establishments; restaurants and drinking places; furniture and home furnishings stores; electronics and appliance stores; food and beverage stores; health and personal care stores; clothing and clothing accessory stores; sporting goods, hobby, book and music stores; miscellaneous store retailers (excluding used merchandise stores); public administration and government services; health care (except psychiatric and substance abuse hospitals); elementary and secondary schools and libraries; child day care centers; and, religious organizations and worship facilities.
- 6.4.3 Medium and high density residential structures not to exceed sixteen (16) units per acre may be allowed as a conditional use provided that: all residential uses and/or development activities including multi-family and condominium uses as well as common areas account for less than twenty percent (20%) of the total SP-PUD; meet all regulations as defined elsewhere in the R-PUD District standards; the residential component is included as an integral part of the SP-PUD and where supporting accessory uses, structures and public infrastructure are available/provided.
- 6.4.4 Conditional Uses in Conjunction with a Permitted Use include accessory uses as defined elsewhere in the text.
- 6.4.5 The Zoning Commission or Board of Zoning Appeals may approve additional uses prior to the Final Plat.

6.5 GENERAL PROVISIONS

- 6.5.1 The owner or owners of any tract of land may submit to the Zoning Commission an ODP for the use and development of the entire tract of land. The ODP shall

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

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

6.6 SPECIFIC DESIGN CRITERIA FOR THE SP-PUD DISTRICT

- 6.6.1 The SP-PUD district shall be a minimum of ten (10) acres in size.
- 6.6.2 The SP-PUD shall have an open space design that reflects a minimum of twenty percent (20%) of the tract to be developed.
- 6.6.3 The design and construction of publicly dedicated streets shall conform to the Allen County Subdivision Regulations. The design of private drives or internal service roads shall be presented to the Allen County Engineer for review.
- 6.6.4 All SP-PUD overall development plans shall address the following driveway and sight visibility standards:
 - 6.6.4.1 All driveways shall be designed to meet the minimum intersection sight distances as established by the ODOT L&D Manual sections on

ISD, Vertical ISD and Horizontal ISD. These sight distances are to be shown on the proposed plan. If it is determined in an approved Traffic Impact Study for the development or by an engineer designing the driveway that it is not feasible to obtain those required intersection sight distances, then the driveway shall be designed to meet the preferred safe stopping distances provided for in the ODOT L&D Manual. All such exceptions are subject to the approval of the Allen County Engineer.

- 6.6.4.2 Driveway centerline angles should be designed as close as possible to ninety (90) degrees. In no case shall the driveway be less than seventy-five (75) degrees.
 - 6.6.4.3 All driveways must provide for and maintain a sight visibility triangle as illustrated in Illustration J. Structures, landscape plantings, fences or signs other than roadway signs are not permitted in this area. The zoning inspector may permit the placement of objects in the required sight visibility triangle area provided that they do not project into the clear vertical space between the height of thirty (30) inches and ten (10) feet as measured from the pavement.
 - 6.6.4.4 Maximum driveway width shall be thirty-six (36) feet as measured from the right-of-way line. For curbed driveways this width is measured from the back of the curb. Maximum driveway lane width shall be twelve (12) feet.
- 6.6.5 The SP-PUD shall provide sufficient parking to accommodate the demands of its commercial and any ancillary uses. Parking areas shall provide safe, convenient and efficient access.
- 6.6.5.1 All service drives, off-street parking areas, driveways and maneuvering aisles shall be paved with asphalt, concrete, pavers or combination thereof.
 - 6.6.5.2 The number of required parking spaces shall be provided based on an established use and parking requirements identified elsewhere in this document. Where the ODP fails to identify a proposed use, the zoning inspector will identify an appropriate use to determine minimum standards.
 - 6.6.5.3 Parking spaces shall be distributed as follows: a maximum of forty percent (40%) in front of the primary structure; a maximum of seventy percent (70%) to the side of the primary structure; and, a minimum of ten percent (10%) to the rear of the structure. Where the rear of the primary structure is adjacent to residential uses or zoning districts parking will be prohibited.
 - 6.6.5.4 All required parking shall be identified and contained within the proposed SP-PUD unless the Board of Zoning Appeals approves a joint parking agreement. In such cases, a written agreement between all property owners shall identify all issues related to occupancy, maintenance, and liability and record same in the office of the Allen

County Recorder. A copy of the agreement will be kept with the zoning certificate.

- 6.6.5.5 All service drives off-street parking areas, driveways, and maneuvering aisles shall be kept free of standing water, litter, glass, nails and other materials or debris which could create a hazardous situation.
 - 6.6.5.6 The SP-PUD shall establish suitable evergreen landscaping as a buffer for all off-street parking areas.
 - 6.6.5.7 Where a residential component is included, the SP-PUD shall provide two (2) off-street parking spaces for each single-family unit. Multi-family developments shall provide two (2) off-street parking spaces for each dwelling unit and one (1) visitor parking space for every two (2) units evenly distributed throughout the parking area. The SP-PUD shall provide one (1) off-street parking area for each three (3) people of capacity plus one (1) for each employee when determining the required parking for all common areas including community rooms, outdoor swimming pools, recreational/sports facilities, etc.
- 6.6.6 The SP-PUD shall utilize a landscaping and buffering plan per the requirements of this document. The landscaping and required buffering shall be designed by a licensed landscape architect in order to achieve the necessary aesthetic balance between the SP-PUD and the surrounding area.
- 6.6.6.1 No building, structure or vehicular access area shall be developed or expanded unless the minimum landscaping and buffering requirements are established. The Township shall issue a zoning certificate attesting to the integration of all landscaping/buffering requirements upon completion.
 - 6.6.6.2 Trees, vegetation, retention areas, waterways, fences, walls and other landscape/buffer elements are considered elements of the SP-PUD in the same manner as parking and other site details. The owner of the property shall be responsible for the continuous and proper maintenance of all landscaping materials and shall keep them in good order and free from refuse and debris at all times. Maintenance agreements are required in the overall development plan.
 - 6.6.6.3 Buffers are required around the perimeter of the site. Landscape materials used to fulfill buffer requirements shall be installed to provide 100% year round opacity. Buffer materials must be an evergreen species. Evergreen shrubs must be a minimum of two (2) feet in height at time of planting. Evergreen trees must be a minimum of six (6) feet in height. Grass or ground cover shall be planted on all portions of required landscape/buffer areas not addressed by hedges, walls or trees. Trees, evergreen shrubs and mounds must be placed no further than seven (7) feet from the edge or curb.
 - 6.6.6.4 To reduce excessive heat build-up and emissions from large parking areas, landscaped islands/areas must be provided when twenty (20) or more parking spaces are provided. All landscape islands must be

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

- 6.6.6.5 Landscaped islands within parking areas shall total at least ten percent (10%) of the gross paved parking area. Trees at least two (2) inches in caliper at time of installation shall be provided for each 5,000 sq feet of parking area. These areas may be included in the Storm Water Retention Plan for the site.
- 6.6.7 The SP-PUD shall utilize a lighting plan in order to provide the level of illumination necessary for adequate, safe and efficient movement of vehicles and persons without affecting adjacent properties. The lighting plan shall be designed by a licensed electrical engineer in order to achieve the necessary aesthetic balance between the SP-PUD and the surrounding area. The following standards shall be met:
 - 6.6.7.1 All SP-PUDs shall provide lighting for the entire vehicle use area, exterior doorways and access walkways. In any residential areas, five (5) or more exterior parking spaces are to be illuminated.
 - 6.6.7.2 All vehicular use and pedestrian pathways shall not drop below 0.5 foot candles. For design purposes the LLF shall be calculated using IESNA latest standards.
 - 6.6.7.3 Light originating at a site shall not be permitted ten (10) feet beyond the perimeter of the site and shall not exceed 0.5 foot candle in residential areas or 1.0 foot candle in commercial areas of the SP-PUD.
 - 6.6.7.4 All outdoor recreational/sports facility lighting shall be designed as to minimize light trespass and the impact of glare on all surrounding properties and public right-of-way.
 - 6.6.7.5 All pole-mounted luminaries shall be restricted to thirty-three (33) feet in commercial areas of the SP-PUD. Heights in residential areas shall not exceed twenty-three (23) feet.
 - 6.6.7.6 All exterior lighting shall be demonstrated on the plan submittal.
- 6.6.8 The SP-PUD shall minimize the visual and noise impacts of loading areas, outdoor storage areas and refuse collection activities on surrounding areas.
 - 6.6.8.1 Storage, sales, truck parking, trash collection/compaction, loading or other such uses must not be located closer than thirty-five (35) feet from a residential dwelling or residential district.
 - 6.6.8.2 Storage areas, truck parking, trash collection/compaction, loading areas, HVAC equipment and utility meters shall be screened to their full height.

ARTICLE 7

CONDITIONAL USES

7.0 AUTHORIZATION

Specifically listed conditional uses are provided within the Zoning District regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the principal permitted uses of such Zoning District.

The intent of the procedure for authorizing a conditional use is to set forth the development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

Conditional uses shall only be authorized by the Board of Zoning Appeals consistent with the procedures outlined in this Section of this Resolution.

7.1 PROCEDURE

An application for a Conditional Use Certificate shall be in writing on forms prescribed for that purpose by the Board of Zoning Appeals. The Board may require such other and such additional information including, but not limited to, detail, engineering, or construction plans and such other technical information as the Board shall deem necessary to properly review and consider said application.

Prior to the issuance of any conditional use certificate, the Board shall fix a reasonable time for a public hearing in such application. The Board shall give at least ten (10) days notice of such hearing, in writing, to the parties in interest and shall give notice of such public hearing by no less than one (1) publication in one (1) or more newspapers of general circulation in the County no less than ten (10) days before the date of such hearing. Within fifteen (15) days after any such hearing, the Board shall grant or deny, in writing, the conditional use certificate applied for and may attach such terms and conditions as it deems appropriate.

7.2 STANDARDS AND CONDITIONS FOR CONDITIONAL USE

The Board of Zoning Appeals, in considering an application for a Conditional Use Certificate, shall consider the nature and condition of all uses, lands, buildings and structures that may be affected by the proposed conditional use and may impose such conditions, requirements and terms with respect to location, duration, construction, maintenance, operation and other aspects of the conditional use as the Board may deem necessary for the protection of adjacent properties and the public health, safety, morals and general welfare.

The Board shall not grant a Conditional Use Certificate unless it finds that:

7.2.1 The proposed conditional use will comply with applicable provisions of this Resolution, including lot size requirements, developmental standards, and use limitations.

- 7.2.2 Adequate utility, drainage, and other necessary facilities have been or will be provided.
- 7.2.3 Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
- 7.2.4 All necessary permits, licenses and approvals for the use and operation of the conditional use have been obtained or evidence has been submitted that such permits, licenses and approvals are obtainable for the proposed conditional use on the subject property.
- 7.2.5 All exterior lights are so shaded as to avoid causing direct light upon any property located in an R-District.
- 7.2.6 The location and size of the conditional use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- 7.2.7 The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings, and structures.
- 7.2.8 The conditional use desired will not adversely affect the public health, safety, and welfare of the general public.

ARTICLE 8

REGULATIONS FOR SPECIFIC OVERLAY DISTRICTS, ACTIVITIES, USES AND STRUCTURES

8.0 PURPOSE

It is the purpose of the regulations contained within Article 8 to promote the public health, safety, and welfare and to establish regulations affecting uses and practices which, were they to be established and maintained without any guidance or restriction or control, would tend to result in dangerous situations threatening the safety of citizens, to contribute to circumstances undermining the morals of the youth of the community, or to generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.

8.1 FLOOD PLAIN DISTRICT REGULATIONS

Sections 8.1.1 through 8.1.3 inclusive shall apply to the development of flood prone areas as defined herein.

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

8.1.2 The Flood Plain Districts are areas of special flood hazard which have been identified by the Federal Emergency Management Agency (FEMA) after scientific engineering analysis. Such studies are documented in a report entitled Flood Insurance Study of Allen County, Ohio, Unincorporated Areas. FEMA mapped flood hazard areas in Flood Insurance Rate Map 390758- 0150B dated November 15, 1989. The aforementioned study and maps, and any revisions thereto, is hereby adopted by reference and declared to be part of this Resolution.

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

8.1.4 Uses Permitted in the Flood Plain (FP) District

8.1.4.1 Any agricultural use; and,

8.1.4.2 Any public or private noncommercial recreation facility including fishing lakes, golf courses, parks and other similar uses.

8.1.5 Conditional Uses With Approval by the Board Of Zoning Appeals After A Public Hearing

8.1.5.1 Commercial recreation, such as commercial fishing lakes;

- 8.1.5.2 Commercial mining in accordance with all provisions of the Ohio Revised Code or in such statute as it may hereafter be amended; and,
 - 8.1.5.3 Reclamation of lands subject to flooding, providing that no filling, draining, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be authorized by the Board of Zoning Appeals, unless the Board of Zoning Appeals finds that such reclamation work is in compliance with the objectives of the Comprehensive Plan; and that any such work is approved and completed under the supervision of a competent, professional civil engineer.
- 8.1.6 No Zoning Permit will be issued by the Township Zoning Inspector prior to the review, completion and subsequent issuance of a Flood Plain Development Permit as approved by the Lima-Allen County Regional Planning Commission, which is the agency delegated to administer the Allen County Flood Plain Management Regulations.

8.2 REGULATION OF MANUFACTURED HOMES AND MANUFACTURED HOME PARKS

The provision of Sections 8.2.1 through 8.2.6, inclusive, provide for the parks siting location and regulation of Manufactured Homes and Manufactured Parks as herein described.

8.2.1 Temporary Usage

Manufactured Homes will be permitted on a temporary basis, not to exceed two (2) years in duration, providing all conditions herein set forth are in full compliance:

- 8.2.1.1 Must contain a minimum of 720 square feet of liveable floor area.
- 8.2.1.2 Tie downs to comply with manufacturers minimum recommendations, or two (2) screw augers secured four (4) feet in depth per tie down strap (minimum two (2) straps per home), whichever is greater, within forty-five (45) days of placement on lot.
- 8.2.1.3 Skirting to entirely enclose bottom section of mobile home, and commercially manufactured expressly for said purpose, to be applied within forty-five (45) days of placement on lot.

8.2.2 Permanent Usage of Manufactured Homes

No mobile home, trailer or similar portable residential structure shall be permitted to locate in the township, permanently or temporarily, except in the MHP (Mobile Home Park District), regardless of the intention and/or option of converting the structure to real estate through a process with the Allen County Auditor.

Further, no such home manufactured for residential purposes may be converted and/or used for the purposes of, but not limited to: office trailers, tool trailers, storage units or any other non-residential application – irregardless of location in the Township. However, a Zoning Certificate may be issued for the above prohibited uses for a period of six (6) months, for the purposes of a legitimate construction project. This certificate may be renewable for three (3) month periods so long as the Zoning Inspector determines that construction activity has been continuous and is still underway

8.2.3 General Provisions for Manufactured Home Park Districts

In a Manufactured Home Park District (MHP), no building or premises shall be used and shall be erected or designed to be used for other than the following uses and they shall conform to the following requirements.

- 8.2.3.1 The Manufactured Home Park District (MHP) shall contain a minimum of eight (8) acres.
- 8.2.3.2 The Manufactured Home Park District (MHP) shall provide a clearly defined minimum lot size of 3,600 square feet.
- 8.2.3.3 The Manufactured Home Park District shall provide a safe, usable recreational area that shall be conveniently located in each Manufactured Home park and shall not be less than ten (10) percent of the gross area of the project.
- 8.2.3.4 The Manufactured Home Park District (MHP) shall be in accordance with the Ohio Administrative Code Sections 3701 - 3727 and meet all state and local health requirements.
- 8.2.3.5 Installation of all Manufactured Homes must pass Ohio Manufactured Home inspections (614-734-8454).

8.3 **SWIMMING POOLS, PONDS AND LAKES**

All Swimming Pools, Ponds, and Lakes containing at least three (3) feet of water at any point and maintained by the owner or manager within Jackson Township must comply with the following restrictions.

- 8.3.1 Base of earth work must comply with all yard setback restrictions of zoning district said swimming pool, pond, or lake falls within at time of construction.
- 8.3.2 All runoff created or diverted by said construction shall comply with Article 1.10 of this document.

8.4 REGULATION OF ACTIVITIES ASSOCIATED WITH THE EXTRACTION OF NATURAL RESOURCES

8.4.1 General Requirements: Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any District may file with the Board of Zoning Appeals an application for authorization to mine minerals therefrom, provided, however, that said owner shall comply with all requirements of the District in which said property is located, and with the following additional requirements:

- a. Distance from Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than fifty (50) feet to any property line unless a greater distance is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property;
- b. Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way;
- c. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board of Zoning Appeals;
- d. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment; and,
- e. Processing: The crushing, washing and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use, provided that such accessory processing shall not be in conflict with the use regulations or the District in which the operation is located.

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

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

- a. Name of the owner or owners of land from which removal is to be made;
- b. Name of applicant making request for such permit;
- c. Name of the person or corporation conducting the actual removal operation;
- d. Location, description and size of the area from which removal is to be made;
- e. Location of processing plant used;

- f. Type of resources or materials to be removed;
- g. Proposed method of removal and whether or not blasting or other use of explosives will be required;
- h. Description of equipment to be used; and,
- i. Method of rehabilitation and reclamation of the mined area.

8.4.4 Public Hearing: Upon receipt of such application, the Commission shall set the matter for a public hearing following the procedures as shown in Article 18.

8.4.5 Rehabilitation: To guarantee the restoration, rehabilitation, and reclamation of mine-out area, every applicant granted a mining permit as herein provided, shall furnish a performance bond running to the Township in an amount of not less than \$1,000 and not more than \$10,000 as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Commission meet the following minimum requirements:

a. Surface Rehabilitation: All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, nonflammable and noncombustible solids, or secure:

- (1) that the excavated area shall not collect and permit to remain therein stagnant water; or,
- (2) that the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof - so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

b. Vegetation: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided; and,

c. Banks of Excavations not Backfilled: The banks of all excavations not backfilled shall be sloped to the waterline at a slope not less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.

8.4.6 Additional Requirements: In addition to the foregoing, the Commission may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such mines, quarries or gravel pits as the Commission may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the performance bond shall be determined by the Commission prior to issuance of the permit.

8.4.7 Compliance with all applicable laws of the State of Ohio.

8.4.8 Gas and Oil Wells: In any and all districts of the Township, a well may be drilled for the exploration for or production of natural oil or gas only after or when the following conditions have been complied with:

- a. Compliance with all applicable laws of the State of Ohio; and,
- b. No tanks or reservoirs erected or intended for the storage of petroleum products shall be located within fifty (50) feet of any public right-of-way nor within one hundred (100) feet of a residential lot line.

8.5 REGULATION OF SWIMMING POOLS AS ACCESSORY USES

Sections 8.5.1 through 8.5.3, inclusive, shall apply to the location and maintenance of swimming pools.

8.5.1 It is the purpose of Sections 8.5.1 through 8.5.3, inclusive, of this Resolution to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated or maintained as an accessory use.

8.5.2 Private Swimming Pools

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

- a. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests;
- b. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than fifteen (15) feet to any property line; and,
- c. The swimming pool or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in height, and it shall be maintained in good condition with a gate and lock.

8.5.3 Community or Club Swimming Pools

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

- a. The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- b. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than seventy-five (75) feet to any property line or easement;

- c. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition;
- d. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties; and,
- e. Such pool facilities shall not be operated prior to 9:00 a.m. in the morning or after 10:00 p.m. in the evening.

ARTICLE 9
Renewable Energy Systems

1. General.

- a. Solar energy systems with a generating capacity of fifty (50) megawatts (MW) 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.
- b. Wind systems, meaning wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five (5) or more megawatts (MW) but less than fifty (50) MW shall be required to submit an application with the OPSB at the PUCO and are required to meet OPSB regulations.
- c. For the purposes of these regulations, wind farms of less than five (5) MW and Solar systems of less than fifty (50) MW shall be hereinafter referred to interchangeably as “systems” and “renewable energy systems”.
- d. In no case shall wind system or solar energy system be construed to mean any amateur station antenna structure. These regulations are intended to be in compliance with Ohio Rev. Code 5502.031 and other applicable provisions related to same.
- e. No system shall be constructed, installed, altered or expanded without first obtaining a zoning permit from the Zoning Inspector and, where applicable, without obtaining a conditional use permit from the Board of Zoning Appeals.
- f. Private or non-commercial solar energy systems, and/or wind systems, including building-mounted or ground-mounted systems that provide power for the principal use and/or accessory use of the property on which the system is located, shall not be used for the generation of power for other users or for the sale of energy to other users. This provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
- g. Solar energy systems, and wind systems shall not be used for the display of advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from a property line.
- h. “Ground Mounted Wind Systems” means wind systems which are located on a property and are used to provide power to the property owner, and only the property owner. Ground Mounted Wind Systems do not include wind farms.
- i. “Ground Mounted Solar Systems” means solar systems which are located on a property and are used to provide power to the property owner, and only the property owner. Ground Mounted Solar Systems do not include solar farms.
- j. “Building Mounted Renewable Energy System” means solar systems which are located on a building and are used to provide power to the property owner. Building Mounted Renewable Energy Systems do not include solar farms.
- k. "Solar Farm" shall not include private or non-commercial solar energy systems and shall be all other solar facilities that seek to provide power to other users other than the property which the solar farm is located on. Solar farms are only permitted in the areas as detailed below.

1. "Wind Farms" shall not include private or non-commercial solar energy systems and shall be all other wind facilities that seek to provide power to other users other than the property which the wind farm is located on. Wind farms are only permitted in the areas as detailed below.
 - m. This section shall not be deemed to supersede any other provisions of local, state, or federal law.
2. **Permits/requirements.**
- a. A zoning permit issued by the Zoning Inspector is required for all renewable energy systems.
 - b. A Conditional Use Permit is required to be issued by the Board of Zoning Appeals, in addition to a zoning permit, for all commercial renewable energy systems, and any other system not specifically for use for the property on which it is located. A conditional use permit is not required for renewable energy systems that are designated for private use on the property in which the system is located.
 - c. A scaled site plan showing location, size and design details of the proposed system demonstrating compliance with the Zoning Resolution shall be submitted to the Zoning Inspector for review. Approval of the site plan shall occur prior to issuing the zoning permit. Site plans for commercial systems shall be prepared by an Ohio registered professional engineer and/or licensed landscape architect, at the expense of the applicant, and Applicant must demonstrate proof of the surveyor/engineer's qualifications and licensure.
 - d. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI), and proof of such conformity shall be submitted with each permit application.
 - e. Each system application shall contain specifications that detail how the applicant will provide for proper drainage to the system area as a result of the system. The applicant must provide adequate drainage to the system area so that the area is in the same, if not better, condition that it was in prior to the system being installed in the area. This determination shall be made by a professional Engineer, at the expense of the applicant, and subject to the approval of the township trustees and zoning inspector.
 - f. A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency. Proof of all compliance and approvals shall be submitted with each permit application.
 - g. Power and utility lines shall be located underground to the extent practical.
 - h. Power inverters and other sound producing equipment shall be no less than one hundred fifty (150) feet from any dwelling unit at the time of construction/installation.
 - i. All systems shall be designed and located to prevent reflective glare toward any habitable buildings, as well as street rights-of-way.
 - j. All systems shall comply with FAA and FCC regulations for signal interference. The owner of the system must operate all projects in accordance with FCC regulations, and in a manner that does not interfere with satellite, radio, cellular, radar, television, or navigational signals. Any interference of the above requires the owner to make

immediate corrective action. Failure to do so will result in a finding of a zoning violation consistent with these regulations and all other applicable law.

- k. All systems shall be designed and located to be architecturally compatible with historic and/or surrounding structures as well as the natural setting and existing environment. Appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers and substations, shall be architecturally compatible with each other and shall be screened, to the extent reasonably possible, from the view of persons not on the parcel.
 - l. Renewable energy systems must be maintained in good working order and must remain operable. Any private or non-commercial renewable energy system that remains inoperable for more than six (6) months must be removed within ninety (90) days of issuance of a zoning violation. Noncompliance with this section shall be deemed a violation of these regulations and shall subject the property owner, or lessee of the systems to zoning violations consistent with these regulations and all other applicable law.
3. **Building-mounted (private or non-commercial) renewable energy systems.**
- a. **Location.**
 - 1) Building-mounted renewable energy systems are a permissible use on permitted principal and accessory structures on any structure within the township zoned R-1, R-2, Commercial and Agricultural.
 - 2) Applicants must obtain a zoning permit before placing any renewable energy system on any property within this category intended for private use.
 - 3) Only building-integrated and/or flush-mounted renewable energy systems shall be used when installed on the front building elevation.
 - b. **Horizontal projection.**
 - 1) Solar energy systems shall not extend four (4) feet beyond the exterior perimeter of the building on which the system is mounted or built, as measured horizontally from the facade or roof edge on which the system is mounted.
 - 2) All setback restrictions shall apply, as regulated by the respective zoning district.
 - c. **Height.**
 - 1) Height of a solar system shall be measured vertically from the lowest edge to the highest edge of the solar system.
 - 2) Height of the wind system shall be measured vertically from the ground to the middle of the turbine's rotor.
 - 3) A system shall not extend more than five (5) feet above the highest point on the roof line.
4. **Ground-mounted (private or non-commercial) renewable energy systems.**
- a. **Location.** Ground-mounted (private or non-commercial) renewable energy systems, for private use are only permissible within the following districts, subject to the applicable requirements herein: Commercial District and Agricultural.
 - b. Applicants must obtain a zoning permit before placing any renewable energy system on any property within this category for private use. In addition to a zoning permit, a conditional use permit must be obtained if the proposed renewable energy system is located in the following district(s): Commercial, and Agricultural.

- c. In addition to the application requirements herein, the applicant shall also submit a scaled site plan drawing(s) which includes the following information:
 - 1) Existing and proposed contours, at a minimum of two (2) foot intervals;
 - 4) Location, setbacks, exterior dimensions and square footage of all existing and proposed structures;
 - 5) Location and size of existing waterways, wetlands, 100-year floodplains, sanitary sewers, storm sewers, drain tiles and water distribution systems;
 - 6) Location of any overhead or underground utilities and easements.
- d. **Setbacks.**
 - 1) In all zoning districts, systems shall comply with the respective front yard setback requirements, as measured from the property line to the closest edge of the system. In districts where there is more than one front yard setback, systems shall comply with the largest setback applicable for the district that the system is to be located in.
 - 7) All wind systems shall be no less than a distance equal to two (2) times its total height from any overhead utility lines, a distance equal to two (2) times its total height from all adjacent property lines, and a distance equal to two (2) times its total height from all road right of way lines, and a distance equal to two (2) times its total height from all buildings on the property and adjacent to the property line. In no event, however, shall there be any overhang of a windmill on to an adjacent property owner's property, unless the applicant has submitted a written agreement providing for such overhang. There shall be no overhang onto the road right of way or the road.
- e. **Lot coverage.** The total solar panel surface area shall be included in the lot coverage calculations for the respective zoning district.
- f. **Height.** The height shall not exceed the height limits for structures in the respective zoning district, as measured from adjoining grade at base to the highest elevation of the equipment. Any height requirement exception stated otherwise in other provisions of this zoning resolution are not applicable with respect to ground mounted systems.
- g. **Fencing and Screening for Solar Systems:**
 - 1) Solar systems shall be completely enclosed with a minimum of six (6) feet high chain link or security fence that restricts direct access by the public. Such fencing shall, at a minimum, encompass the entire systems facility, contain a locking mechanism, and be subject to the fence regulations of the Zoning Resolution. Failure to maintain the fencing shall constitute a violation of this code.
 - 2) Solar systems shall be constructed with evergreen vegetative screening where existing buffers do not obscure solar energy system perimeters from dwelling units on adjacent parcels. At maturity, required vegetative screening shall be not less than fifteen (15) feet tall, regardless of line-of-sight.
 - 3) Fencing and screening requirements may be modified or waived by the Board of Zoning Appeals (BZA), if it is determined that such would result in an issue with health, safety or welfare, or are deemed not necessary.
 - 4) Fencing and screening requirements do not apply to linear electrical lines and their appurtenances outside the boundary of fenced solar facilities.

5. **Solar and/or wind farms (commercial or utility solar and/or wind energy systems).**
 - a. Allowable areas for solar and/or wind farms for commercial use, upon approval of a conditional use permit, issuance of a zoning permit, and the application requirements herein:
 - a.1.1.1. **Commercial**
 - b. In addition to the application requirements above, the applicant shall also include with the site plan drawing(s) the following information:
 - 1) Existing and proposed contours, at a minimum of two (2) foot intervals;
 - 2) Location, setbacks, exterior dimensions and square footage of all existing and proposed structures;
 - 3) Location and size of existing waterways, wetlands, FEMA identified Special Floodplain Hazard Areas, sanitary sewers, storm sewers, drain tiles and water distribution systems;
 - 4) Location of any overhead or underground utilities and easements.
 - c. **Setbacks.**
 - 1) Systems shall comply with the respective setback requirements, as measured from the applicable property line to the closest edge of the system.
 - a. Notwithstanding the above, every solar and wind farm shall be setback at least one hundred (100) feet from the nearest bank of any lake, stream or other body of water that may be navigable or available for public use.
 - b. Every Solar Farm shall be set back at least one hundred (100) feet from any property line.
 - b. All wind farms shall be no less than a distance equal to two (2) times its total height from any overhead utility lines, a distance equal to two (2) times its total height from all adjacent property lines, and a distance equal to two (2) times its total height from all road right of way lines, and a distance equal to two (2) times its total height from all buildings on the property and adjacent to the property line. In no event, however, shall there be any overhang of a windmill on to an adjacent property owner's property, unless the applicant has submitted a written agreement providing for such overhang. There shall be no overhang onto the road right of way or the road.
 - 2) The above setback requirements may be modified by the Board of Zoning Appeals (BZA), if it is determined that such are inappropriate or not necessary. This includes cases with interior property lines or property lines between adjacent neighbors participating in a common solar energy system.
 - d. **Lot coverage.** The total solar panel surface area shall be included in the lot coverage calculations for the respective zoning district.
 - e. **Height.**
 - 1) The height of a solar farm shall not exceed fifteen (15) feet in height, as measured from adjoining grade at base to the highest elevation of the equipment. A substation or switchyard, including poles and wires necessary to connect to public electric utility, shall not be subject to this requirement. Any height requirement exception stated otherwise in other provisions of this zoning resolution are not applicable with respect to ground mounted systems.

- 2) The height of a wind farm (when measured from the ground to the middle of the turbine's rotor) shall not exceed (200) feet. Any height requirement exception stated otherwise in other provisions of this zoning resolution are not applicable with respect to ground mounted systems.
- f. **Fencing and screening required for solar farms.**
- 1) Solar systems shall be completely enclosed with a minimum of six (6) feet high chain link or security fence that restricts direct access by the public. Such fencing shall, at a minimum, encompass the entire systems facility, contain a locking mechanism, and be subject to the fence regulations of the Zoning Resolution. Failure to maintain the fencing shall constitute a violation of this code.
 - 2) Solar systems shall be constructed with evergreen vegetative screening where existing buffers do not obscure solar energy system perimeters from dwelling units on adjacent parcels. At maturity, required vegetative screening shall be not less than fifteen (15) feet tall, regardless of line-of-sight.
 - 3) Fencing and screening requirements may be modified or waived by the Board of Zoning Appeals (BZA), if it is determined that such would result in an issue with health, safety or welfare, or are deemed not necessary.
 - 4) Fencing and screening requirements do not apply to linear electrical lines and their appurtenances outside the boundary of fenced solar facilities.
- g. **Decommissioning.**
- 1) A decommissioning plan shall be submitted to the Zoning Inspector as part of the permit approval process. The decommissioning plan shall include the following provisions and requirements:
 - a. Defined conditions upon which decommissioning will be initiated (i.e., end of lease, condition of a potential public safety hazard, the system is no longer used to produce power, etc.)
 - b. Removal of all non-utility owned equipment, conduits, structures, fencing, roads, and foundations; and restoration of property to condition prior to development of the renewable energy system. A written waiver signed by the property owner is required in order to release any portion of this provision;
 - c. The timeframe for completion of removal and decommissioning activities;
 - d. A signed statement from the party responsible for completing the decommissioning plan acknowledging such responsibility;
 - e. An estimate of the full costs of decommissions, without the inclusion of the salvage value of any item(s);
 - f. A performance bond equal to the estimate of decommissioning estimate must be posted and updated every five (5) years from the date of posting. The Bond must be posted at the time of the plan submission, and shall be held by the Township Fiscal Officer.
 - a. The Township shall select an engineer of its choosing to conduct a re-appraisal every five (5) years, at the expense of the applicant for the permit and the bond.
 - 2) Upon failure to accomplish the decommissioning plan upon the occurrence of the defined conditions, the Zoning Inspector may take action as authorized by of this resolution, and all other applicable law.

ARTICLE 10

NONCONFORMING USES

The provisions of this Article allow for the continuation of uses which are lawful and which are existing at the time of the adoption of this Resolution, but which do not conform to the regulations or any amendments thereof, of the zoning district in which they are located and further regulate the expansion, modification and reconstruction of such uses in the future.

10.0 CONTINUANCE

Any lawful nonconforming use existing at the time of adoption of this Zoning Resolution or any amendments thereof may continue until one (1) of the conditions in Section 9.1 exist.

10.1 EXTENSION

Any lawful nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered discontinued or abandoned whenever any one (1) of the following conditions exist:

- 9.1.1 When the intent of the owner to discontinue or abandon the nonconforming use is apparent.
- 9.1.2 When the nonconforming use has been discontinued for a period of one (1) year.
- 9.1.3 When the nonconforming use has been replaced by a conforming use.
- 9.1.4 When the nonconforming use has been changed to another nonconforming use under permit from the Board of Zoning Appeals.

10.2 SUBSTITUTION

With the approval of the Board of Zoning Appeals, and subject to such terms and conditions as it may impose, a nonconforming use may be changed to another (similar or distinct) nonconforming use provided that the use to which it is changed is a permitted use in any zoning district established by this Resolution, and provided further that the use to which it is changed will not have any additional adverse impact upon other premises in the zoning district.

10.3 REPAIRS

Repairs and maintenance work may be made on a nonconforming building or structure only as are necessary to keep it in sound condition provided, however, that no structural alteration shall be made except as required by law.

10.4 EXPANSION

Any lawful nonconforming use may be expanded twenty-five percent (25%) in area, completed, restored or reconstructed provided that no additional parcel of land is acquired for such use and provided that a zoning certificate is secured. In calculating the percentage of land permitted for expansion, it shall be limited to that use for the original nonconforming use as stated in Section 519.19 of the Ohio Revised Code.

ARTICLE 11

PROHIBITED USES

11.0 PURPOSE

The intent of this Article is to state those uses of land which are deemed to be a public nuisance and/or detrimental to the public health and which are not permitted within any zoning district in the Township.

11.1 PROHIBITED USES

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any districts:

11.1.1 Junkyards as defined and regulated in the Ohio Revised Code including

establishments which process iron, steel or nonferrous scrap; and any places for the collection of scrap metal, used timber, rubber, paper, rags, glass or junk for sale, salvage or storage purposes.

11.1.2 The exposed storage of more than two (2) unlicensed and inoperative motor vehicle(s), excluding vehicle(s) primarily intended for agricultural uses, for more than forty-five (45) days.

11.1.3 The dismantling of used vehicles for sale or salvage.

11.1.4 Slaughter houses.

11.1.5 Distilling of bones, fat or glue or gelatin manufacturing.

11.1.6 Garbage feeding of swine and poultry.

11.1.7 Racetrack for vehicles or animals.

11.1.8 Dumping, storing, burying, landfilling, reducing, disposing of or burning hazardous waste, garbage, refuse, scrap metal, rubbish, used timber and rubber, offal or dead animals, except as a result from the normal use of premises, unless such disposal is done at a place and in a manner provided by the Township Trustees for such specific purpose.

11.1.9 Structures exceeding thirty-five (35) feet in height will be prohibited except in an Agricultural District.

11.2 VIOLATIONS AND PENALTIES

It shall be unlawful to locate, construct or operate any of the uses prohibited herein in violation of the provisions of this Resolution or any amendments hereof. Any person, firm or corporation violating the provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in keeping with County regulations. Each day of any such violation shall constitute a separate offense. In addition to any other remedies provided by law, the Township Trustees, the County Prosecutor, the Zoning Inspector or any adjacent or neighboring landowner who is or

may be damaged by such violation may institute an appropriate action or actions in any court of law having jurisdiction to prevent such unlawful uses or to restrain, correct, or abate any violation of this section.

ARTICLE 12

OFF-STREET PARKING AND LOADING FACILITIES

12.0 GENERAL

In all districts, at any time any building, structure or use of land is erected, enlarged, increased in capacity or use, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of Sections 11.0 through 11.10 of this Article. A parking plan shall be required for all uses except for single or two- (2) family residential uses. The parking plan shall be submitted to the Zoning Inspector as a part of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

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

12.1 OFF-STREET PARKING DESIGN STANDARDS

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

12.1.1 Parking Space Dimensions: Each off-street parking space shall have an area of not less than one hundred sixty-two (162) square feet (9x18) exclusive of access drives or aisles, and shall be of usable shape and condition;

12.1.2 Access: There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:

12.1.2.1 For single- or two- (2) family residential dwellings, the access drive shall be a minimum of nine (9) feet in width;

12.1.2.2 For all other residential uses and all other uses, the access drive shall be a minimum of eighteen (18) feet in width; and,

12.1.2.3 All parking spaces, except those required for single, two- (2), or three- (3) family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

12.1.3 Setbacks: The location of off-street parking facilities for more than five (5) vehicles may be located in required yards as specified elsewhere in this

Resolution notwithstanding the requirements specified in the Official and Supplementary Schedules of District Regulations and Dimensional Requirements. In no case, however, shall parking area be located on the road right-of-way;

- 12.1.4 Screening: In addition to the setback requirements specified in this Resolution for off-street parking facilities for more than five (5) vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with the requirements of Section 13.20 of this Resolution;
- 12.1.5 Paving: All required parking spaces, except for uses within any I-District if said parking area is at least seven hundred (700) feet from any Residential District, together with driveways and other circulation areas, shall be hard-surfaced with a pavement having an asphalt or concrete binder, provided, however, that variances for parking related to school auditoriums, assembly areas, sports fields and other community meeting or recreation areas may be granted. Paved areas shall be provided for daily use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained;
- 12.1.6 Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such areas and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system pursuant to Section 13.22;
- 12.1.7 Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line;
- 12.1.8 Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley;
- 12.1.9 Marking: All parking areas for twenty (20) or more spaces shall be marked with paint lines, and/or curb stones, and shall be maintained in a clearly visible condition;
- 12.1.10 Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris;
- 12.1.11 Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked; and,
- 12.1.12 Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any R-District.

12.2 DETERMINATION OF REQUIRED SPACES

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

- 12.2.1 Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar nonusable areas;
- 12.2.2 Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each eighteen (18) linear inches of benches or pews, except where occupancy standards are set by the fire marshal;
- 12.2.3 Fractional numbers shall be increased to the next whole number; and,
- 12.2.4 The parking space requirements for a use not specifically specified in this Resolution shall be determined following the procedure for Substantially Similar Uses as required by Sections 17.11 through 17.15 inclusive of this Resolution.

12.3 JOINT OR COLLECTIVE PARKING FACILITIES

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

- 12.3.1 All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than five hundred (500) feet from the building served;
- 12.3.2 Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses, and up to one hundred percent (100%) of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours as the uses for which such spaces are jointly or collectively used; and,
- 12.3.3 In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall as to form by legal counsel, and filed with the application for a zoning permit.

12.4 OFF-STREET STORAGE AREAS FOR DRIVE-IN SERVICES

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

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

12.5 PARKING OF DISABLED VEHICLES

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

12.6 PARKING SPACE REQUIREMENTS

For the purpose of this Resolution the following parking space requirements shall apply, and the number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals following the Substantially Similar Use procedure as specified in Sections 17.11 through 17.15 of this Resolution:

12.6.1 Various Residential Uses Shall Require:

12.6.1.1 Single family or two- (2) family dwelling, two (2) for each unit;

12.6.1.2 Apartments, townhouses or multi-family dwellings, two (2) for each unit; and,

12.6.1.3 Mobile homes, two (2) for each unit.

12.6.2 Various Business Related Uses Shall Require:

12.6.2.1 Animal hospitals and kennels - One (1) for each four hundred (400) square feet of floor area and one (1) for each two (2) employees;

12.6.2.2 Motor vehicle repair station - One (1) for each four hundred (400) square feet of floor area and one (1) for each employee;

12.6.2.3 Motor vehicle salesroom - One (1) for each four hundred (400) square feet of floor area and one (1) for each employee;

- 12.6.2.4 Motor vehicle service stations - Two (2) for each service bay, one (1) for each employee and one (1) for every two (2) gasoline pumps;
- 12.6.2.5 Car washing facilities - One (1) for each employee;
- 12.6.2.6 Banks, financial institutions, post offices, and similar uses - One (1) for each two hundred fifty (250) square feet of floor area and one (1) for each employee;
- 12.6.2.7 Barber and Beauty shops - Three (3) for each barber or beauty operator;
- 12.6.2.8 Carry-out restaurants - One (1) for each two hundred (200) square feet of floor area and one (1) for each two (2) employees;
- 12.6.2.9 Drive-in restaurants - One (1) for each one hundred twenty-five (125) square feet of floor area and one (1) per each two (2) employees;
- 12.6.2.10 Hotels, motels - One (1) for each sleeping room plus one (1) space for each two (2) employees;
- 12.6.2.11 Boarding, Rooming, Tourist and Bed/Breakfast Home - One (1) for each sleeping room;
- 12.6.2.12 Furniture, appliance, hardware, machinery or equipment sales and service, and wholesale establishments - Two (2) plus one (1) additional space for each two hundred (200) square feet of floor area over one thousand (1,000) square feet;
- 12.6.2.13 Consumer and trade service uses not otherwise specified - One (1) for each employee;
- 12.6.2.14 Funeral homes, mortuaries and similar type uses - One (1) for each fifty (50) square feet of floor area in slumber rooms, parlors, or service rooms;
- 12.6.2.15 Laundromats - One (1) for every two (2) washing machines;
- 12.6.2.16 Administrative, business and professional office uses - One (1) for each two hundred (200) square feet of floor area;
- 12.6.2.17 Sit-down restaurants, taverns, night clubs, and similar uses - One (1) for each two (2) persons of capacity;
- 12.6.2.18 Retail stores - One (1) for each two hundred (200) square feet of floor area; and,
- 11.6.2.19 All other type of business or commercial uses permitted in any business district - One (1) for each one hundred fifty (150) square feet of floor area.

12.6.3 Various Recreational and Entertainment Uses Shall Require:

12.6.3.1 Bowling alleys - Four (4) for each alley or lane; one (1) for each three (3) persons of capacity of the area used for restaurant, cocktail lounge, or similar use; and one (1) for each three (3) employees;

12.6.3.2 Dance halls, skating rinks - One (1) for each one hundred (100) square feet of floor area used for the activity; one (1) for each three (3) persons of capacity in a restaurant, snack bar, or cocktail lounge; and one (1) for each three (3) employees;

12.6.3.3 Outdoor swimming pools: public, community or club - One (1) for each ten (10) persons of capacity, and one (1) for each three (3) persons of capacity for a restaurant;

12.6.3.4 Auditoriums, sport arenas, theaters, and similar uses - One (1) for each four (4) seats;

12.6.3.5 Miniature golf courses - Two (2) for each hole and one (1) for each employee;

12.6.3.6 Public and Private Golf Courses - Four (4) for each hole and one (1) for each employee, in addition where a restaurant and/or lounge is provided at the facility, one (1) space is required for each three (3) persons of capacity;

12.6.3.7 Private clubs and lodges - One (1) for each ten (10) members; and,

12.6.3.8 Tennis facilities, racquetball facilities or similar uses - Two for each playing area; one (1) for each employee; and one (1) for each one hundred (100) square feet of other activity area.

12.6.4 Various Institutional Uses Shall Require:

12.6.4.1 Churches and other places of religious assembly - One (1) for each four (4) seats in main assembly room, or one (1) for each classroom, whichever is greater;

12.6.4.2 Hospital - One (1) for each three (3) beds;

11.6.4.3 Sanitariums, homes for the aged, nursing homes, rest homes, similar uses - One (1) for each three (3) beds;

12.6.4.4 Medical and Dental clinics - One (1) for every one hundred (100) square feet floor area; and,

12.6.4.5 Libraries, museums, and art galleries - Ten (10), and one (1) for each three hundred (300) square feet floor area in excess of two thousand (2,000) square feet.

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

- 12.6.5.1 Elementary schools, and kindergartens - One (1) for every ten (10) students, one (1) for each additional non-teaching employee, and one (1) for every four (4) seats in auditoriums/ assembly halls;
 - 12.6.5.2 High schools and middle schools - One (1) for every four (4) students, and one (1) for each teacher and employee, or one (1) for every four (4) seats in auditoriums, assembly areas and sports fields, whichever is greater;
 - 12.6.5.3 Business, technical institution trade school or college - One (1) for each two (2) students; and,
 - 12.6.5.4 Child care centers, nursery schools, and similar uses - Four (4) for each classroom.
- 12.6.6 Various Manufacturing Uses Shall Require:
- 12.6.6.1 All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district - One (1) for every employee (on the largest shift for which the building is designed) and one (1) for each motor vehicle maintained on the premises.

12.7 PARKING AND PASSENGER LOADING FOR PERSONS WITH DISABILITIES

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

12.7.1 Location - Parking spaces for disabled people and accessible passenger

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

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

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

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

- 12.7.4 Signage - Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Such signs shall not be obscured by a vehicle parked in the space;
- 12.7.5 Passenger Loading Zones - Passenger loading zones shall provide an access aisle at least five (5) feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp with a slope not exceeding 1:20 shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions; and,
- 12.7.6 Vertical Clearance - Provide minimum vertical clearances of one hundred fourteen (114) inches at accessible passenger loading zones and along vehicle access routes to such areas from site entrances.

12.8 ELDERLY HOUSING PARKING

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

12.9 OFF-STREET LOADING SPACE REQUIREMENTS

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

12.10 OFF-STREET LOADING DESIGN STANDARDS

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

12.10.1 Loading Space Dimensions: Each loading space shall have minimum dimensions not less than twelve (12) feet in width, sixty-five (65) feet in length, and a vertical clearance of not less than fourteen (14) feet;

12.10.2 Setbacks: Notwithstanding other provisions of this regulation and the Official and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of any Commercial or Manufacturing District provided that not more

than ninety percent (90%) of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than fifty (50) feet from any street or alley;

- 12.10.3 Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Section 13.18 of this Resolution;
- 12.10.4 Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion;
- 12.10.5 Paving: All required off-street loading spaces, except for uses within any I-District is said loading spaces are at least two hundred (200) feet from any Residential District, together with an asphaltic or portland cement binder pavement in order to provide a durable or dust free surface. Where paving is not required, proper dust control measures shall be undertaken and maintained;
- 12.10.6 Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water on to adjacent properties, walkways or onto the public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system; and,
- 12.10.7 Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

ARTICLE 13

SIGNS AND SIGNAGE

13.0 PURPOSE

The purpose of this Article is to encourage the effective use of signs as a means of communication in the township and to protect property values and the physical appearance of the community. It is intended to protect property values, create a more visually attractive economic climate, as well as to enhance and protect the physical appearance of the community. It is further the intent of this Article to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents; to reduce hazards that may be caused by signs overhanging or projecting over public right-of-ways; and to curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

13.1 GOVERNMENTAL SIGN EXCLUDED

For the purpose of this Resolution, "sign" does not include a sign erected and maintained pursuant to and in discharge of any governmental function or required by any law or governmental regulation.

13.2 GENERAL REQUIREMENTS

13.2.1 All signs, with the exception of garage sale signs and political signs, shall be permitted only on the property or lot on which the uses or activities they identify are located;

13.2.2 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, or constitute a traffic hazard or nuisance. No illuminated sign shall be colored to conflict with any highway or railroad stop or warning signal or emergency vehicle. No illuminated advertising sign shall be permitted in a Residential District;

13.2.3 No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention unless it is a sign that performs a public service function indicating time, temperature, stock market quotations, or similar information;

13.2.4 All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall require a state electrical permit;

13.2.5 No sign shall be placed on the roof of any building, except those signs which have their supporting structure screened so the sign appears to be a continuation of the face of the building;

- 13.2.6 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 any access to any fire escape;
- 13.2.7 No sign shall be attached to or supported by a tree, trash receptacle, bench, vending machine or public shelter for a period in excess of thirty (30) days;
- 13.2.8 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 various uses of property;
- 13.2.9 Should any sign become unsafe, the owner thereof or the person maintaining 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 within ten (10) days;
- 13.2.10 No vehicle or trailer shall be parked on a business premises or a lot for the purpose of advertising a business, product, service, or the like;
- 13.2.11 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;
- 13.2.12 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 15.3 herein;
- 13.2.13 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;
- 13.2.14 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;
- 13.2.15 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; and,
- 13.2.16 No sign shall contain words, images, or graphic illustrations of any obscene or indecent nature.

13.3 PERMIT REQUIRED

- 13.3.1 No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Article 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 Article;
- 13.3.2 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; and,

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

13.4 MEASUREMENT OF SIGN AREA

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such faces are part of the same structure, the sign area shall be computed by the measurement of one (1) of the faces.

13.5 SIGNS WHICH ARE PERMITTED IN ALL DISTRICTS AND WHICH DO NOT REQUIRE A PERMIT

- 13.5.1 Signs advertising the sale, lease, or rental of the premises upon which the sign is located, provided that such signs do not exceed twelve (12) square feet in area;
- 13.5.2 Signs denoting the name and address of the occupants of the premises, provided such signs do not exceed two (2) square feet in area;
- 13.5.3 Agricultural signs denoting the name of the farm, provided such signs do not exceed twelve (12) square feet in area; and,
- 13.5.4 Signs for a special events are limited to one (1) temporary sign not exceeding thirty-two (32) square feet in area, announcing special or institutional events, the erection of a building, the identity of the building contractor, or signs for similar uses. Such signs shall not be located in the road right-of-way and shall be no more than five (5) feet in height. Such signs shall be removed within two (2) weeks of the completion of the event or project.

13.6 SIGNS WHICH ARE PERMITTED IN ALL DISTRICTS WHICH REQUIRE A PERMIT

Public schools, churches in existence in June of 1997, and other public uses may erect one (1) sign not larger than thirty-two (32) square feet in area provided that such sign is located on the premises of such institution.

Any sign advertising a commercial enterprise, excluding customary home occupations but including real estate developers or subdividers, in a district zoned residential shall not exceed thirty-two (32) 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.

Nonconforming businesses in existence prior to the effective date of this resolution may erect a sign or signs in accordance with the provisions of this Article which would apply to such business if it were located in a zone in which it is a permitted use.

13.7 LIMITATION

For the purposes of this Article, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements in Section 5516 of the Ohio Revised Code or in such statute as it may hereafter be amended and the regulations adopted pursuant thereto.

13.8 SIGNS PERMITTED IN COMMERCIAL AND MANUFACTURING DISTRICTS REQUIRING A PERMIT

The regulations set forth in this Section shall apply to signs in all commercial and manufacturing districts, and such signs shall require a permit.

- 13.8.1 In a commercial or manufacturing 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 (1½) square feet of sign area for each linear 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; and,

- 13.8.2 In a commercial or manufacturing 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 (1,200) 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 all structural and supporting members concealed from view.

13.9 TEMPORARY SIGNS

Temporary signs not exceeding thirty-two (32) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected. Such temporary signs shall conform to the general requirements listed in Section 12.2, the setback requirements in Sections 12.5 through 15.18 and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 12.0.

13.10 FREESTANDING SIGNS

One freestanding sign may be erected on a lot with less than two hundred (200) foot frontage, and a maximum of two (2) freestanding signs may be erected on a lot with two hundred (200) or more feet of frontage.

13.11 DIRECTIONAL SIGNS

One (1) or more directional signs are permitted on private property. Such signs may be located at, but not in, the road right-of-way. The area of all directional signs shall not exceed twelve (12) square feet.

13.12 WALL SIGNS PERTAINING TO NONCONFORMING USES

On-premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

13.13 SIGN SETBACK REQUIREMENTS

Except as modified in Sections 12.5 through 12.18, 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.

13.14 SETBACKS FOR PUBLIC AND QUASIPUBLIC SIGNS

Real estate signs and bulletin boards 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.

13.15 MAINTENANCE

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable.

13.16 NONCONFORMING 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 this Article shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

13.17 LOSS OF LEGAL NONCONFORMING STATUS

A legal non-conforming sign shall immediately lose its legal nonconforming status and therefore must be brought into conformance with this Article 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 its estimated replacement value. Similarly, any legal nonconforming advertising structure so damaged must be brought into compliance or be removed.

13.18 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 this Article shall be deemed a violation and shall be punishable under Article 13 of this Resolution.

ARTICLE 14

ADMINISTRATION AND ENFORCEMENT

14.0 ZONING INSPECTOR

14.0.1 There is hereby created the office of Zoning Inspector. The Zoning Inspector shall be appointed for a one (1) year term by the Township Trustees. There shall be no limit on the number of one (1) year terms that the Zoning Inspector may be appointed. The Zoning Inspector may be removed from office for nonperformance of duty, misconduct in office or other cause, by the Township Trustees, upon written charges being filed with the Township Trustees and after a public hearing has been held regarding such charges; and after a copy of the charges has been served upon the Zoning Inspector so charged at least ten (10) days prior to the hearing either personally, by registered mail or by leaving such copy at his usual place of residence. The Zoning Inspector shall be given an opportunity to be heard and answer such charges.

14.0.2 The Zoning Inspector shall have the following duties:

- (a) Keep adequate records of all applications, plans, permits, complaints, notifications, correspondence and any other information pertinent to the administration and enforcement of this Resolution;
- (b) Provide copies of such records and information to the Township Trustees as required;
- (c) Upon finding that any of the provisions of this Resolution are being violated, notify in writing the person responsible for such violation ordering the action necessary to correct such violation;
- (d) Order discontinuance of illegal uses of land, buildings or structures;
- (e) Order removal of illegal buildings or structures or illegal additions or structural alterations;
- (f) Order discontinuance of any illegal work being done;
- (g) Take any other action authorized by this Resolution to ensure compliance with or to prevent violation of this Resolution. This may include the issuance of, and action on, zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law; and,
- (h) Issue zoning certificates provided that the Zoning Inspector is satisfied that the structure, building or premises and the proposed use thereof conforms with all the requirements of this Resolution.

14.0.3 Any decision of the Zoning Inspector may be appealed to the Board of Zoning Appeals as provided in Section 13.2.

14.1 TOWNSHIP ZONING COMMISSION

14.1.1 The Township Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of the township to be appointed by the Board of Township Trustees; and the terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Where there is a county or regional planning commission, the board of Township Trustees may appoint qualified members of such commission to serve on the Township Zoning Commission. Each member shall serve until his successor is appointed and qualified. Members of the zoning commission shall be removable for nonperformance of duty, misconduct in office or other cause, by the Board, upon written charges being filed with the Board and after a public hearing has been held regarding such charges; and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board and shall be for the unexpired term.

14.1.2 The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission 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 be a public record and be immediately filed in the office of the Commission. For the purpose of taking official action, the concurring vote of three (3) members of the Commission shall be necessary. For the purpose of this Resolution, the Commission shall have the following duties:

- (a) Review all proposed amendments to this Resolution in accordance with Section 13.6 and make recommendations to the Board of Township Trustees; and,
- (b) Review all proposed new Zoning Resolutions and make recommendations to the Board of Township Trustees.

14.2 BOARD OF ZONING APPEALS

14.2.1 There is hereby created a Board of Zoning Appeals, which shall have the powers and duties required thereof by the provisions of Section 519.13 through 519.15 of the Ohio Revised Code subject, however, to such rules of a procedural nature as the said Board may from time to time adopt and promulgate for the purpose of expeditiously disposing of matters properly before it.

14.2.2 Said Board shall consist of five (5) members appointed by the Board of Township Trustees none of which shall be either the Zoning Inspector or members of the Zoning Commission. Every member shall be a legal resident of the unincorporated territory of Jackson Township. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. However, each member shall serve until his successor is

appointed and qualified. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected.

- 14.2.3 Where the Board of Zoning Appeals deems appropriate, and as authorized by the Township Trustees, the Board shall be authorized to hire, retain or contract for the services of any consultant, experts or professional or technical assistants as it deems necessary to carry out its duties as specified in this Resolution.
- 14.2.4 The Township Board of Zoning Appeals shall organize and adopt rules in accordance with this Resolution. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board determines. The Chairman or, in his absence, the acting Chairman may administer oaths; and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question 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 be a public record.
- 14.2.5 In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse, affirm, or modify wholly or partly the order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. For the purpose of taking official action, the concurring vote of three (3) members of the Board shall be necessary except that for the purpose of granting a variance, authorizing a conditional use or authorizing the substitution of a nonconforming use, the concurring vote of four (4) members of the Board shall be necessary. For the purpose of this Resolution the Board has the following specific responsibilities:
 - (a) To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Inspector;
 - (b) To grant or deny variances in accordance with the provision of this Resolution; or
 - (c) To grant or deny conditional use certificates in accordance with this Resolution and, where such certificate is granted, to impose such safeguards as will uphold the intent of this Resolution.
- 14.2.6 The zoning certificate issued by the Zoning Inspector shall be posted in a conspicuous place at the site prior to start of any work.

14.3 APPLICATION FOR AND ISSUANCE OF ZONING CERTIFICATES

- 14.3.1 A written application shall be made for a Zoning Certificate for the construction of a new building or the structural alteration of an existing building. Said certificate shall be issued within thirty (30) days or within such extension of time as provided below, after a written request for the same has been made to the Zoning Inspector or his agency provided such construction or alteration is in conformity with the provisions of this Resolution.

- 14.3.2 A written application for a Zoning Certificate for the use of vacant land, or for a change in the use of land or a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this Resolution, the certificate, therefore, shall be issued within thirty (30) days after the application for same has been made or within such extension of time as specified below.
- 14.3.3 Every application for a Zoning Certificate shall be accompanied by a plat plan in duplicate and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started; and all dimensions shown on filed plans shall be based on an actual survey. Where necessary because of technical complexity or to protect the health and safety of township residents, such application may be required to contain detailed engineering or construction plans, drawings, and other such geologic, hydrogeologic, or other engineering, scientific, or technical information which may be necessary and useful in the review, assessment and evaluation of any such application.
- 14.3.4 Every application for a Zoning Certificate shall be accompanied by a certified copy of the following permits:
- (a) A permit relative to the disposal of sanitary wastes as provided by the Lima/Allen County General Health District or the appropriate State body;
 - (b) A permit relative to the detrimental effect(s) and remedial measures to soil and drainage as provided by the Soil and Water Conservation District or the appropriate State body;
 - (c) A permit relative to road right-of-way, underground pipelines and conduits, storm drainage, and correct address as provided by the Allen County Engineer; and,
 - (d) A permit relative to the compliance with county long range development and transportation plans and traffic impact and access as provided by the Lima-Allen County Regional Planning Commission.
- 14.3.5 No time limits provided in this Article shall commence until such time as the application for Zoning Certificate shall be deemed administratively complete by the Zoning Inspector. The Zoning Inspector may, from time to time, request such supplemental information as may be necessary to completely and properly review any applications submitted pursuant to this Zoning Regulation. In the event that the review of any such application cannot or will not be completed within the thirty (30) days as specified above, the Zoning Inspector shall notify the applicant of such fact.
- 14.3.6 Each plan shall bear a statement declaring:
- (a) That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure; and,
 - (b) That the title search was conducted to ensure that no encroachment will occur on existing easements for public utilities or other purposes.

14.4 VARIANCE

Recognizing that on any particular property extraordinary circumstances may exist which make a strict enforcement of the applicable Zoning Resolution standards unreasonable, the following variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which will not ordinarily involve a change of the primary use of the district within which the variance is being sought.

14.4.1 Application for any such variance shall be in writing on forms prescribed for that purpose by the Board of Zoning Appeals. The application shall include the following information:

- (a) The nature of the variance sought, including the specific provisions of the Zoning Resolution from which the variance is requested;
- (b) An accurate, legal description of the property and appropriate maps and drawings showing said property and its location within the township zoning area;
- (c) A clear and concise statement of the special circumstances or conditions applying to the land or the structure which do not apply generally throughout the zoning district and which would warrant the issuance of a variance from the applicable zoning standards;
- (d) An explanation of the special circumstances and conditions which demonstrates that these special conditions and circumstances are not the result of the applicant or the operation of the applicant's facilities; and,
- (e) Such other information as the Board of Zoning Appeals may deem necessary, from time to time, for the proper evaluation and consideration of the application for variance.

14.4.2 The Board of Zoning Appeals shall only approve a variance or modification thereof if the following findings are made:

- (a) That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;
- (b) That a literal interpretation of the provisions of the Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Resolution;
- (c) That the special conditions and circumstances applicable to applicant's property or facility do not in any fashion result from the actions or operations of the applicant or applicant's agents or assigns;
- (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Resolution to other lands or structures in the same zoning district; and,
- (e) That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, will

not be materially detrimental to the public welfare, nor be injurious to private property or public improvements in the vicinity; nor will the variance unreasonably threaten the environment, ground water, nor the health, safety, welfare or morals of the residents of the Township.

14.5 VIOLATIONS AND PENALTIES

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of the provisions of this Resolution or any amendment or supplement thereto adopted by the Township Trustees. Any person, firm or corporation violating any of the provisions of this Resolution or any amendment or supplement thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in keeping with County regulations. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used in violation of any of the provisions of this Resolution or any amendment or supplement thereto, the Township Trustees, the County Prosecutor, the Zoning Inspector or any adjacent or neighboring property owner who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings in order to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use to restrain, correct or abate such violation to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

14.6 PROCEDURE FOR DISTRICT CHANGES AND RESOLUTION AMENDMENTS

- 14.6.1 Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission, by the passage of a resolution therefore, by the Township Trustees or by the filing of an application by one (1) or more owners of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Zoning Commission. The Township Trustees shall upon the passage of such resolution certify it to the Zoning Commission.
- 14.6.2 Applications for amendments or supplements to this Resolution shall be submitted to the Zoning Commission upon such forms, and shall be accompanied by such data and information as may be prescribed for that purpose by the Zoning Commission, so as to provide for the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be changed or affected attesting to the truth and correctness of all facts and information presented with the application.
- 14.6.3 Any person or persons desiring amendments or supplements to this Zoning Resolution which will involve the rezoning or redistricting of ten (10) or less parcels of land, as listed on the tax duplicate, shall file with the application for such change a statement giving the names of all owners of property within and contiguous to, and directly across the street from the area proposed to be reclassified or redistricted, and the addresses of such owners appearing on the current Allen County Auditor's tax list.

- 14.6.4 Upon the adoption of such motion or the certification of such resolution or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon which date shall not be less than twenty (20) days nor more than forty (40) days from the date of filing of such application. Notice of such hearing shall be given by the Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least fifteen (15) days before the date of such hearing. Written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within, contiguous to, and directly across the street from the area proposed to be reclassified or redistricted by certified mail fifteen (15) days before such hearing to the addresses of such owners appearing on the current tax roll, list of duplicate of the County, or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.
- 14.6.5 Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Zoning Commission shall transmit a copy thereof, together with text and map pertaining thereto, to the Regional Planning Commission which shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof, and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.
- 14.6.6 The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Regional Planning Commission thereon to the Township Trustees.
- 14.6.7 The Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township at least fifteen (15) days before the date of such hearing.
- 14.6.8 Within twenty (20) days after such public hearing, the Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the Event the Trustees deny or modify the recommendation of the Zoning Commission, the unanimous vote of the Township Trustees shall be required.
- 14.6.9 Such amendment or supplement adopted by the Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Township Trustees a petition signed by a number of qualified voters residing in the unincorporated area of the Township equal to not less than eight percent (8%) 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 an amendment or supplement to a referendum

vote of the electors of such area for approval or rejection at the next primary or general election.

- 14.6.10 No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.
- 14.6.11 Any person adversely affected by an order of the Board of Township Trustees adopting, amending or rescinding a regulation may appeal to the Court of Common Pleas of Allen County on the grounds that said Board failed to comply with the law in adopting, amending, rescinding, publishing or distributing such regulations, or that the regulation as adopted or amended by said Board is unreasonable or unlawful, or that the revision of the regulation was unreasonable or unlawful.

14.7 FEES

- 14.7.1 Fees for the application for amendment of this Resolution, zoning map changes, zoning certificate or a variance shall be as set by the Board of Jackson Township Trustees.
- 14.7.2 Each application for any of the purposes stated in subsection 13.7.1, except amendments initialed by the Zoning Commission, shall be accompanied by a check or a cash payment of the appropriate amount to cover the cost of the publishing, posting and/or mailing of the notices of the hearing or hearings required by the foregoing provisions.
- 14.7.3 The Zoning Inspector shall forthwith deposit all fees with the Township Clerk, who shall credit such fees to the credit of the General Revenue of the Township.

ARTICLE 15

DEFINITION OF TERMS

15.0 INTERPRETATION OF TERMS OR WORDS

For the purpose of this Resolution, the words used in the present tense include future; words in the singular number include the plural and vice-versa; the words "used for" include "designed for" and vice-versa; the word "building" includes the word "structure"; the word "dwelling" includes "residence"; the word "lot" includes the word "plot"; the word "shall" is mandatory and not directory. Certain other terms and words are herein defined as follows:

Abutting: Abutting shall mean bordering.

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

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

Agricultural Use: See Ohio Revised Code Section 519.01.

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

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

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

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

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

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

Apartment: See Dwelling Unit.

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

Attached Dwelling Unit: A building divided by party walls into three (3) or more distinct and non-communicating parts, each of which shall be a single dwelling unit with no dwelling units above and without having any yard, court or service in common.

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

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

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

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

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

Basement: That portion of a building where the floor is more than two feet below grade and the ceiling is more than four (4) feet, six (6) inches above grade. A basement shall be included for purposes of bulk and height measurement if used for selling or business purposes.

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

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

Block: The property abutting and along one (1) side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development or boundary lines of the township.

Board: Shall mean the Board of Zoning Appeals of Jackson Township, Allen County, Ohio.

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

Buffer Screening Area: An area planted with a dense hedge and/or evergreen plants, shrubs, trees or suitable fencing materials for the purpose of screening and softening the effects of adjacent land uses. Vegetation used shall be on a maturity of not less than three (3) years and not less than six (6) feet in height, shall be so planted with regard to individual plants in order to provide that the branches thereof interlock, and shall be maintained in good condition and appearance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Common Open Space: A parcel or parcels of land or an area of water, or combination of land and water within the site designated for a Planned Unit Development, designed

and intended for use or enjoyment of residents of the Planned Unit Development. Common Open Space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the Planned Unit Development.

Common Use Area: That portion of a building or parcel of land in private ownership designed and intended to enable all of the residents of a planned residential development or the residents of designated units within a planned residential development to use and enjoy their respective individual units therein, including such features as vehicular drives, parking and storage areas, access ways, corridors, stairs, elevators and utility storage rooms in multiple dwellings.

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

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

Condominium: A multi-unit structure in which residents maintain ownership of their individual units while the common areas of the structure and land are held in joint ownership.

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

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

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

Directional Sign: See SIGN, DIRECTIONAL.

Disabled Vehicle: Any vehicle meeting either of the following conditions:

(1) Extensively damaged: Such damage including, but not limited to, any of the following: a broken windshield, missing wheels, tires, motor or transmission;

(2) Apparently inoperable as defined in Section 4513.65 of the Ohio Revised Code or in such statute as it may hereafter be amended.

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

district or upon which the property abuts, such projections being made at right angles to the street.

Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Drive-In Restaurant: A restaurant so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out.

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

Dwelling: Any building or structure (except a house trailer or mobile home as defined in Section 4501.01 of the Ohio Revised Code or in such statute as it may hereafter be amended) which is wholly or partly used or intended to be used for living or sleeping by one (1) or more human occupants.

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

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

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

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

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

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

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

Elderly Household: Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one (1) person is elderly.

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

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

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

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

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

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

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

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

Family: One (1) or more persons occupying a premises and living as a single housekeeping unit provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five (5) persons.

Fence/Fencing: A structure requiring a zoning permit, comprised of either wood, masonry, stone or wire mesh used for purposes of aesthetics, security or privacy. This will not be subject to setback.

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

Floodplain: That land subject to periodic flooding which is shown on the Jackson Township Official Zoning Map on file at the Office of the Zoning Inspector and identified as the Allen County Flood Insurance Rate Map Panel 390758-0150B or any other designated Flood Insurance Rate Map (FIRM) hereafter.

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

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

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

Freestanding Sign: See SIGN, FREESTANDING.

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

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

Garage, Private: An accessory building or portion of a main building designed or used for the parking or temporary storage of motor vehicles owned or used by the occupants of the building to which it is accessory; not more than one (1) of such vehicles may be a commercial vehicle and shall not exceed one and one-half (1-1/2) ton capacity. Within a private garage no occupation, trade, business or service connected in any way with motor vehicles may be carried on.

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

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

- a. Sales and service of spark plugs, batteries, and distributor parts;
- b. Tire servicing and repair, but not recapping or regrooving;
- c. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings, mirrors and the like;
- d. Radiator cleaning and flushing;
- e. Radiator welding and repair;
- f. Greasing and lubrication;
- g. Providing and repairing fuel pumps, oil pumps, and lines;
- h. Minor servicing and repair of carburetors;
- i. Adjusting and repairing brakes;
- j. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
- k. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
- l. Provision of road maps and other informational material to customers, provision of restroom facilities; and,
- m. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operational condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is neither a repair garage nor a body shop.

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

Grade:

- a. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;

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

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

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

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

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

Home Occupation: An occupation conducted in a dwelling unit, provided that:

1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling units 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 percent (25%) of floor area of the dwelling units shall be used in the conduct of the home occupation or office;

3. 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;
4. 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;
5. 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 or outside the dwelling unit if conducted in other than a single-family residence. In the case of the 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.

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

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

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

Industry: Industry embraces any operation involving the manufacture, production, processing or conversion of any material into a finished product, or product needing only a relatively small degree of further processing to result in its suitability for sale as an article of use.

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

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

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

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

Kennel, Animal: Any lot or premises on which four (4) or more domesticated animals, other than horses, more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold which may or may not offer provisions for minor medical treatment.

Landowner: The holder of title, the holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or other person having an enforceable proprietary interest in land.

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

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

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

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

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

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

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

Lot, Area: The total area (depth times width) within the lot lines of a lot including any portion of a publicly dedicated street or road right-of-way.

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

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

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

Lot, Interior: A lot other than a corner lot or through lot with frontage on only one (1) street.

Lot Lines: The property lines between two (2) established parcels of land or one (1) parcel and public property.

- a. The front lot line is the line separating the lot from a street. In the case of corner lots, the street lot line of least dimension shall be deemed to be the front lot line; and the other street lot line or lines

shall be deemed to be side lot lines, except in cases where deed restrictions or usage in effect specify another line as the front lot line. In the event such street lot lines are of equal dimensions, the front lot lines shall be as designated by the Board of Zoning and Building Appeals.

- b. The rear lot line is the lot line opposite and most distant from the front lot line.
- c. The side lot line is any lot line other than a front or rear lot line.
- d. A street lot line is the lot line separating the lot from a street; and, an alley lot line is the line separating the lot from an alley.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Off-Street Parking Lot: A facility providing vehicular parking spaces for the parking of more than three (3) vehicles, along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit of vehicles.

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

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

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

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

Planned Unit Development: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recreational Vehicle: A vehicular-type structure, primarily designed as temporary living quarters for recreation, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered, including boats and boat trailers. The following vehicles are defined as an example:

- a. Travel Trailer is a vehicular portable structure mounted on wheels and of such a size or weight as not to require special highway movement permits when drawn by a stock passenger automobile; and, is primarily designed and constructed to provide temporary living quarters for recreation, camping or travel use.
- b. Camping Trailer is a vehicular portable structure mounted on wheels and constructed with collapsible partial side walls of fabric, plastic or other pliable materials for folding compactly while being drawn by another vehicle, and when unfolded at the site or location providing temporary living quarters; and is primarily designed for recreation, camping or travel use.

- c. Truck Camper is a portable structure, designed to be loaded onto or affixed to, the body or chassis of a truck and is constructed to provide temporary living quarters for recreation, camping or travel use; however, it does not include pick-up truck caps.
- d. Motor Home is a structure built on and made an integral part of a self-propelled motor vehicle chassis other than a passenger car chassis, and is primarily designed to provide temporary living quarters for recreation, camping or travel use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Suitably Screened or Fenced: A neat, orderly and healthy screen of evergreen or other suitable plant material not less than three (3) feet in height and with an expected normal growth of at least five (5) feet in height within two years, protected by a galvanized wire link fence of at least five (5) feet in height. A wooden or masonry fence or other landscaping may be substituted for the screening and wire link fence when

appropriate. Bumper guards or wheel stops to prevent damage to the screen or fence by automobiles shall be provided when the required screen or fence surrounds parking lots or spaces.

Swimming Pool: A swimming pool, pond, lake, or open tank containing at least three (3) feet of water at any point and maintained by the owner or manager.

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

Temporary dwelling: An adjunct habitable building, sharing utilities and sanitary hook-ups with a main building and with the specific intended use of temporarily administering to the needs and care of an elderly person(s). Such structures and associated hook-ups shall be removed within six months of the discontinuance of such care.

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

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

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

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

- a. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- b. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- c. Collector Street: A thoroughfare, whether within a residential, industrial, commercial or other type of development which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- d. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- e. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

- f. Local Street: A street primarily for providing access to residential or other abutting property.
- g. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street nor normally more than six hundred (600) feet from each other.
- h. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial collector streets.

Townhouse (Duplex or Twin): A two-family dwelling of one (1) to three (3) stories connected by a common wall to a single structure with separate facilities and entrances. A building designed to contain two (2) dwelling units without common access facilities and separated by a common wall.

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

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

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

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

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

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

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

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

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

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

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

Zoning Board of Appeals: The Board of Zoning Appeals in Jackson Township as established by Article 13.2 of this Resolution as pursuant to Section 519.04 of the Ohio Revised Code or in such statute may hereafter be amended.

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

Zoning Commission: The Jackson Township Zoning Commission as established by Article 13.1 of this Resolution as pursuant to Section 519.13 of the Ohio Revised Code or in such statute as may be hereafter amended.

Zoning District: A portion of the unincorporated area of the Township within which zoning regulations and requirements or various combinations thereof apply under the provisions of this Resolution.

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

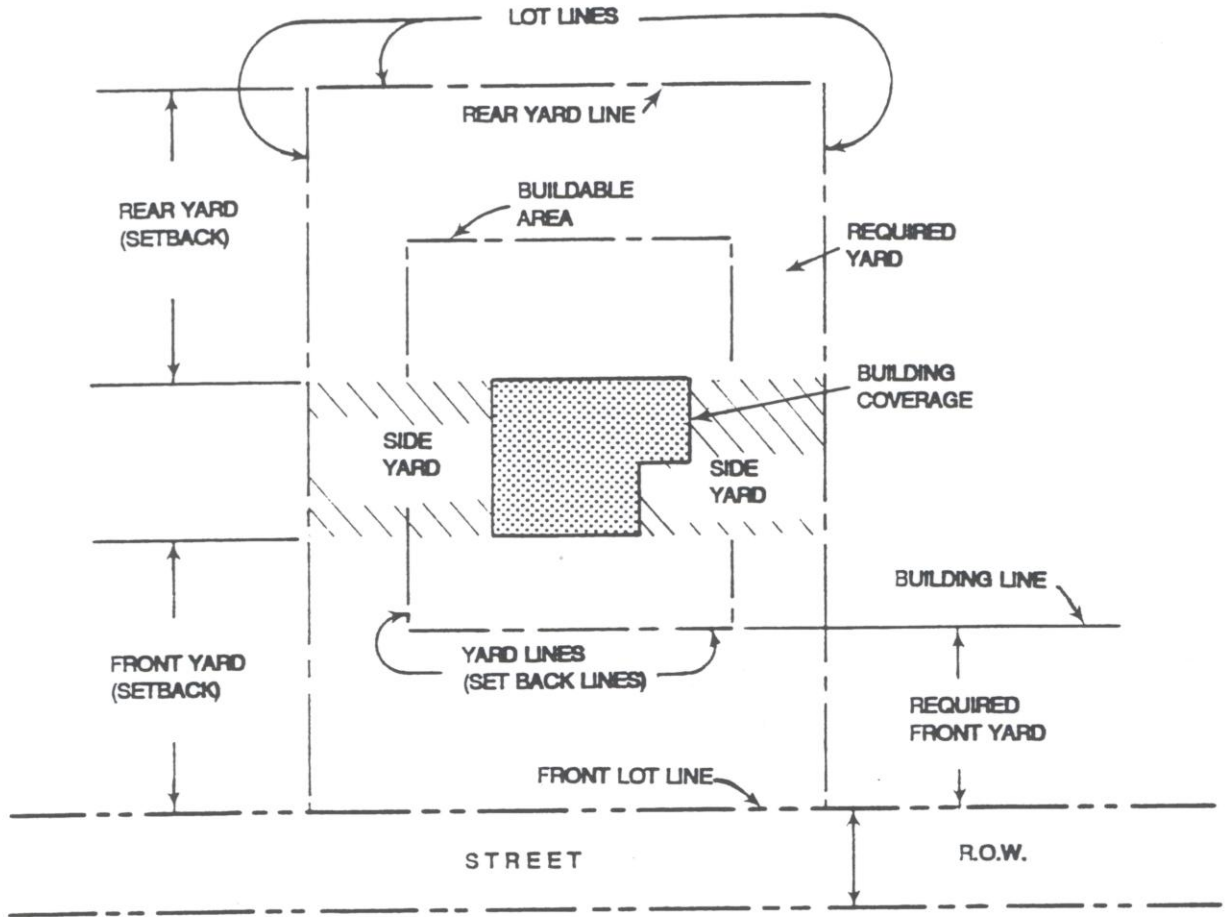
Zoning Map: The Zoning Map of Jackson Township, Allen County, Ohio, together with all amendments subsequently adopted.

Zoning Resolution: Shall mean the Zoning Resolution for Jackson Township dated as enacted or amended.

APPENDIX A

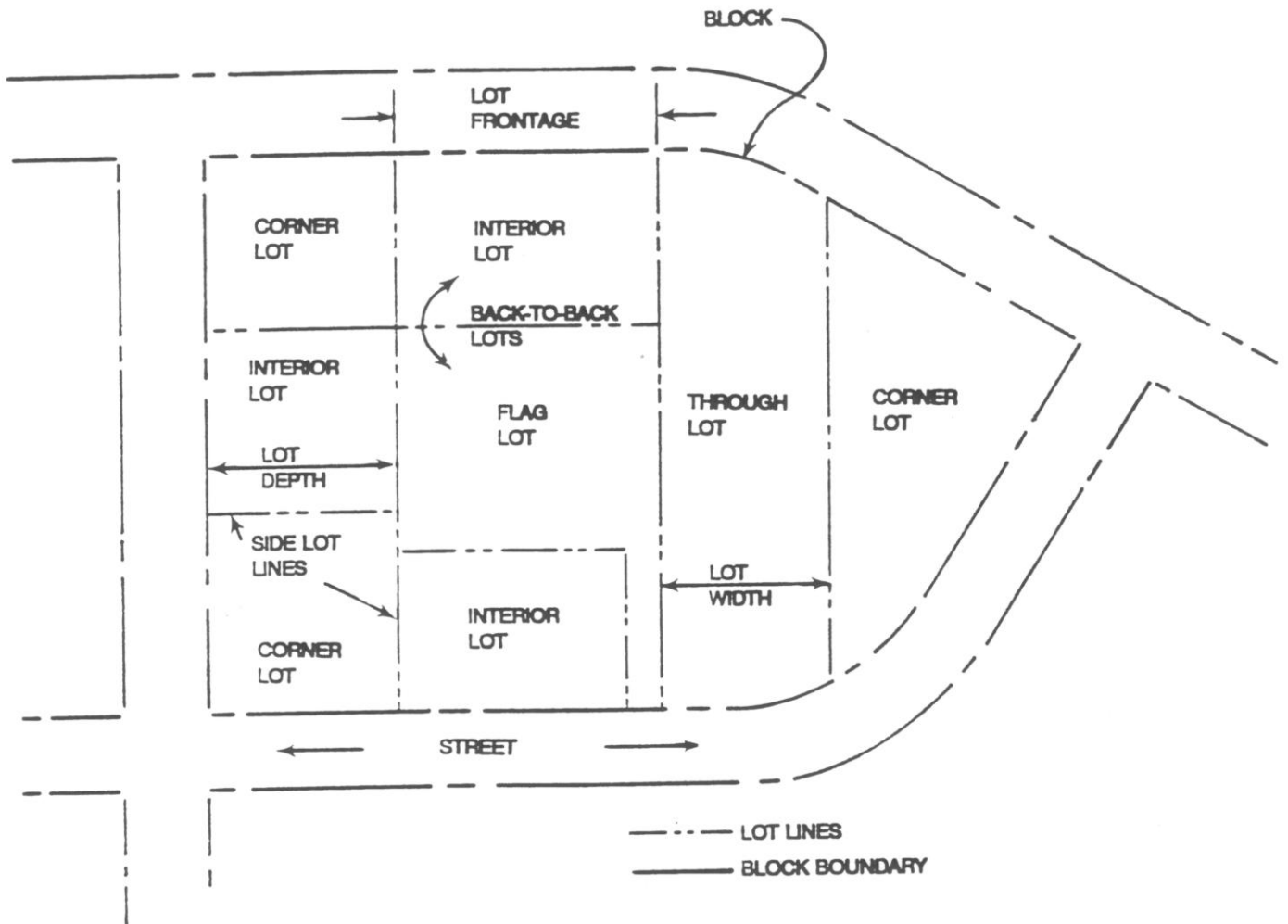
Appendix is provided for illustration/information purposes only. Please see Township Zoning Inspector for complete details/specifications.

ILLUSTRATION A:
SETBACK DIMENSIONS



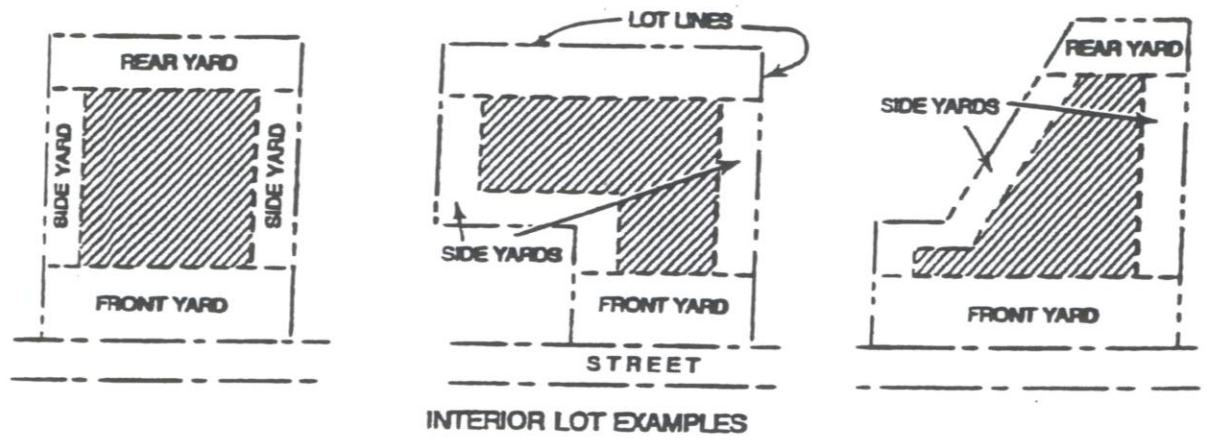
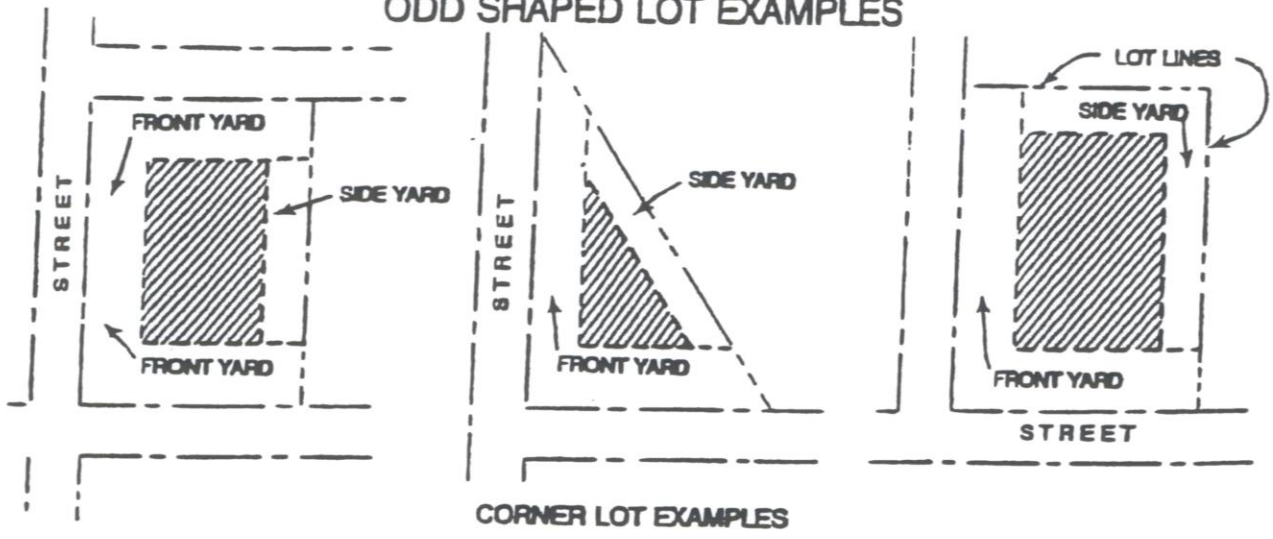
(For informational purposes only.)

ILLUSTRATION B: LOT TYPES



(For informational purposes only.)

ILLUSTRATION C:
ODD SHAPED LOT EXAMPLES

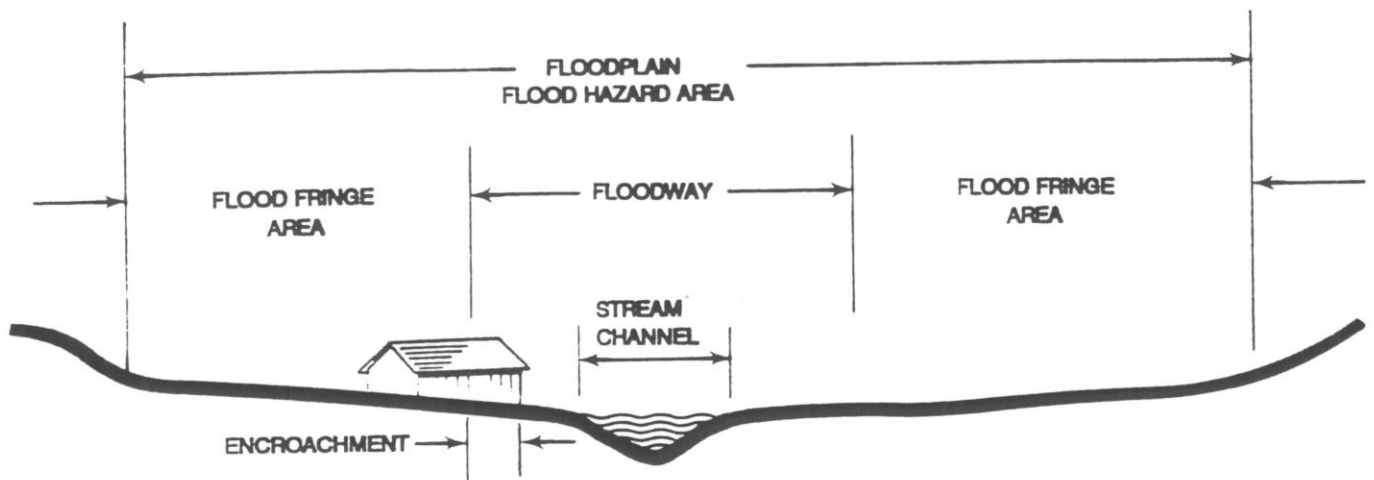


REQUIRED YARDS



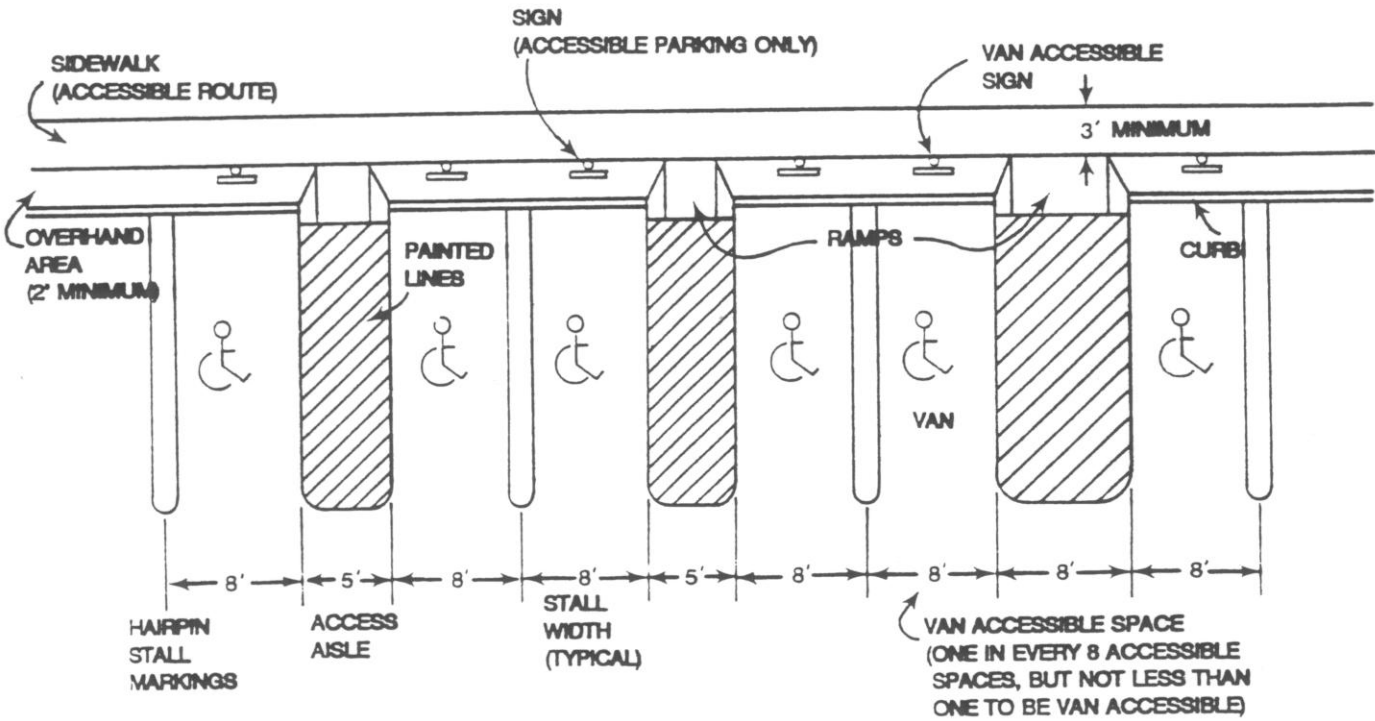
(For informational purposes only.)

ILLUSTRATION D:
FLOODPLAIN CROSS-SECTION



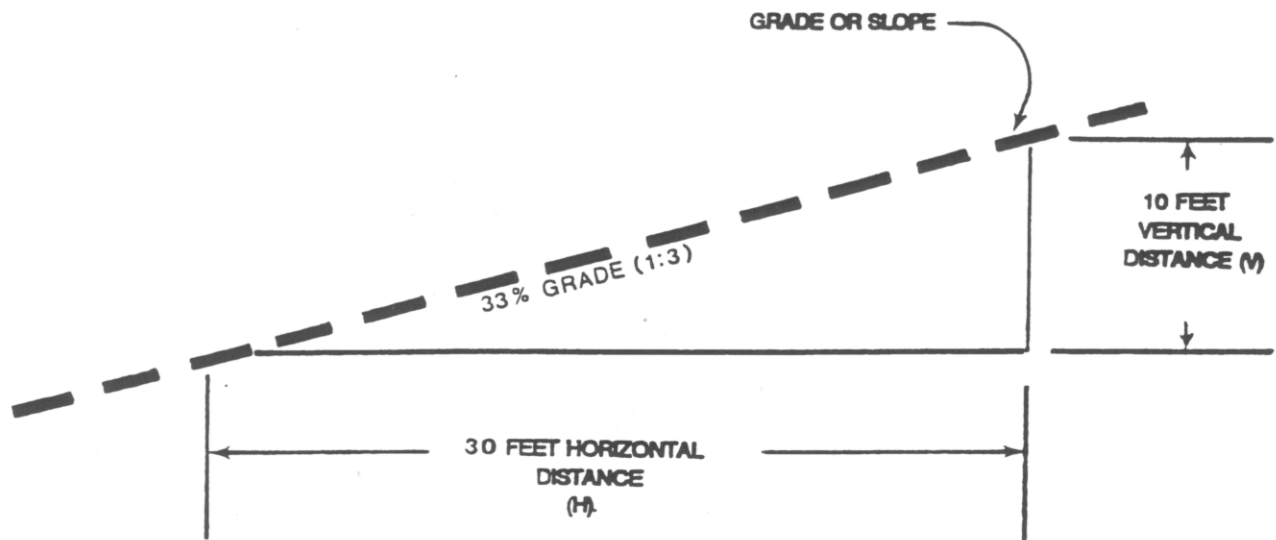
(For informational purposes only.)

ILLUSTRATION E:
 ACCESSIBLE PARKING SPACE STANDARDS



(For informational purposes only.)

ILLUSTRATION F:
DETERMINATION OF SLOPE

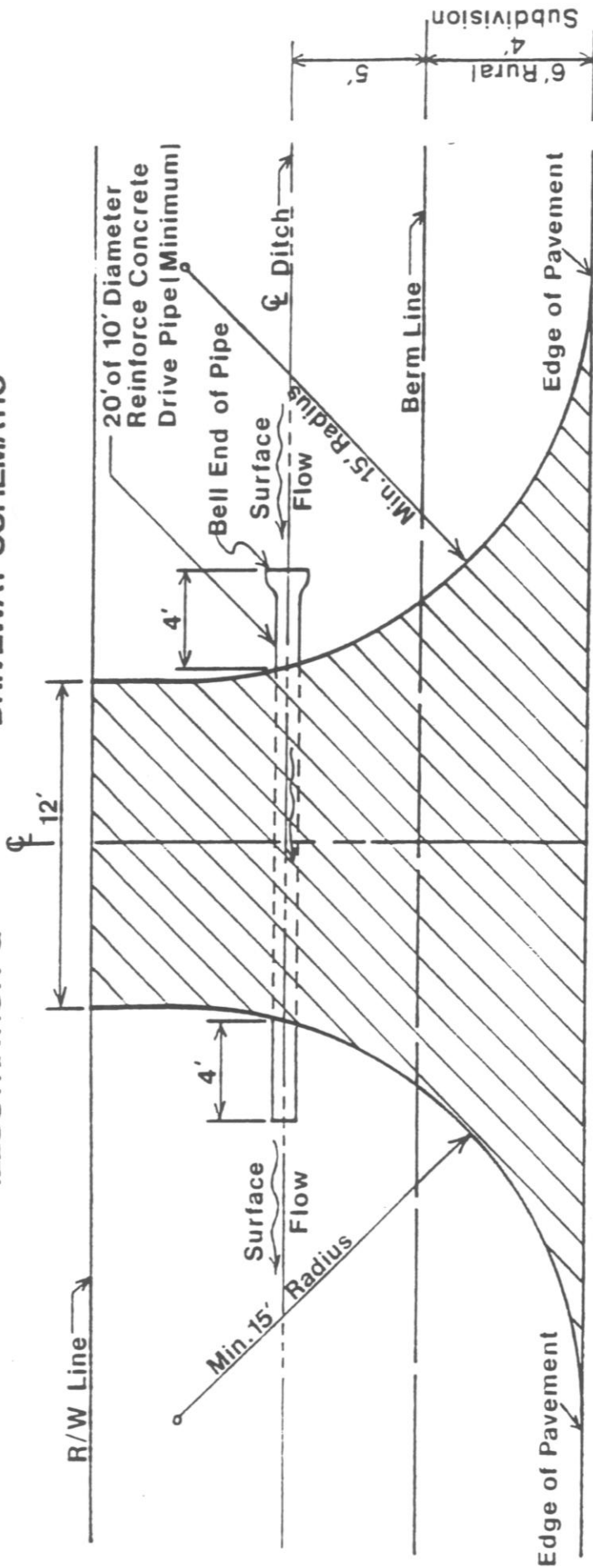


SLOPE CALCULATION = $\frac{V}{H}$
(DEGREE OF SLOPE = TANGENT OF $\frac{V}{H}$)

(For informational purposes only.)

DRIVEWAY SCHEMATIC

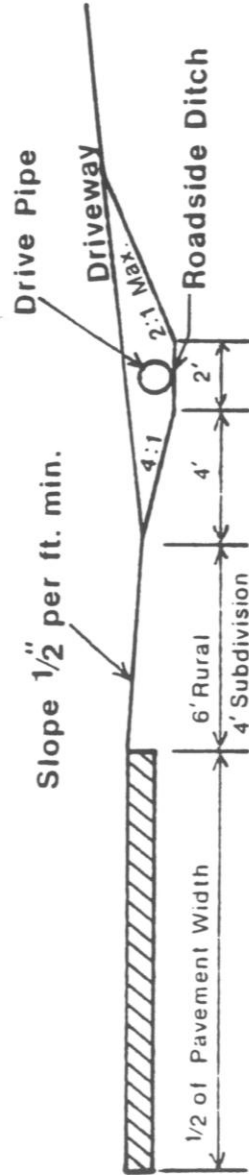
ILLUSTRATION G:



Note:

Roadside Ditch Shall Not Be Filled In

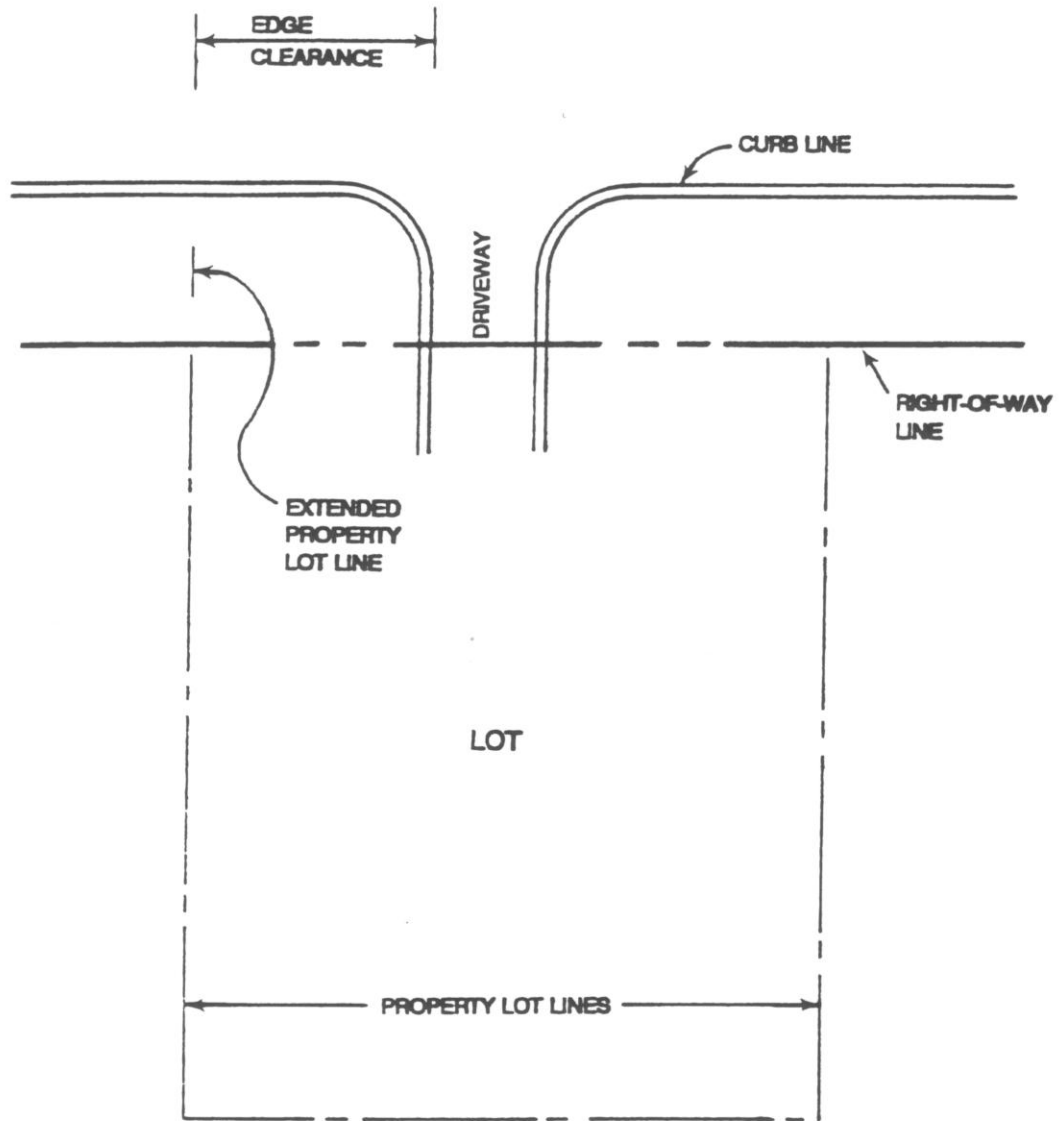
PLAN



ELEVATION

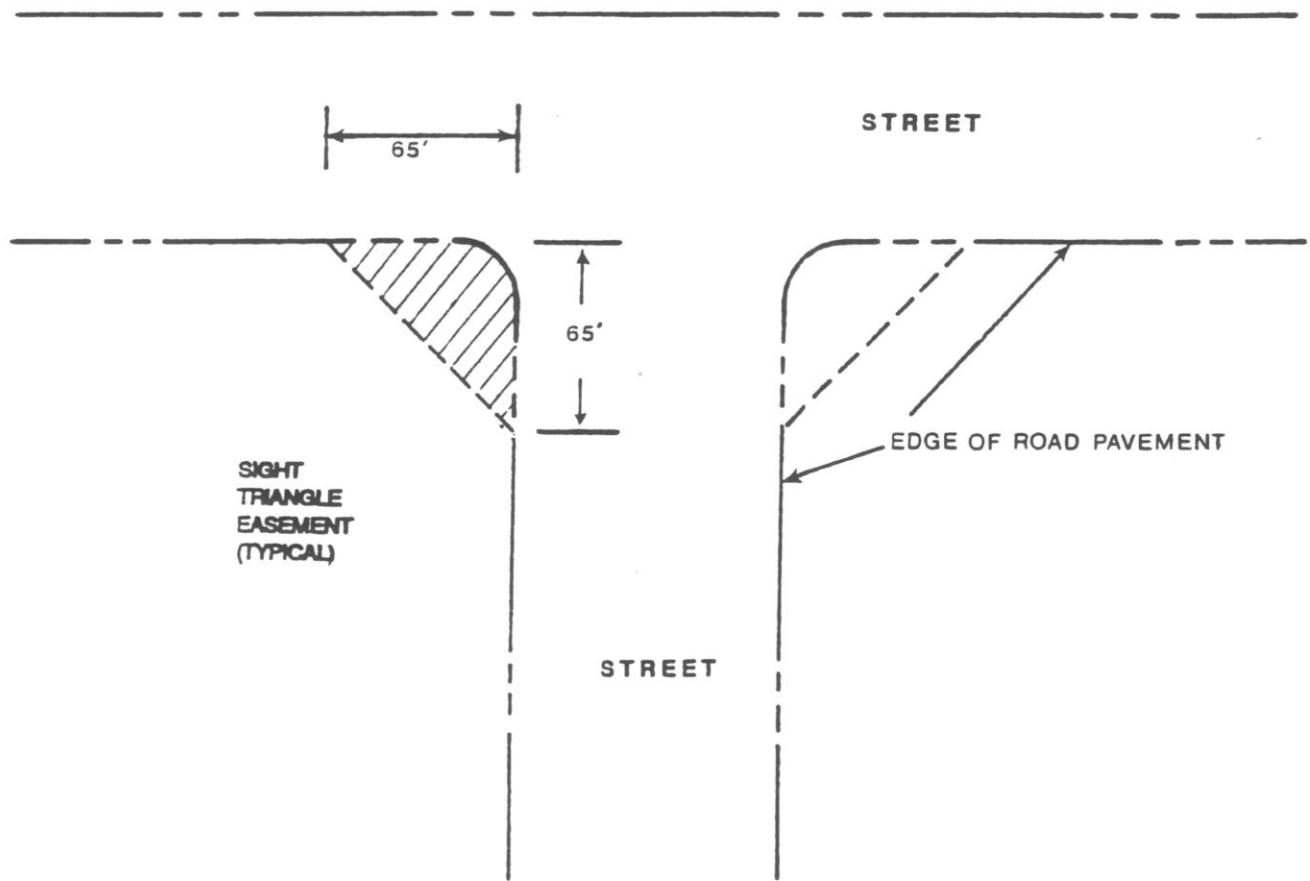
(For informational purposes only.)

ILLUSTRATION H:
EDGE CLEARANCE



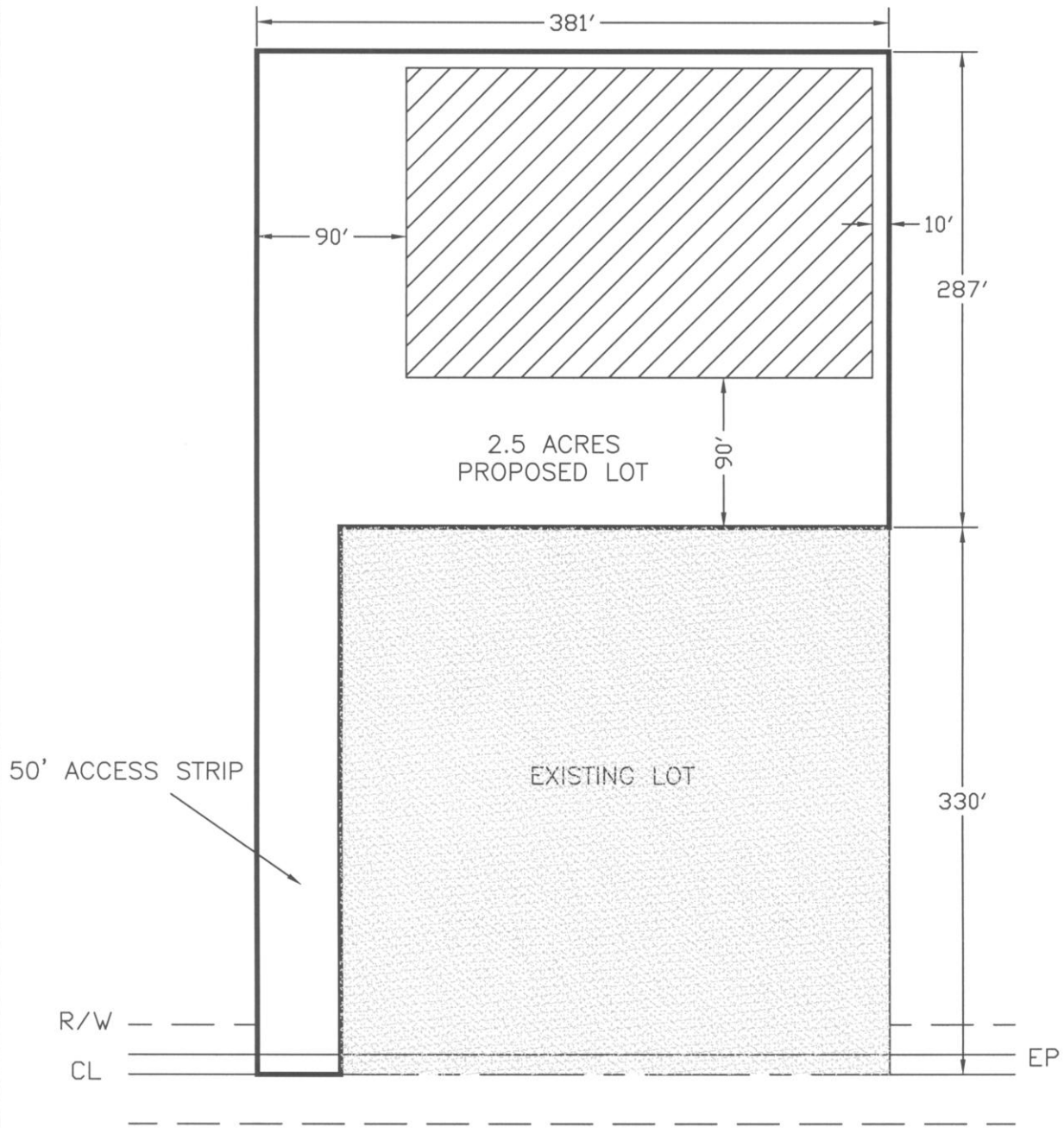
(For informational purposes only.)

ILLUSTRATION I:
SIGHT TRIANGLE EASEMENT



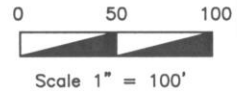
(For informational purposes only.)

ILLUSTRATION J FLAG LOT



Applicable Setbacks
 Front Yard Setback = 90' Minimum
 Rear Yard Setback = 15' Minimum
 Side Yard Setback = 10' Minimum (100' Total Required)
 2.9 ACRES TOTAL (INCLUDES 50' STEM PORTION)

Building Area



Lima-Allen County Regional Planning Commission
221 North Main Street, Suite 2C - Lima, Ohio 45801

To Whom It May Concern:

Pursuant to Revised Code Section 519.07, the Jackson Township Zoning Commission hereby submits the proposed zoning resolution for Jackson Township to the Lima-Allen County Regional Planning Commission for its consideration.

Date: Dec. 12, 1996

/s/ Paul E. Ewert

/s/ Daniel R. Hefner

/s/ Jim A. Feen

/s/ Richard D. Yanka

/s/ John A. [Signature]
Jackson Township Zoning Commission

CERTIFICATION

The Jackson Township Zoning Commission hereby certifies that the foregoing proposed Resolution constitutes the text of its recommendations for the zoning plan.

Date: June 4, 1997

/s/ Paul E. Ernst

/s/ David R. Hefner

/s/ Kevin Hefner

/s/ Richard D. Yankam

/s/ John A. [Signature]
JACKSON TOWNSHIP ZONING COMMISSION

Adopted by the Board of Trustees:

Date: November 19, 1997

/s/ James Birch

/s/ Michael A. Cully

/s/ Russell D. Staley
JACKSON TOWNSHIP BOARD OF TRUSTEES

AMENDMENTS:

- June 1998
- Aug. 2000
- Oct. 2003
- May 2017