SHAWNEE TOWNSHIP
Allen County, Ohio

ZONING RESOLUTION

#66-12

June 25, 2012

Trustees
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ARTICLE I

GENERAL PROVISIONS

100 TITLE

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

101 PURPOSE

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

102 INTERPRETATION

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

103 SEPARABILITY

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

104 REPEAL OF CONFLICTING RESOLUTIONS

All Resolutions in conflict with this Resolution, or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

105 USES EXCLUDED FROM THIS RESOLUTION

If any use is proposed for which no provision is made in this zoning resolution, any such use shall be prohibited pursuant hereto unless such use shall be expressly authorized or permitted by the Board of Zoning Appeals, pursuant to the procedures contained herein.

106 EFFECTIVE DATE

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

ARTICLE II

ESTABLISHMENT OF DISTRICTS

200 PURPOSE

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

201 ESTABLISHMENT OF DISTRICTS

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

R-I	Residential District
R-II	Residential District
R-III	Residential District
R-IV	Residential District
A	Agricultural District
B-I	Business and Commercial District
B-II	Business and Commercial District
B-III	Business and Commercial District
B-IV	Business and Commercial District
I	Industrial and Manufacturing District
P.U.D.	Planned Unit Development District
FP	Floodplain Overlay District

No Building, structure or premises shall be used and no building or structure shall be located, erected, constructed, reconstructed, changed or maintained except in conformity with the regulations prescribed herein for the district in which it is located.

202 ZONING DISTRICT MAP

The districts established in Section 201 of Article II, as shown on the Official Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Resolution and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

203 ZONING MAP LEGEND

There shall be provided on the Official Zoning Map a legend which shall list the name of each zoning district and indicate the symbol for that district. In addition

to a legend, each zoning map shall contain an official scale and shall provide sufficient space for compliance with Section 205 of Article II.

204 IDENTIFICATION OF OFFICIAL ZONING MAP

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

204.1 Where districts boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;

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

204.3 Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;

204.4 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;

204.5 Whenever the district boundary involves a Floodplain as defined in Article XIV, that boundary shall be determined by the Lima-Allen County Regional Planning Commission;

204.6 Where district boundaries are so indicated that they follow or approximately follow the limits of any political subdivision, such boundaries shall be construed as following such limits;

204.7 Whenever any street, alley, or other public way is vacated by official action of the Board of County Commissioners, the zoning district adjoining each side of such street, alley or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall henceforth be subject to all regulations appropriate to the respective extended districts;

204.8 All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Shawnee Township Zoning Inspector.

205 ZONING MAP AMENDMENTS

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

ARTICLE III

INTERPRETATION AND DEFINITION OF TERMS & WORDS

300 PURPOSE

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

301 INTERPRETATION OF TERMS OR WORDS

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

Words used in the present tense shall include the future; the singular number shall include the plural; the plural number shall include the singular; the word "shall" is mandatory and not discretionary. The word "building" shall include the word "structure" and the word "used" shall include the words "arranged", "designed", "constructed", "altered", "converted", or "intended to be used". A "person" shall mean, in addition to an individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings. Any word or term not defined herein shall be given a meaning found in the Webster's Dictionary.

302 DEFINITIONS

Accessory Use or Accessory: A use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related:

When "accessory" is used in this text, it shall have the same meaning as accessory use.

a. Residential accommodations for servants and/or caretakers.

b. Swimming pools for the use of the occupants of a residence, or their guests.

c. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.

d. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.

e. Storage of merchandise normally used in or produced in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.

f. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the lot is located.

g. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

h. Accessory off-street loading, subject to the off-street loading regulations for the district in which the lot is located.

i. Accessory signs, subject to the sign regulations for the district in which the lot is located.

Adult Entertainment Business: Any adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in section 1103.

Agricultural Use: The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, hydroponics, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce.

Alterations: Any building addition having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, or property of any kind.

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as single housekeeping unit.

Auto-Oriented Commercial Facility: A facility where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle, or a facility that includes services rendered directly on, to or for vehicles. Auto-oriented commercial facilities include, but are not limited to drive-through restaurants, drive-in restaurants, automated teller machines (ATMs),drive-through banks, drive-in movie theaters, car washes (all types), gas stations, facilities specializing in oil changes, car repair, establishments installing car accessories, other similar auto service facilities, and stand-alone parking lots. The sale of vehicles (new or used) is not included within this definition.

Automobile Repair: The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

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

Basement: A story, all or partly, underground but having at least one-half of its height below the average level of the adjoining ground.

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

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

Building: Any structure, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, or property of any kind.

Building Height: The vertical distance from the ground to the highest point of the roof.

Building Permit: See Permit, Building.

Building Line: A line formed by the most forward part of the building, and for the purposes of this Resolution, a minimum building line is the same as a front setback line. See Section 1900 and 1901 for Area and Bulk Requirements. See Appendix A-01, Illustration A; Setback Dimensions.

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

Certificate, Zoning: See Permit, Zoning.

Child Day-Care: Administering to the needs of infants, toddlers, pre-school children, and school age 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 hour day in a place or residence other than the child's own home. The following are child day-care facilities:

a. **Child Day-Care Center:** Any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

b. **Type "A" Family Day-Care Home:** A permanent residence of the administrator in which child day-care is provided for four (4) to twelve (12) children at any one time, if four (4) or more children are under two (2) years of age. In counting children for the purposed 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.

Church: A permanently located building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body to sustain public worship and church related uses.

Clubhouse: A building or portion thereof or premises owned or operated by a person or persons for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members, guests and or patrons and their guests, but not operated for profit.

Commercial Facility, Auto-Oriented: See Auto-Oriented Commercial Facility.

Common Open Space: Land or area, not individually owned or dedicated to public use, designed and intended for use and enjoyment of residents of the development. Common Open Space may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of residents of the development.

Common Use Area: (also including, but not limited to, recreational areas, storm water control or floodplain areas, and buffer areas): This portion of a building or of a parcel of land in private ownership designed and intended to enable all of the residents/tenants of a development or the residents/tenants of designated units within a development to use and enjoy their respective individual units. Such features may include vehicular drives, parking and storage

areas, access ways, corridors, stairs, elevators, and utility and storage rooms in multiple dwellings.

Comprehensive Development Plan: A plan, or any portion thereof, initiated by the Regional Planning Commission and adopted by the legislative authority of Shawnee Township showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools and other community facilities. This plan establishes the goals, objectives and policies of the community.

Comprehensive Plan: See Plan, Comprehensive.

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

Conditional Use Permit: See Permit, Conditional Use.

Condominium: A form of real property ownership under which each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property. (Ohio Revised Code 5311.01K abridged)

Convalescent or Nursing Home: A structure with sleeping rooms where persons are housed or lodged and are furnished with meals and nursing or limited medical care.

Curb Cut Permit: See Permit, Driveway.

Days: Days, as used in this Resolution, are Calendar Days, unless otherwise defined.

Design Standards: See Standards, Design.

Driveway Permit: See Permit, Driveway.

Drive-Thru: 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.

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, primarily to provide self-service for patrons and food carry-out.

Dwelling: Any permanent building or structure (except travel trailers, motor homes, truck campers, park trailers, and fifth-wheel trailers) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling, Multiple-Family: A permanent building consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multiple-family housing may include public housing and industrialized units.

Dwelling, Rooming House (Boarding House, Lodging House, Dormitory): A dwelling or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Dwelling, Single Family: A permanent building consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Double-Family: A permanent building consisting of two dwelling units which may be either attached, side by side or one above the other and each unit having a separate or combined entrance or entrances.

Erected: Built, constructed, altered, reconstructed or moved upon. Any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential Services: The erection, construction, alteration or maintenance by public utility companies or municipal departments of underground, surface or overhead utilities such as gas, electrical, steam, fuel, water transmission or distribution systems, sanitary sewer or disposal systems, communication systems and supply systems, including poles, wires, mains, drains, sewer pipes, conduits, cables, fire alarm and police call boxes, traffic signals and fire hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utility companies or municipal departments for the general health, safety or welfare.

Facility, Auto-Oriented Commercial: See Auto-Oriented Commercial Facility.

Facility, Outdoor Service: See Outdoor Service Facility.

Family: Either an individual, two or more persons related by marriage, blood or adoption or a group of not more than three persons not related, living as a single housekeeping unit in a dwelling unit.

Floodplain: Flat or nearly flat land adjacent to a stream or river that experiences occasional or periodic flooding**.** Floodplain land is sometimes defined as land that is flooded only by a 100 Year Storm but is more correctly defined as land that has no more than a one percent (1%) chance of being flooded in any one

year. In Shawnee Township, construction in a floodplain is prohibited under Article XIV. In Allen County, floodplain maps and information are maintained and coordinated by the Lima-Allen County Regional Planning Commission. See Appendix A-04, Illustration D; Floodplain Cross-Section.

Floor Area, Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal area of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor areas measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

Garage, Private: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

Gasoline Service Station: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair or body work. Sales of beverages, packaged foods, tobacco and similar convenience goods for service station customers, as accessory and incidental to principal operation.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the elevation of the ground for each face of the building.

Home Occupation: Any use customarily conducted entirely within the dwelling and carried on by the residents thereof, which use is clearly incidental and secondary to the use of the dwelling for living purposes and does not change the character thereof. Provided, that such occupation shall not require external alterations or construction features, equipment, machinery, outdoor storage or signs not customary in residential areas. Further, it will not be hazardous or disturbing to existing or future neighboring uses. Also, it will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, heat, dust, and vibrations. Sufficient off-street parking shall be provided to accommodate visitors resulting from such occupation. Not more than one (1) unlighted sign no larger than two (2) square feet shall be mounted flush to a dwelling.

Hotel: A building or part of a building with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service and bellboy

service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

Industrialized Home: A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized Unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized Unit" does not include a manufactured home as defined by division (C) (4) of Section 3781.06 of the Ohio Revised Code or a mobile home as defined by division (0) of Section 4501.01 of the Ohio Revised Code.

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, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junk Yard" includes but not limited to automobile wrecking yards.

Kennel, Commercial: Any lot or premise on which three (3) or more dogs, or cats or other household pets are either permanently or temporarily boarded for remuneration.

Landowner/Owner/Lessee: The holder of title, the holder of an option or contract to purchase, a lessee having a remaining term of not less than twenty (20) years, or other person having an enforceable proprietary interest in land, or the legal or beneficial owner or owners of all the land proposed to be included in a planned unit of development.

Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under provisions of this Resolution. See Appendix A-02, Illustration B, Lot Types and Appendix A-03, Illustration C, Odd Shaped Lot Examples.

Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Resolution if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees. See Appendix A-02, Illustration B, Lot Types and Appendix A-03, Illustration C, Odd Shaped Lot Examples.

Lot, Interior: Any lot other than a corner, or through lot. See Appendix A-02, Illustration B, Lot Types and Appendix A-03, Illustration C, Odd Shaped Lot Examples.

Lot, Through: Any lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage and front yard setbacks shall be provided as required. See Appendix A-02, Illustration B, Lot Types.

Lot Area: The total horizontal area within the plot lines of the lot.

Lot Coverage: The part by percent, of the lot occupied by buildings including accessory building.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

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

Lot Lines: The lines bounding a lot as defined herein:

a. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of a corner, or through lot, is that line separating said lot from both streets.

b. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, there is no rear lot line.

c. **Side Lot Line:** Any lot line other than the front lot line or rear lot line, except in the case of a corner lot when the line opposite the front lot line shall be considered a side lot line.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Recorder or in common use by Township or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot Width: The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

Main Building: See Principle Building.

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

Manufactured Home, Permanently Sited: A manufactured home that meets all of the following criteria:

a. the structure is affixed to a permanent foundation and is connected to appropriate utilities;

b. the structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area, excluding garages, porches or attachments of at least thirteen hundred (1300) square feet;

c. the structure has a minimum 3:12 residential roof pitch, conventional residential siding, and six (6) inch minimum eave overhang, including appropriate guttering;

d. the structure was manufactured after January 1, 1995; and,

e. the structure is not located in a manufactured home park as defined by section 3733.01 of the Ohio Revised Code.

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

Motel: A series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

Night Club: A commercial establishment dispensing alcoholic beverages for consumption on premises and in which dancing and**/**or musical entertainment are permitted. An establishment operated as a place of entertainment, characterized by any or all of the following as a principal use: (1) live, recorded or televised entertainment, including but not limited to performance by magicians, musicians,

or comedians; (2) dancing; and/or, (3) electronic or mechanical games of skill, simulation, or virtual reality, including video arcades, billiards, and other similar forms of amusement.

Nonconforming Building: A building or portion thereof lawfully existing at the effective date of this resolution, or amendments thereto and that does not conform to the provisions of the resolution in the district in which it is located.

Nonconforming Use: A use which lawfully occupied a building or land at the effective date of this resolution, or amendments thereto and that does not conform to the use regulations of the district in which it is located.

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

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

Outdoor Service Facility: An area that is not fully enclosed by solid walls and a roof and where services are rendered or goods are displayed, sold, or stored. For purposes of this section, outdoor service facilities include, but are not limited to outdoor dining areas, restaurant patios, outdoor storage areas, open-air markets, garden stores, and stand-alone parking lots.

Parking Space: A surfaced area, enclosed in the principal building or in an accessory building, or unenclosed, having an area of not less than 162 square feet.

Performance Standards: See Standards, Performance.

Permit to Install Sewage Treatment System: A document allowing the installation of a sewage treatment system issued by the Allen County Health Department stating that the proposed system complies with the applicable regulations and authorizes construction.

Permit, Building: A document that licenses and grants legal permission to construct, enlarge, alter, repair, or demolish applicable structures or equipment installed in a building and is required by state code in Allen County for multifamily, commercial, and industrial buildings. Building Permits in Allen County are issued through the Lima Public Works Department.

Permit, Conditional Use: A document issued by the Shawnee Township Zoning Inspector indicating that a use is permitted in a zoning district only after review and approval by the Board of Zoning Appeals as to its compatibility with certain conditions.

Permit, Driveway: A document issued by the appropriate roadway authority stating that a proposed driveway is in accordance with regulations and authorizes construction. Driveway Permits are issued as follows:

a. **Township Roads:** Shawnee Township Road Superintendent – Permit to Construct within Road Right-of-Way.

b. **County Roads:** Allen County Engineer – Permit to Install Driveway.

c. **State Routes:** Ohio Department of Transportation (ODOT) – Right-of-Way User Permit.

Permit, Private Water System: A document issued by the Allen County Health Department stating that the proposed Private Water System complies with the applicable regulations and authorizes construction.

Permit, Zoning (or Zoning Certificate): A document issued by the Shawnee Township Zoning Inspector prior to development, stating that a proposed use is in accordance with the requirements and standards of the Shawnee Township Zoning Resolution in effect at the time of issuance. Granting of a Zoning Permit does NOT guarantee conformance to the Zoning Resolution but is based upon representations made by the applicant in the application. Various laws and regulations apply to construction projects in Shawnee Township in addition to those outlined in the Shawnee Township Zoning Resolution. Granting of a Zoning Permit does NOT supersede any of those rules, including deed restrictions.

Zoning Certificate (archaic): A verification or certification issued by the Township of an approved use of land; including any variances, conditional uses, non-conforming uses, and the like; as approved by all appropriate regulatory bodies. Similar, in nature and importance, to an easement or deed restriction.

Permit, Sewer Tap Connection: A document issued by the Allen County Sanitary Engineer and/or the City of Lima Utilities Department stating that the proposed System complies with the applicable regulations and authorizing the connection to the Allen County Sanitary Sewer system or Lima City system.

Permit, Water Connection Tap: A document issued by the Allen Water District or the City of Lima Utilities Department stating that the proposed System complies with the applicable regulations and authorizing the connection to the appropriate potable water system.

Plan: The proposal for development of a Planned Unit Development, including a plat of subdivision, all covenants, grants of easement and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities.

Plan, Comprehensive (or Shawnee Township Comprehensive Land Use Plan): In a public arena, Shawnee Township developed a document that establishes long-term goals and objectives describing public policy and identifying various strategies to guide the future growth of the community through 2025. The document, adopted in October 2009, incorporates relevant aspects of the community's population, housing, utilities, transportation, and land use, including natural areas, to ensure a comprehensive basis from which to move forward in a positive manner.

Plan, Site: A plan, prepared to scale, identifying uses and structures proposed for a parcel of land. The plan is to reflect streets, lot lines, easements, points of access and egress, building site(s), reserved open space, and major landscape features.

Plan, Stormwater Management: In accordance with 40 CFR Part 122.32 and Ohio Law, Shawnee Township, Ohio developed and submitted a Stormwater Management Plan (SMP) to the United States Environmental Protection Agency (USEPA). The SMP defines how the Township will develop, implement, and enforce a storm water management program. The SMP addresses the control measure that are required by state regulations, to achieve the ultimate goal of reducing the discharge of pollutants to the minimum extent practicable, protect water quality, and satisfy the appropriate requirements of the Clean Water Act (CWA). The SMP identifies the Township's legal authority to submit the Plan and implement the general permit. The SMP was submitted and approved in March 2003.

Plan, Stormwater Pollution Prevention (SPPP): The Stormwater Management & Sediment Control Regulations (SMSCR) requires a SPPP be submitted to minimize stormwater pollution. The SPPP is a site-specific, written document that identifies potential sources of stormwater pollution at a construction site and describes practices to reduce pollutants in stormwater discharges from the construction site. Reduction of pollutants is often achieved by controlling the volume of stormwater runoff (e.g., taking steps to allow stormwater to infiltrate in to the soil). The SPPP identifies procedures the operator will implement to comply with the terms and conditions of construction and general zoning permit.

Planned Unit Development: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as 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.

PODS: Portable on-demand (PODS) storage units are designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis. Within Shawnee Township such units shall not exceed 1,600 cubic feet in size and shall be in good condition

without significant rust or deterioration. Such PODS shall not provide any advertising or graffiti. The terms and conditions shall not include or refer to refuse dumpsters.

Principal Building (same as Main Building): A building in which is conducted the principal use of the lot on which it is located.

Principal Use: The primary purpose and permitted use for which land and/or a building is arranged, designed, intended, or employed, including the storage or utilization of inventory, materials, or equipment associated therewith.

Professional Services: Professional services reflect licensed providers of tangible and intangible services to the general public, involving both persons and their possessions. Professional service providers include: services allied with the exchange of securities or commodities; life insurance; accident and health insurance; fire, marine and casualty insurance; surety insurance; title insurance; insurance agents, brokers and service; real estate agents, brokers and managers; title abstract companies; holding companies; investment companies; trusts; miscellaneous investing institutions; offices of physicians and surgeons; offices of dentists and dental surgeons; offices of osteopathic physicians; offices of chiropractors; medical and dental laboratories; health and allied services; legal services; engineering and architectural services; and accounting, auditing and bookkeeping services.

Public Utility: A person, firm, corporation, municipal department, board or commission duly authorized to furnish under federal, state and municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

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

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

Recreational Vehicle: A watercraft trailer (including watercraft), a snowmobile trailer (including snowmobiles), or a vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreation, and vacation uses and is classed as follows:

a. **Travel Trailer:** a nonself-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty (320) square feet of space when erected on site. "Travel Trailer" includes a tent-type fold-out camping trailer;

b. **Motor Home:** a self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking, and consuming of food, and for sleeping;

c. **Truck Camper:** a non self-propelled recreational facility that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck Camper" does not include truck caps that consist only of walls and a roof, and do not have floors and facilities enabling them to be used as a dwelling;

d. **Fifth-Wheel Trailer:** a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred (400) square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch originally installed in the bed of a truck; and,

e. **Park Trailer:** a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institute A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred (400) square feet or less when set up, is designed for seasonal or temporary quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

Refuse Transfer Station: A facility where solid waste materials, including yard waste, demolition materials, and household refuse, are transferred from small vehicles to large trucks for efficient transport to landfills, recycling centers, and other disposal sites.

Restaurant: Restaurant means a place located in a permanent building provided with dining accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served in the morning, at noon, and/or in the evening, as the principal business of the place. Restaurant does not include pharmacies, confectionery stores, lunch stands, night clubs, and filling stations.

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural and related products.

Service Facility, Outdoor: See Outdoor Service Facility.

Services, Professional: See Professional Services.

Setback: The minimum required distance between the property line and an accessory, building, or structure, including any roof overhang. For the purposes of determining "Setback" only, the definitions of "Accessory", "Building", and "Structure" shall not include uncovered walkways, patios, driveways, parking areas, walls, and fences. See Section 1900 and 1901 for Area and Bulk Requirements. See Appendix A-01, Illustration A; Setback Dimensions.

Sewage System Permit: See Permit to Install Sewage Treatment System.

Sewer Tap Connection Permit: See Permit, Sewer Tap Connection.

Sign: A sign is defined as any name, number, symbol, identification, description, display or illustration which is affixed to, painted on, or represented directly or indirectly upon a building, structure or other device and which directs attention to any object, product, place, activity, person, institution, organization or business. This definition includes back-lighted plastic panels or strip lighting affixed to any wall or roof where any such panels or lighting serve to identify a business and attract attention rather than to illuminate space for human activity. All signs located on land within the township and visible from any public right of way or adjacent property shall comply with Article XVIII.

Single Ownership: The proprietary interest of a landowner, as herein defined.

Site Plan: See Plan, Site.

Standards, Design: Specifications or guidelines that provide the basis to address various concerns related to the physical design of development in the Township. Design standards establish specific criteria to address in the site design, including access/egress, architectural standards, landscaping, parking, and pedestrian circulation.

Standards, Performance: Specifications or guidelines that provide specific criteria limiting noise, lighting, air pollution, odors, vibration, dirt, dust, glare, heat, fire hazards, waste, traffic impacts and/or visual impacts of uses within the Township irrespective of the Zoning District within which they occur.

Stormwater Management Plan: See Plan, Stormwater Management.

Stormwater Management & Sediment Control Regulations (SMSCR): adopted by Allen County in accordance with, and pursuant to, the legal authority of Section 307.79 of the Ohio Revised Code and 1501 of the Ohio Administrative Code. The Allen County Engineer's Office administers the SMSCR. The SMSCR regulations establish storm water management using Best Management Practices (BMP's) and conservation practices to control the pollution of public waters by sediment from accelerated soil erosion and storm water runoff caused by earth disturbing activities, subsurface drainage, and land use changes connected to development. These regulations are intended to: eliminate, or significantly reduce, flooding, erosion, and sedimentation damages caused by

development; eliminate, or significantly reduce, damage to receiving streams, storm sewers, or channels caused by increased runoff or pollutant loading of the water being discharged into them due to development that may be caused by illicit discharges; development of construction site storm water runoff regulations that requires the use of appropriate BMP's; and, the pre and post construction reviews to assess compliance with the Stormwater Pollution Prevention Plan (SPPP), and penalties for non-compliance.

Stormwater Pollution Prevention Plan (SPPP): See Plan, Stormwater Pollution Prevention.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Swimming Pool: Any structure which is an assemblage of material capable of containing water and of being used for swimming or bathing and having a water depth of three (3) feet or more measured from the deepest point thereof to the overflow line. A permanent swimming pool shall be considered a structure.

Tennis Court: A paved tennis court shall be considered as a structure.

Thoroughfare, Street or Road: A public or private way designed for travel, thirty (30) feet or more in width. (See Appendix B-03, for Classification of the Thoroughfare System.) This may be designated as follows:

a. **Alley:** A minor street used primarily for vehicular service access to the back or side 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 turn-around.

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 (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

h. **Major Thoroughfare:** An arterial street which is intended to serve as a large volume traffic-way for both the immediate township area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.

i. **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 or collector streets (Also called Frontage Street).

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

Township: The Township of Shawnee, Allen County, Ohio.

Transfer Station, Refuse: See Refuse Transfer Station.

Use or Uses: The specific purpose(s) for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

Variance: A modification of the literal provisions of the zoning resolution granted when strict enforcement of the zoning resolution would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are: (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not justified unless all three elements are present in the case. As used in this Resolution, a variance is authorized only for modification of the requirements of Article XIX of this Resolution. A variance is not a Like or Similar use.

Well Permit: See Permit, Private Water System.

Water Connection Tap Permit: See Permit, Water Connection Tap.

Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this resolution and as defined herein:

a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

b. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

c. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

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 Certificate: See Permit, Zoning.

Zoning Permit: See Permit, Zoning.

Zoning Resolution: Shall mean the Zoning Resolution for Shawnee Township dated as amended.

ARTICLE IV

AMENDMENTS TO THE ZONING RESOLUTION AND/OR THE ZONING MAP

400 GENERAL

This Resolution and the Zoning Map may be amended by utilizing the procedures specified in Section 401 through 413, inclusive, of this Resolution.

401 PURPOSE

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

402 INITIATION OF ZONING AMENDMENTS

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

402.1 By adoption of a motion by the Zoning Commission;

402.2 By adoption of a resolution by the Board of Township Trustees; or,

402.3 By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

403 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT

Applications for amendments to the official Zoning Map adopted as part of this Resolution by Article IV and Articles IX through XIV inclusive shall contain at least the following information:

403.1 The name, address, and telephone number of applicant;

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

403.3 Present use;

403.4 Present zoning district;

403.5 Proposed use;

403.6 Proposed zoning district;

403.7 A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;

403.8 A list of all property owners, their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned if the proposal is to rezone ten (10) or fewer parcels of land as listed on the County Auditor's current tax list;

403.9 A statement on the ways in which the proposed amendment relates to the comprehensive plan; and,

403.10 A fee as established by resolution of the Board of Township Trustees.

404 CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT

Application for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Resolution, other than the official Zoning Map, shall contain at least the following information:

404.1 The name, address, and telephone number of the applicant;

404.2 The proposed amending resolution;

404.3 A statement of the reason(s) for the proposed amendment; and,

404.4 A fee as established by resolution of the Board of Township Trustees.

405 TRANSMITTAL TO ZONING COMMISSION

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission.

406 SUBMISSION TO LIMA-ALLEN COUNTY REGIONAL PLANNING COMMISSION

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and map pertaining to the case in question, to the Lima-Allen County Regional Planning Commission. The Lima-Allen County Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

407 PUBLIC HEARING BY ZONING COMMISSION

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, the Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) nor more than forty (40) days from the date adoption of such motion, transmittal of such resolution, or filing of such application.

408 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, before holding the public hearing as required in Section 407, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in Shawnee Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

409 NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION

Pursuant to 519.12 of the Ohio Revised Code or as in such statue as it may hereafter be amended, if the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in Section 408. The failure to deliver the notice to property owners, as provided herein, shall not invalidate any such amendment.

410 RECOMMENDATION BY ZONING COMMISSION

Pursuant to 519.12 of the Ohio Revised Code or as in such statue as it may hereafter be amended, within thirty (30) days after the public hearing required by Section 407, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment, or it may recommend that the amendment be not granted.

411 PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees as specified in Section 408.

412 ACTION BY BOARD OF TOWNSHIP TRUSTEES

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, within twenty (20) days after the public hearing required by Section 411, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, a majority vote of the Board of Township Trustees is required.

413 EFFECTIVE DATE AND REFERENDUM

Pursuant to 519.12 of the Ohio Revised Code or as in such statue as it may hereafter be amended, such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, not less than eight (8.0%) percent of the total vote cast for all candidates for Governor in the unincorporated area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electorate of such area, for approval or rejection, at the next primary or general election.

ARTICLE V

ADMINISTRATION

500 PURPOSE

This Article sets forth the powers and duties of the Zoning Commission, Board of Township Trustees, and the Zoning Inspector with respect to the administration of the provisions of the Resolution.

501 GENERAL PROVISIONS

The formulation, administration and enforcement of this Resolution is hereby vested in the following offices and bodies:

501.1 Zoning Inspector; (See Section 502)

501.2 Zoning Commission; (See Section 504)

501.3 Board of Zoning Appeals; and, (See Section 506)

501.4 Board of Township Trustees. (See Section 509)

502 ZONING INSPECTOR

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. Said Inspector may be provided with the assistance of such other persons as the Board of Township Trustees may authorize and direct.

503 RESPONSIBILITIES OF ZONING INSPECTOR

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

503.1 Enforce the provisions of this Resolution and interpret the meaning and application of its provision;

503.2 Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map;

503.3 Issue zoning permits as provided by this Resolution, and keep a record of same with a notation of any special conditions involved;

503.4 Act on all applications upon which the Inspector is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of the Inspector's refusal or disapproval of such

application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit said request to The Board of Zoning Appeals;

503.5 Conduct inspections of buildings and uses of land to determine compliance with this Resolution, and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action;

503.6 Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Township office(s);

503.7 Maintain permanent and current records required by Resolution, including but not limited to zoning permits, zoning certificates, inspection documents, and records of all variances, amendments and conditional uses;

503.8 Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public;

503.9 Review and approve site plans pursuant to this Resolution;

503.10 Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations; and,

503.11 Prepare and submit reports to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such reports shall include recommendations concerning the schedule of fees.

504 TOWNSHIP ZONING COMMISSION

A Zoning Commission, designated by the Board of Township Trustees shall assist in the amendment, interpretation, administration and enforcement of this Resolution. The Zoning Commission may, within the limits appropriated by the Board of Township Trustees, employ or contract with such planning consultants and other assistants as it deems necessary.

The Zoning Commission shall be composed of five (5) members who reside in the un-incorporated area of the township. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until a successor is appointed and qualified. Vacancies shall be filled by the Board of Trustees and shall be for the un-expired term. Additionally, the Board of Township trustees may appoint two (2) alternate members of the Township Zoning Commission, for terms to be determined by the

Board of Trustees. An alternate member shall take the place of an absent regular member at any meeting of the township zoning commission, according to procedures prescribed by resolution by the board of township trustees. An alternate member shall meet the same appointment criteria as a regular member, and the alternate member may vote on any matter on which the absent member is authorized to vote.

505 RESPONSIBILITIES OF THE ZONING COMMISSION

For the purpose of this Resolution the Zoning Commission shall have the following duties:

505.1 Recommend the proposed Zoning Resolution, including text and the Official Zoning District Map representing the recommendations of the Zoning Commission to the Board of Township Trustees for formal adoption;

505.2 Initiate advisable Official Zoning District Map changes, or changes in the text of this Resolution;

505.3 Site plan review and approval of Planned Unit Development submissions;

505.4 Carry on a continuous review of the effectiveness and appropriateness of this Resolution and recommend such changes or amendments as it feels would be appropriate; and,

505.5 Duties as set forth in the Ohio Revised Code Section 519.

506 BOARD OF ZONING APPEALS

The Board of Township Trustee shall appoint a Township Board of Zoning Appeals of five (5) members who shall be residents of the unincorporated territory within the township. The terms of all members shall be so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. The Board of Zoning Appeals may within the limits of the monies appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistance as it deems necessary.

507 RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS

For the purpose of this Resolution the Township Board of Zoning Appeals shall have the following duties:

507.1 Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official;

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

507.3 Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for conditional uses are provided for in the zoning resolution;

507.4 Revoke an authorized variance or conditional use certificate if any condition of the variance or certificate is violated; and,

507.5 Perform all duties as set forth in Ohio Revised Code Section 519.

508 ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL

It is the intent of the Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement stated in this Section and Resolution. Under this Resolution the Board of Township Trustees shall only have the duties as stated in section 509. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code or in such statue as it may hereafter be amended. Any such appeal shall be made within ten (10) days of the Board's written decision.

509 BOARD OF TOWNSHIP TRUSTEES

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

509.1 Approve the appointments of members of the Zoning Commission;

509.2 Approve the appointments of members to the Zoning Board of Appeals;

509.3 Initiate amendments to the Zoning Resolution text or Official Zoning District Map;

509.4 Accept written recommendations of the Zoning Commission on text or Official Zoning District Map amendments by resolution;

509.5 Reject or modify a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by a majority vote of the Township Trustees;

509.6 Establish a schedule of fees; and,

509.7 Perform all duties as set forth in Ohio Revised Code Section 519.

510 SCHEDULE OF FEES

The Board of Township Trustees shall by Resolution establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, and other procedures and services pertaining to the administration and enforcement of this Resolution, after considering the recommendations of the Zoning Inspector with respect to actual administrative cost, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

ARTICLE VI

ENFORCEMENT

600 GENERAL

This Article stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approval under this Resolution.

601 ZONING PERMITS REQUIRED

No building or other structure may be erected, moved added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance, or from the Zoning Commission approving a Planned Unit Development District, as provided by this Resolution.

A Zoning Permit is not the same as a Building Permit. See Section 302 for the definition of a Building Permit.

601.1 A Zoning Permit is required for:

a. Most buildings that are intended for human or animal habitation or use;

b. Most remodeling that changes a building's footprint;

c. In-ground and permanent above-ground pools (Section 1708);

d. Ponds or lakes (Section 1706);

e. Permanent out buildings (as pole barns or buildings with foundations or on a slab);

f. Building demolition;

g. Some signs (Article XVIII);

h. Wind Turbine Generators (Article XXI); and,

i. Solar Energy Systems (Article XXII).

601.2 A Zoning Permit is not required for:

a. Most remodeling that does not change a building's footprint;

b. Uncovered structures, including but not limited to: decks, swimming pool aprons, patios, sidewalks, driveways, parking areas, porches, and breezeways (An open roof or lattice is not a cover);

c. Fences and walls (Section 1711);

d. Temporary above-ground pools (Section1708);

e. Mail boxes and mail box enclosures;

f. Basketball hoops;

g. Trellises;

h. Private utility poles;

i. Some signs (Article XVIII); and,

j. Temporary out buildings (no foundation or slab).

602 CONTENTS OF APPLICATION FOR ZONING PERMIT

The application for zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information and be accompanied by all required fees:

602.1 Name, address, email, and phone number of applicant;
Name, address, email, and phone number of lot owner;
Name, address, email and phone number of contractor.

602.2 Legal description of property.

602.3 Existing use.

602.4 Proposed use.

602.5 Zoning district.

602.6 Site plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration. (A stormwater drainage plan, approved by the Allen County Engineer, may also be required. See Section 1714 for Drainage and Mounding requirements.)

602.7 If appropriate, a tabulation of the area within the building in square feet including:

a. Area under roof, within outside walls.

b. Including basements (ceiling 5’-0” or more), finished and unfinished.

c. Does not include crawl space (ceiling less than 5’-0”).

d. Including all covered porches, breezeways, etc.

e. Does not include open decks, atriums, walks, drives, or other uncovered areas.

f. Including garage.

g. Includes attic space, finished and unfinished, if served by permanent stairs. (A pull down stair is not a permanent stair.)

h. Includes sum of all floors.

602.8 Building heights. See Article XIX for maximum building heights.

602.9 Number of off-street parking spaces or loading berths, and their layout. See Article XVI for OFF-STREET PARKING AND LOADING REQUIREMENTS.

602.10 Number of dwelling units.

602.11 A signed acknowledgment and acceptance of the following stipulations which are included on the Application for Zoning Permit:

Shawnee Township makes its decision to grant a Zoning Certificate based on information that the applicant presents. Should any of that information be incorrect, whether intentionally or unintentionally, the applicant's project could subsequently be found to be in violation of the Shawnee Township Zoning Resolution. Granting of a Zoning Certificate does not guarantee conformance to the Zoning Resolution but is based upon representations made by the applicant in the application. Subsequent remedial action could be required for non-conformance.

Various laws and regulations apply to construction projects in Shawnee Township in addition to those outlined in the Shawnee Township Zoning Resolution. Granting of a Zoning Certificate does not supersede any of those rules, including DEED RESTRICTIONS or SUBDIVISION REGULATIONS. It is the applicant's responsibility to be aware of applicable laws and requirements and be sure the project conforms to them.

The applicant understands that the Zoning Permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2-1/2) years.

602.12 Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Resolution. See Appendix C for a list of additional information, permits, or approvals that may be required.

603 APPROVAL OF ZONING PERMIT

Within thirty (30) days after the receipt of a complete application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year.

604 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one-half (2 ½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

605 RECORD OF ZONING PERMITS

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

606 FAILURE TO OBTAIN A ZONING PERMIT

Failure to obtain a zoning permit shall be a punishable violation of this Resolution.

607 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES

Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

608 ENTRY AND INSPECTION OF PROPERTY

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor in securing a valid search warrant prior to entry.

609 STOP WORK ORDER

Subsequent to the Zoning Inspector's determination that work is being done contrary to this Resolution, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Resolution.

610 ZONING PERMIT REVOCATION

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Resolution or based upon false information or misrepresentation in the application.

611 NOTICE OF VIOLATION

Whenever the Zoning Inspector or the Inspector's agent determines that there is a violation of any provision of this Resolution, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

611.1 Be in writing;

611.2 Identify the violation;

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

611.4 State the time by which the violation shall be corrected; and,

611.5 Service of notice of violation shall be as follows:

a. By personal delivery to the person or persons responsible, or be leaving the notice at the usual place or residence of the owner with a person of suitable age and discretion; or,

b. By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known

address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or,

c. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

612 PROSECUTION OF VIOLATION

If upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be referred to the Prosecuting Attorney of Allen County for prosecution.

613 PENALTIES AND FINES

It shall be unlawful to use, erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, or structurally alter any building, structure or land in violation of any provision of this Resolution or any amendment thereto. Any person, firm or corporation who violates this Resolution or fails to comply with any of its requirements shall be fined the maximum allowable pursuant to Section 519.99 of the Ohio Revised Code or in such statute as it may hereafter be amended. Each day of such violation shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

614 ADDITIONAL REMEDIES

Nothing in this Resolution shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution, or in the case of imminent threat of such violation, the Zoning Inspector, the Prosecuting Attorney of Allen County, or the owner of any neighboring property who would be especially damaged by such violation, may seek an injunction, abatement, or other appropriate action to prevent, remove, abate, enjoin, or terminate such violation.

ARTICLE VII

PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

700 GENERAL

Appeals and variances shall conform to the procedures and requirements of Sections 701 to 710 inclusive of the Resolution. As specified in Article V, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

701 APPEALS

Pursuant to Section 519.15 of the Ohio Revised Code or as in such statute as it may hereafter be amended, appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board of Zoning Appeals a Notice of Appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

702 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the Notice of Appeal is filed with said Inspector, that by reason of facts stated in the application, a stay would, in the Zoning Inspector's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than be a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

703 VARIANCES

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.

704 APPLICATION AND STANDARDS FOR VARIANCES

Except as otherwise permitted in this Resolution, no variance in the strict application of the provisions of the Resolution shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

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

704.2 Legal description of property;

704.3 A list containing the names and mailing addresses of all owners of property adjacent to the property in question;

704.4 Description or nature of variance requested;

704.5 A fee as established by Resolution; and,

704.6 Narrative statements establishing and substantiating that the variance conforms to the following standards:

a. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Resolution on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare;

b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district;

c. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building;

d. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose;

e. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area; and,

f. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

705 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

Pursuant to Section 519.15 of the Ohio Revised Code or as in such statute as it may hereafter be amended, the Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

706 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Pursuant to Section 519.15 of the Ohio Revised Code or as in such statute as it may hereafter be amended, before conducting the public hearing required in Section 703, notice of such hearing shall be given in a newspaper of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

707 NOTICE TO PARTIES IN INTEREST

Pursuant to Section 519.15 of the Ohio Revised Code or as in such statute as it may hereafter be amended, before conducting the public hearing required in Section 703, written notice of such hearing shall be mailed by first class mail, at least ten (10) days before the day of the hearing to all parties of adjoining properties. The notice shall contain the same information as required of notices published in newspapers as specified in Section 704.

708 APPROVAL OF VARIANCE

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

708.1 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;

708.2 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;

708.3 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;

708.4 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;

708.5 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 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 or the Township; and,

708.6 The Board of Zoning Appeals may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Resolution.

709 ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 702, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 708.6, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decision shall be made in the manner specified in Section 508.

710 TERM OF VARIANCE

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than one (1) year from the date of such order unless the Zoning Permit is obtained within such period, and the erection or alteration of a building is started or the use is commenced.

ARTICLE VIII

CONDITIONAL ZONING REQUIREMENTS

800 GENERAL

The provisions of Sections 800 through 810 inclusive of this Resolution apply to the location and maintenance of any and all conditional uses.

801 PURPOSE

Rather than assign all uses to special individual and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will maintain adequate provision for the security of the health, safety, convenience and general welfare of the Township's inhabitants. These uses are permitted through the issuance of a conditional Zoning Certificate.

802 CONTENTS OF CONDITIONAL USE PERMIT APPLICATION

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

802.1 Name, address and phone number of applicant;

802.2 Legal description of the property;

802.3 Zoning district;

802.4 Description of existing use;

802.5 Description of proposed conditional use;

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

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

802.8 A list containing the names, and mailing addresses of all owner of property adjacent to the property in question;

802.9 A fee as established by a Resolution of the Shawnee Township Board of Trustees; and,

802.10 A narrative addressing each of the applicable criteria contained in Section 803.

803 GENERAL STANDARDS FOR ALL CONDITIONAL USES

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

803.1 Is in fact a conditional use as established under the provisions of Articles IX through XII inclusive;

803.2 Will be in accordance with the general objectives, or with any specific objective, of the Shawnee Township Zoning Resolution;

803.3 Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

803.4 Will not be hazardous or disturbing to neighboring uses;

803.5 Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

803.6 Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

803.7 Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

803.8 Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and,

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

804 PUBLIC HEARING

Pursuant to Section 519.14 of the Ohio Revised Code or as in such statute as it may hereafter be amended, the Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a Conditional Use Permit submitted by an applicant through the Zoning Inspector.

805 NOTICE OF PUBLIC HEARING

Pursuant to Section 519.14 of the Ohio Revised Code or as in such statute as it may hereafter be amended, before conducting the public hearing required in Section 804, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

806 NOTICE TO PARTIES OF INTEREST

Pursuant to Section 519.15 of the Ohio Revised Code or as in such statute as it may hereafter be amended, prior to conducting the public hearing required in Section 804, written notice of such hearing shall be mailed by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required in Section 805 for notices published in newspapers.

807 ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the date of the public hearing required in Section 804, the Board of Zoning Appeals shall take one of the following actions:

807.1 Approve issuance of the Conditional Use Permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 808. Upon making an affirmative finding, the Board shall direct the Zoning Inspector to issue a Conditional Use Permit for such use which shall list all conditions and safeguards specified by the Board of Zoning Appeals for approval.

807.2 Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such

finding shall specify the information and/or modifications which are deemed necessary; or,

807.3 Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval.

If an application is disapproved by the Board of Zoning Appeals, the applicant may seek relief through the Court of Common Pleas. Appeals of Board decisions shall be made in the manner specified in Articles V and VII.

808 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting approval for any conditional use, the Board of Zoning Appeals may impose such requirements, terms and conditions with respect to location, duration, construction, maintenance and operation as the Board may deem necessary for the protection of adjacent properties and the public health, safety, and general welfare. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Resolution.

809 EXPIRATION OF CONDITIONAL USE PERMIT

A Conditional Use Permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than one (1) year.

810 DENIAL OF CONDITIONAL ZONING CERTIFICATE

No application for a Conditional Zoning Certificate which has been denied wholly or in part by the Board shall be resubmitted until the expiration of two (2) years or more after such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Board. Each reapplication shall be accompanied by a fee as specified in Article V Section 510.

ARTICLE IX

RESIDENTIAL DISTRICTS: RI, RII, RIII, RIV

900 PURPOSE

The purpose of this Article is to provide for an environment suitable for residential living and to allow for additional suitable uses and facilities which serve the residents of the district.

901 PERMITTED USES

901.1 Class I – Residential District – "Single Family" – R-I

The following uses and no other shall be permitted in a R-I District:

a. Single family dwellings and buildings accessory thereto but excluding tents, cabins, RVs, mobile/manufactured homes not permanently sited, industrialized homes, 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 use shall not be continued for more than one (1) year. Earth sheltered housing or partial underground structure designed to conserve energy shall not be considered a basement dwelling.

b. Any person may maintain an office or may carry on a customary home occupation if used by the person as his or her private residence, as described by definition in Article III, Section 302.

c. PODS may be placed on the residential unit's driveway in a residentially zoned district for a two-week period after securing a zoning permit. The permit may be extended, when in the event of a house fire, flood or other Act of God and in conjunction with a valid zoning permit, for a period not to exceed 60 days as determined necessary by the Zoning Inspector. In no case shall the PODs contain hazardous materials or environmentally unfriendly materials as defined in the ORC. In no case shall the POD be allowed for longer than 60 Days. For periods longer than that, the POD, as a storage unit is considered an accessory building and requires a zoning permit, placement in the rear yard on a hard surface pad or compacted gravel, setback of 8' from side & rear lot lines. The owner is to notify the Township when the POD is removed from the property.

901.2 Class II – Residential District – “Single and Double Family Dwellings” – R-II

The following and no other shall be permitted in a R-II District:

a. Any use permitted in a Residential R-I District shall be permitted in a R-II District.

b. Single and double family dwellings and buildings accessory thereto, but excluding tents, cabins, RVs, mobile/manufactured home not permanently sited, industrialized homes, and basement dwellings.

901.3 Class III – Residential District – “Double and Multiple Family Dwellings” not exceeding four (4) families – R-III

The following uses and no other shall be permitted in a R-III District:

a. Double and multiple family dwellings, including condominiums, not exceeding four (4) families and buildings accessory thereto, but excluding tents, cabins, RVs, mobile/manufactured homes not permanently sited, industrialized homes, and basement dwellings.

901.4 Class IV – Residential District – “Multiple Family Dwellings” exceeding four (4) families – R-IV

The following uses and no other shall be permitted in a R-IV District.

a. Multiple family dwellings, regardless of the form of ownership, exceeding four (4) families and buildings accessory thereto, but excluding tents, cabins, RVs, mobile/manufactured homes not permanently sited, industrialized homes, and basement dwellings.

902 CONDITIONAL USES (With the approval of the Shawnee Township Zoning Board of Appeals after a Public Hearing)

902.1 Schools shall be allowed as a conditional use in any “R” District provided:

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

b. The school shall be placed on a lot at least two (2) acres in size.

902.2 Day-Care Centers shall be allowed as a conditional use in any “R” District provided:

a. No structure or recreation area shall be placed a distance of less than fifty (50) feet from any lot line.

b. The Day-Care Center shall be placed on a lot at least one (1) acre in size.

902.3 Type “A” Family Day-Care Homes shall be allowed as a conditional use in any “R” District.

902.4 Churches shall be allowed as a conditional use in any “R” District provided:

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

b. The church shall be placed on a lot at least two (2) acres in size.

902.5 Public Libraries shall be allowed as a conditional use in any “R” District provided:

a. No structure shall be placed a distance of less than fifty (50) feet from any property line.

b. The public library shall be placed on a lot at least two (2) acres in size.

903 REQUIREMENTS

903.1 Drainage and Mounding

See ARTICLE XVII, Section 1714 for Drainage and Mounding requirements.

903.2 Area and Bulk Requirements

See Schedule of Regulations in Article XIX, Section 1900.

ARTICLE X

AGRICULTURAL DISTRICT: A

1000 PURPOSE

The purpose of the Agricultural District is to provide for and maintain the rural areas of the Township which should not be developed for urban purposes.

1001 PERMITTED USES

The following uses and not other shall be permitted in an "A" District:

1001.1 Any use permitted in a Residential "R-I" District shall be permitted in an "A" District.

1001.2 Any agricultural use including farming, dairying, pasturage, agriculture, horticulture, aquaculture, hydroponics, foresting, floriculture, viticulture, animal and poultry husbandry, and mineral mining licensed by the State of Ohio.

1001.3 Any golf course.

1001.4 Farm implement sales and service.

1002 CONDITIONAL USES (With approval by the Shawnee Township Zoning Board of Appeals after a Public Hearing)

1002.1 Schools shall be allowed as a conditional use in an "A" District provided:

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

b. The school shall be placed on a lot at least two (2) acres in size.

1002.2 Day-Care Centers shall be allowed as a conditional use in an "A" District provided:

a. No structure or recreation area shall be placed a distance of less than fifty (50) feet from any lot line.

b. The Day-Care Center shall be placed on a lot at least one (1) acre in size.

1002.3 Type "A" Family Day-Care Homes shall be allowed as a conditional use in an "A" District.

1002.4 Cemeteries shall be allowed as a conditional use in an “A” District provided:

a. No gravesite shall be located nearer than twenty (20) feet from any property line.

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

1002.5 Churches shall be allowed as a conditional use in an “A” District provided:

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

b. The church shall be placed on a lot at least two (2) acres in size.

1002.6 Public Libraries shall be allowed as a conditional use in an “A” District provided:

a. No structure shall be placed a distance of less than fifty (50) feet from any property line.

b. The public library shall be placed on a lot at least two (2) acres in size.

1002.7 Convalescent Homes and Elderly Day-Care Facilities shall be allowed as a conditional use in an “A” District provided:

a. No structure shall be placed a distance of less than fifty (50) feet from any lot line.

b. The facility shall be placed on a lot at least two (2) acres in size.

1002.8 Veterinary Hospitals/Commercial Kennels (Large Animal Practices) shall be allowed as a conditional use in an “A” District provided:

a. No structure or outdoor area used for the treatment, housing or exercise of animals shall be located a distance of less than one hundred (100) feet from any lot line.

b. The facility shall be placed on a lot at least five (5) acres in size.

1002.9 Veterinary Clinics/Commercial Kennels (Household Pets) shall be allowed as a conditional use in an “A” District provided:

a. No structure or outdoor area used for the treatment, housing or exercise of animals shall be located a distance of less than one hundred (100) feet from any lot line.

b. The facility shall be placed on a lot at least two (2) acres in size.

1002.10 Recreation Camp/Recreation Facilities shall be allowed as a conditional use in an “A” District provided:

a. The area must contain at least twenty (20) acres.

b. All activities including parking must remain at least one hundred (100) feet from the lot lines.

c. A buffer screening area at least ten (10) feet wide shall be provided along the side and rear lot lines.

1003 REQUIREMENTS

1003.1 Drainage and Mounding

See ARTICLE XVII, Section 1714 for Drainage and Mounding requirements.

1003.2 Area and Bulk Requirements

See Schedule of Regulations in Article XIX, Section 1900.

ARTICLE XI

BUSINESS & COMMERCIAL: B-I, B-II, B-III, B-IV

1100 PURPOSE

The purpose of the Business and Commercial Districts is to provide for a variety of professional, retail, service and recreational use in appropriate locations within the township.

1101 PERMITTED USES: B-I, B-II, B-III, B-IV

1101.1 The following uses and no other shall be permitted in a "B-I" District:

a. Professional Services, Financial Services (including any office building, medical and/or surgical offices, attorney office, insurance office, architect office, engineer or surveyor office, accountant office, tax consultant office, labor organization office, security or real estate broker office, bank, savings and loan, finance office), employment agency, advertising agency, travel bureau, or secretarial service.

b. PODS may be temporarily placed for a period not to exceed 90 days in commercial and industrial districts of the Township prior to completion and/or occupation of a structure. Subsequent to building occupancy, PODs will be considered accessory structures and shall require a zoning permit. In such cases, PODs shall only be permitted pursuant to an approved site plan where there placement shall require a hard surface, minimum parking requirements, and the suitable screening of such structures from public sight at the right-of-way.

1101.2 The following uses and no other shall be permitted in a "B-II" District:

a. Any use permitted in a "B-I" District shall be permitted in a "B-II" District.

b. Any rooming house, restaurant, banquet hall, bed/breakfast, funeral home, parking garage or parking lot.

c. Any retail store, grocery store, hardware store, department store, pharmacy, electric appliance store, supermarket, farm equipment store, lawn and garden implement sales, shopping center, jewelry store, shoe store, clothing store, furniture store, drive-thru convenience store, or retail outlets.

d. Any retail shop, florist shop, plant materials nursery, barbershop, radio and television repair shop, upholstering shop, pet shop, photography shop or studio, beauty parlor, laundry or dry cleaning shop, orthopedic equipment shop, typewriter or bicycle repair shop, electronics store or piano repair shop.

1101.3 The following uses and no other shall be permitted in a “B-III” District:

a. Any use permitted in “B-I” or “B-II” District shall be permitted in a “B-III” District.

b. Any indoor theater, bowling alley, commercial swimming pool, skating rink, indoor or outdoor recreation center.

c. Job printing, newspaper printing plant.

d. Hospital.

e. Hotels and Motels.

1101.4 The following uses and no other shall be permitted in a “B-IV” District:

a. Gasoline filling stations, provided storage tanks are underground.

b. New and used auto, truck and trailer sales and repair agencies, auto wash, auto service shops, wholesale business, auto house.

c. Dairy and locker plants.

d. Rental storage facilities.

e. Bars and night clubs – Excluding any nudity.

f. Lottery Arcades.

1102 <u>CONDITIONAL USES: B-I, B-II, B-III (With Approval by the Shawnee Township Board of Zoning Appeals after Public Hearing)</u>

1102.1 Churches shall be allowed as a conditional use in any B-I, B-II or B-III district provided:

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

b. The church shall be placed on a lot at least two (2) acres in size.

1102.2 Public Libraries shall be allowed as a conditional use in any B-I, B-II or B-III district provided:

a. No structure shall be placed a distance of less than fifty (50) feet from any property line.

b. The public library shall be placed on a lot at least two (2) acres in size.

c. Adequate off-street parking shall be provided as per Section 1600.13 of this Zoning Resolution.

1102.3 Convalescent Homes and Elderly Day-Care Facilities shall be allowed as a conditional use in any B-I, B-II, or B-III District provided:

a. No structure shall be placed a distance of less than fifty (50) feet from any lot line.

b. The facility shall be placed on a lot at least two (2) acres in size.

1102.4 Veterinary Clinics/Commercial Kennels (Household Pets) shall be allowed as a conditional use in any B-I, B-II, or B-III District provided:

a. No structure or outdoor area used for the treatment, housing or exercise of animals shall be located a distance of less than one hundred (100) feet from any lot line.

b. The facility shall be placed on a lot at least two (2) acres in size.

1102.5 Schools shall be allowed as a conditional use in any B-I, B-II, or B-III District provided:

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

b. The school shall be placed on a lot at least two (2) acres in size.

c. A buffer screening area at least ten (10) feet wide shall be provided along the side and rear lot lines.

1102.6 Small Medical Centers shall be allowed as a conditional use in any B-I, B-II, or B-III District provided:

a. No structure shall be placed a distance of less than fifty (50) feet from any lot line.

b. The facility shall be placed on a lot at least two (2) acres in size.

1102.7 Child Day-Care Centers shall be allowed as a conditional use in any B-I, B-II, or B-III District provided:

a. No structure or recreation area shall be placed a distance of less than fifty (50) feet from any lot line.

b. The Day-Care Center shall be placed on a lot at least one (1) acre in size.

c. Design shall provide adequate space for loading and unloading of buses and vehicles.

1102.8 Rental Storage facilities may be allowed as a conditional use in any B-I, B-II, or B-II district provided:

a. No structure shall be placed a distance of less than 50 feet from any lot line.

b. Requirements of Article XX for Performance Measures: Landscaping, Screening, & Outdoor Lighting are met.

1102.9 Gasoline filling stations may be allowed as a conditional use in any B-I, B-II or B-III district provided:

a. All state, federal and local statutes are met.

b. Requirements of Article XX for Performance Measures: Landscaping, Screening, & Outdoor Lighting are met.

1102.10 Auto-Oriented Commercial Facilities or Outdoor Service Facilities developed in association with a permitted use may be allowed as a conditional use in any B-I, B-II or B-III District provided:

a. Requirements of Article XX for Performance Measures: Landscaping, Screening, & Outdoor Lighting are met.

1103 CONDITIONAL USES: B-IV (With Approval by the Shawnee Township Board of Zoning Appeals after Public Hearing)

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

1103.1 Adult entertainment business shall be allowed as a conditional use in a B-IV district.

The following definitions shall apply in the interpretation of this Section: "Adult Entertainment Business" Any adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section.

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

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

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

"Adult Only Entertainment Establishment" Any establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this section, or which feature exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

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

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

b. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

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

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

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

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

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

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

a. Requirements are as follows:

No building shall be erected, constructed, or developed, and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a Conditional Use Permit in accordance with this resolution. In addition to said provisions, an Adult Entertainment Business shall comply with the following conditional use criteria:

i. Adult Entertainment Business shall comply with the district regulations applicable to all properties in any district in which they are located.

ii. No Adult Entertainment Business shall be permitted in a location which is within one thousand (1,000) feet of another Adult Entertainment Business or massage establishment.

iii. No Adult Entertainment Business shall be permitted in a location which is within one thousand (1,000) feet of any church, any public or private school, day-care center or any park, any

playground, or any social service facility or neighborhood center, or liquor license establishment.

iv. No Adult Entertainment Business shall be permitted in a location which is within one thousand (1,000) feet of any residence or boundary of any residential district.

v. No Adult Entertainment Business shall be permitted in a location which is within one thousand (1,000) feet of any boundary of any residential district in a local unit of government abutting the township.

1103.2 Massage Establishment shall be allowed as a conditional use in a B-IV district.

The purpose of the following section of this resolution is to promote the public health, safety, and welfare, through the regulation of Massage Establishments. It is the intent of this section to regulate Massage Establishment, as defined herein in such a manner as to prevent the erosion of the character of such businesses within close proximity to existing churches, amusement arcades, parks and playgrounds within the township.

The following definitions shall apply in the interpretation of this Section:

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

“Massage Establishment” Any fixed place of business where a person offers massages in exchange for anything of value, or in connection with the provision of another legitimate service.

“Masseur” or “Masseuse” Any individual who performs massages at a massage establishment.

“Out Call Massage Service” Any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment.

“Employee” Any and all persons other than the massage technician, who render any service to the operator, and who receives compensation directly from the operator.

“Person” Any individual, co-partnership, firm, association, joint-stock company, corporation or combination of individuals of whatever form or character.

“Operator” The person in whose name the permit is issued for a massage establishment.

“Sexual or Genital Area” The genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.

a. Exemptions

This article as the regulations of Massage Establishments, Masseur or Masseuse shall not be construed to regulate the practice of any limited branch of medicine or surgery in accordance with Section 4731.15 and 4731.16 of the Ohio Revised Code or in such statute as it may hereafter be amended, the practice of providing therapeutic massage by a licensed physician, licensed chiropractor, a licensed podiatrist, or a licensed nurse. As used in this section “Licensed” means licensed, certified, or registered to practice in the State of Ohio.

b. Requirements are as follows:

No building shall be erected, constructed, or developed, and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any Massage Establishment unless authorized by the issuance of a Conditional Use Permit in accordance with the provisions of this resolution. In addition to said provisions; a Massage Establishment shall comply with the following conditional use criteria:

i. Massage Establishment shall comply with the district regulations applicable to all properties in any district in which they are located.

ii. No Massage Establishment shall be permitted in a location which is within one thousand (1,000) feet of another Massage Establishment or Adult Entertainment Business.

iii. No Massage Establishment shall be permitted in a location which is within one-thousand (1,000) feet of any church, any public or private school, day-care center or any park, any playground or social service facility or neighborhood center or liquor license establishment.

iv. No Massage Establishment shall be permitted in a location which is within one thousand (1,000) feet of any residence or boundary of any residential district.

v. No Massage Establishment shall be permitted in a location which is within one thousand (1,000) feet of any boundary of

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

1104 REQUIREMENTS

1104.1 Lighting

Any lighting system used to illuminate the area used for parking and in connection with a commercial enterprise must be arranged and/or shaded or shielded so as to reflect the light away from the adjoining premises.

1104.2 Drainage and Mounding

See ARTICLE XVII, Section 1714 for Drainage and Mounding requirements.

1104.3 See Article XX for additional requirements for Performance Measures: Landscaping, Screening, & Outdoor Lighting.

1104.4 See Section 1901 for Area and Bulk Requirements.

ARTICLE XII

INDUSTRIAL AND MANUFACTURING DISTRICT: I

1200 PURPOSE

The purpose of the Industrial and Manufacturing District is to provide for such uses in appropriate locations in Shawnee Township.

1201 PERMITTED USES

The following uses and no other shall be permitted in an "I" district:

1201.1 Any industrial or manufacturing use (defined as materially and a continually changing the character of a product by assembly, mixing, refining or alteration) or business or agricultural use and including storage yards not prohibited by Article XVII Section 1704, but not including use.

1201.2 Warehouse and Distribution Centers.

1201.3 PODS may be temporarily placed for a period not to exceed 90 days in commercial and industrial districts of the Township prior to completion and/or occupation of a structure. Subsequent to building occupancy, PODs will be considered accessory structures and shall require a zoning permit. In such cases, PODs shall only be permitted pursuant to an approved site plan where there placement shall require a hard surface, minimum parking requirements, and the suitable screening of such structures from public sight at the right-of-way.

1202 CONDITIONAL USE (With Approval by the Shawnee Township Zoning Board of Appeals after a Public Hearing)

1202.1 Refuse Transfer Stations shall be allowed as a conditional use in an "I" District provided:

a. No structure used for processing refuse shall be located a distance of less than one hundred (100) feet from any lot line.

b. The facility shall be placed on a lot at least five (5) acres in size.

c. Any structure used for processing refuse must be screened by an opaque wall or fence that contains litter and eliminates blowing debris on-site. The wall or fence may not exceed nine (9) feet including barbwire. Barbwire can project outward as long as the barbwire topper does not encroach past the property line. The

security wall or fence will be maintained in good condition and free of all advertising signs and other signs. A chain link fence may be rendered opaque with slats inserted diagonally.

d. A Buffer Screening Area shall be required. See Section 1702.

e. All yard area traversed by vehicular traffic must be paved with impervious material.

1203 <u>REQUIREMENTS</u>

1203.1 See ARTICLE XVII, Section 1714 for Drainage and Mounding requirements.

1203.2 See ARTICLE XIX, Section 1901 for Area and Bulk Requirements.

1203.3 See ARTICLE XX for Landscaping, Screening & Outdoor Lighting Regulations.

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ARTICLE XIII

PLANNED UNIT DEVELOPMENT DISTRICTS

1300 PURPOSE

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

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

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

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

1301 PERMITTED USES IN THE R-PUD DISTRICT

1301.1 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.

1301.2 Permitted uses may include one or more of the following: low to medium density (less than four (4) units per acre gross density) residential dwellings, playgrounds and recreational facilities including golf courses, country clubs, conservation areas, nature preserves or public parks.

1301.3 The Zoning Commission may approve additional uses prior to the Final Plat.

1302 GENERAL PROVISIONS

1302.1 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 RPUD 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.

1302.2 R-PUDs shall adhere to the Allen County Stormwater Management & Sediment Control Regulations (SMSCR) and Township Storm Water Management Plan (SMP) as applicable.

1302.3 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.

1302.4 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.

1302.5 There shall be such provision made by the developer for the ownership and maintenance of the common space and the governance of matters of mutual concern through a Property Owners Association (may be the sole owner).

1303 SPECIFIC DESIGN CRITERIA FOR R-PUD DISTRICT

1303.1 The R-PUD district shall be a minimum of ten (10) acres in size.

1303.2 The R-PUD shall have an open space design that reflects a minimum of twenty percent (20%) of the tract to be developed.

1303.3 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.

1303.4 The R-PUD shall provide sufficient parking to accommodate the demands of its residential and any ancillary uses as indicated elsewhere in this document.

a. The R-PUD shall provide one (1) off street parking space for each employee and one (1) additional space for every three (3) people of maximum occupancy when determining the required parking for all common areas including community rooms, outdoor swimming pools, recreational/sports facilities, etc.

b. The R-PUD shall establish suitable evergreen landscaping as a buffer for all off-street parking areas.

c. Garages with their doors parallel to the street shall be set back at least twenty-one (21) feet from the back edge of the sidewalk. This is to allow off-street parking in front of the garage or carport without obstructing the sidewalk. If no sidewalk is required, the setback

distance from garage door to back of curb or edge of pavement shall be twenty-five (25) feet minimum. Each residential unit shall have two (2) off-street parking spaces, measuring ten (10) feet by twenty (20) feet, in addition to any garage or carport.

1303.5 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.

a. 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 design review process of the ODP shall be classified as accessory structures.

b. 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.

c. All utilities and service structures shall be screened with landscaping to the maximum height of the unit.

d. Accessory structures may not encroach on any platted easement unless the Allen County Engineer approves of such encroachment.

1303.6 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.

1303.7 In order to adequately address the Allen County Access Management Regulations, all R-PUD ODPs shall address the following driveway and sight visibility standards:

a. 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.

b. Two (2) access points are required for developments with twenty-four (24) or more dwelling units to ensure adequate fire protection and access for emergency medical services.

c. 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.

d. 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.

e. 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 design review process of the ODP 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.

f. 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.

1303.8 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:

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

b. 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.

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

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

e. All exterior lighting shall be demonstrated on the plan submittal.

1304 PERMITTED USES IN THE SP-PUD DISTRICT

1304.1 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.

1304.2 Permitted uses, as defined under the North American Industrial Classification System (NAICS), may include one or more of the following uses: commercial banking, savings institutions and credit unions; mortgage companies; securities, commodity contracts and other financial investments; insurance carriers and related activities; offices of real estate agents, brokers and appraisers; professional, scientific and technical services (except large animal veterinary services); personal care services; arts, entertainment and recreation establishments; restaurants and drinking places; furniture and home furnishings stores; electronics and appliance stores; food and beverage stores; health and personal care stores; clothing and clothing accessory stores; sporting goods, hobby, book and music stores; miscellaneous store retailers (excluding used merchandise stores); public administration and government services; health care (except psychiatric and substance abuse hospitals); elementary and secondary schools and libraries; child day care centers; and, religious organizations and worship facilities. Light Manufacturing and Warehousing activities: computer and electronic product manufacturing; electrical equipment, appliance and component manufacturing; furniture and related product manufacturing; medical equipment and supplies manufacturing; printing and related support activities; professional and commercial equipment and supplies wholesalers; beer, wine and distilled alcoholic beverages wholesalers; soft drink bottling and distribution; and, drugs and druggists' sundries wholesalers.

1304.3 Medium and high density residential structures not to exceed sixteen (16) units per acre may be allowed as a conditional use provided that: all residential uses and/or development activities including multi-family and condominium uses as well as common areas account for less than twenty percent (20%) of the total SP-PUD area; meet all regulations as defined elsewhere in the R-PUD District standards; the residential

component is included as an integral part of the SP-PUD and where supporting accessory uses, structures and public infrastructure are available/provided.

1304.4 The Zoning Commission may approve additional uses prior to the Final Plat.

1305 GENERAL PROVISIONS

1305.1 The owner or owners of any tract of land may submit to the Zoning Commission an ODP for the use and development of the entire tract of land. The ODP shall be studied and presented before a public hearing. Notice and publication of such public hearings shall conform to the procedures as prescribed elsewhere in this resolution. If the Zoning Commission approves the plans, they shall be submitted to the Trustees for consideration and action. The approval and recommendations of the Zoning Commission shall be predicated upon a report, filed by the applicant, which documents the rationale and contains the specific evidence and facts showing that the proposed SP-PUD project meets with the following conditions: (a) the proposed development plan shall specifically document the purpose of the development and the intended use of the land in an overall pattern of streets, drainage, buildings, greenery, parking and amenities; (b) the proposed ODP shall provide satisfactory documentation that the property adjacent to the area included in the plan will not be adversely affected; (c) the proposed development plan shall document all ownership and maintenance agreements to include any common areas, streets, swimming pools, lakes/ponds, recreational/sports facilities, etc.; (d) the proposed development plan shall demonstrate compatibility with the uses permitted in the district in which the development is proposed to be located; and, (e) the proposed ODP shall document the maximum density and intensity of land uses within the proposed district in order to identify the parameters of all pertinent design criteria requirements.

1305.2 SP-PUDs shall adhere to the Allen County Stormwater & Sediment Control Regulations (SMSCR) and the Township Stormwater Management Plan (SMP) as required.

1305.3 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.

1305.4 SP-PUD applicants shall study, document and submit a traffic impact analysis of the proposed development and present it to the Allen County Engineer for review. The analysis shall identify the full impact of a phased development.

1305.5 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.

1305.6 There shall be such provision made by the developer for the ownership and maintenance of the common space and the governance of matters of mutual concern through a Property Owners Association (may be the sole owner).

1306 SPECIFIC DESIGN CRITERIA FOR SP-PUD DISTRICT

1306.1 The SP-PUD district shall be a minimum of fifteen (15) acres in size.

1306.2 The SP-PUD shall have an open space design that reflects a minimum of twenty percent (20%) of the tract to be developed.

1306.3 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.

1306.4 All SP-PUD overall development plans shall address the following driveway and sight visibility standards:

a. 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.

b. 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.

c. 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 design review process of the ODP 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.

d. 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.

1306.5 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.

a. All service drives, off-street parking areas, driveways and maneuvering aisles shall be paved with asphalt, concrete, pavers or combination thereof.

b. The number of required parking spaces shall be provided based on an established use and parking requirements identified elsewhere in this document by the design review process of the ODP.

c. 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.

d. 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.

e. 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.

f. The SP-PUD shall establish suitable evergreen landscaping as a buffer for all off-street parking areas.

g. 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.

h. Garages with their doors parallel to the street shall be set back at least twenty-one (21) feet from the back edge of the sidewalk. This is to allow off-street parking in front of the garage or carport without obstructing the sidewalk. If no sidewalk is required, the setback distance from garage door to back of curb or edge of pavement shall be twenty-five (25) feet minimum. Each residential unit shall have two (2) off-street parking spaces, measuring ten (10) feet by twenty (20) feet, in addition to any garage or carport.

1306.6 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.

a. 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.

b. 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.

c. Buffers are required around the perimeter of the site. Landscape materials used to fulfill buffer requirements shall be installed to provide 100% year round opacity. Buffer materials must be an evergreen species. Evergreen shrubs must be a minimum of two (2) feet in height at time of planting. Evergreen trees must be a minimum of six (6) feet in height. Grass or ground cover shall be planted on all portions of required landscape/buffer areas not addressed by hedges, walls or trees. Trees, evergreen shrubs and mounds must be placed no closer than twelve (12) feet from the edge of curb.

d. To reduce excessive heat build-up and emissions from large parking areas, landscaped islands/areas must be provided when twenty (20) or more parking spaces are provided. All landscape islands must be a minimum of 110 sq. ft. in size and a maximum of

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

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

1306.7 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 SPPUD and the surrounding area. The following standards shall be met:

a. 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.

b. 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.

c. 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.

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

e. 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.

f. All exterior lighting shall be demonstrated on the plan submittal.

1306.8 The SP-PUD shall minimize the visual and noise impacts of loading areas, outdoor storage areas and refuse collection activities on surrounding areas.

a. 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.

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

ARTICLE XIV

FLOODPLAIN OVERLAY DISTRICT: FP

1400 PURPOSE

The purpose of the FP District is to prevent development in the floodplain areas of any watercourse and to minimize expense and inconvenience to township residents resulting from flooding. See Appendix A-04, Illustration D, Floodplain Cross-Section. For flooding outside the Floodplain, see Appendix A-04, Illustration D, Floodplain Cross-Section, page 2.

1401 REQUIREMENTS

No building or fill material shall be placed in FP districts. In areas adjacent to water courses, a potential builder will be required to furnish satisfactory evidence that the potential building lot in question is not in a special flood hazard area as shown on the current official Flood Hazard Boundary Map and any official published revisions of this map. In the event there is a difference of opinion regarding the location of such a special flood hazard area, the boundary shall be determined by the Lima-Allen County Regional Planning Commission.

1402 PERMITTED USES

The following uses and no other shall be permitted in all FP Districts:

1402.1 Any agricultural use and including open space, excluding buildings.

1402.2 Parks, Golf Courses, and other open recreational uses, excluding buildings.

1403 CONDITIONAL USES (With Approval of the Shawnee Township Board of Zoning Appeals after a Public Hearing)

1403.1 Ponds with the written approval of the Lima-Allen County Regional Planning Commission. In construction of ponds, there must be no fill in the floodplain. Ponds with berms may be permitted with a Floodplain Development Permit issued by the Lima Allen County Regional Planning Commission. Ponds must be constructed in accordance with Section 1706.

1403.2 In-Ground Pools with the written approval of the Lima- Allen Regional Planning Commission. In construction of pools, there must be no fill in the floodplain. Pools must be constructed in accordance with Section 1708.

ARTICLE XV

NON-CONFORMING USES

1500 PURPOSE

The purpose of this section is to allow for the continuation of uses which are otherwise lawful, and which are existing at the time of the adoption of this resolution, or any amendments hereof, but which do not conform to the regulations or the amended regulations of the zoning district in which they are located, and further to regulate the expansion, modification, and reconstruction of such uses in the future.

1501 REQUIREMENTS

Any otherwise lawful land and building uses existing at the time of adoption of this zoning resolution or any amendments hereof, may continue and shall be deemed non-conforming uses.

Non-conforming uses of land and non-conforming structures shall be prohibited from resumption of operation if those uses have been discontinued for a period of one (1) year.

1502 EXPANSION AND RECONSTRUCTION

Any lawful non-conforming land and building use may be expanded 50% in area, completed, restored, reconstructed, or substituted for a similar type land and building use providing no additional parcel of land is acquired for such use. All future land and building uses shall hereby conform with this resolution, in accordance with Section 519.19 of the Revised Code of Ohio. In calculating the percentage of land permitted for expansion, it shall be limited to that used for the original non-conforming use.

ARTICLE XVI

OFF-STREET PARKING AND LOADING REQUIREMENTS

1600 OFF-STREET PARKING REGULATIONS

At any time, any building, structure, or use of land is erected, enlarged, or increased in capacity or use, there shall be provided for every use, off-street parking spaces for motor vehicles in accordance with the provisions of Section 1600 through 1603 inclusive. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Zoning Inspector as a 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.

In all districts, there shall be provided by the time any building is erected or structurally altered (except as otherwise provided in this Section) minimum off-street Parking Space as defined in Section 302 hereof with adequate provisions for ingress and egress as follows:

1600.1 Single and Double-family Dwellings: Two (2) spaces shall be required for each dwelling unit.

1600.2 Multiple Family Dwellings: Two (2) per dwelling unit.

1600.3 Auditoriums, Theaters, Churches, and Temples, Stadiums and Other Similar Places of Assembly: One (1) for every five seats provided therein except as otherwise provided in 1600.5 and 1600.16 hereof.

1600.4 Bowling Alleys: Four (4) for each alley.

1600.5 Colleges and High Schools: One (1) for each eight (8) seats in the main auditorium or similar place of assembly or three (3) spaces for each classroom, whichever is greater. Schools having a stadium shall meet these requirements or those of 1600.3 above, whichever is greater.

1600.6 Dance Halls, Roller Rinks, Assembly or Exhibition Halls Without Fixed Seats: One (1) for each one hundred (100) square feet of floor space.

1600.7 Hospitals, Medical and Dental Offices: One (1) for each three (3) hospital beds or for each four hundred (400) square feet of floor space, whichever is greater, plus one (1) for each employee on the maximum working shift.

1600.8 Industrial or Wholesale Shops: One and one half (1½) for each two (2) employees on the maximum working shift, one (1) for each motor vehicle maintained on the premises, plus such additional parking facilities as shall be required for the accommodation of visitors and other vehicles incidental to the operation of the business.

1600.9 Integrated Shopping Centers: One (1) for each one hundred fifty (150) square feet of floor space.

1600.10 Mortuaries or Funeral Homes: Five (5) for each room used as a chapel, slumber room or parlor or one (1) parking space for each fifty (50) square feet of floor area of assembly rooms used for service, whichever is greater.

1600.11 Motels or Hotels: One (1) for each sleeping room or suite.

1600.12 Private Clubs or Lodges: One (1) for every five (5) members.

1600.13 Rest Homes, Convalescent Homes, Nursing Homes, Homes for the Aged or Similar Institutions: One (1) for each six (6) beds, one (1) for each two (2) employees on the maximum working shift, plus such additional parking facilities as shall be required for the accommodation of visitors and other vehicles incidental to the operation of the business.

1600.14 Retail Commercial: One (1) for each two hundred (200) square feet of floor space.

1600.15 Restaurants, Night Clubs, Bars, Cafes, or Similar Recreation or Amusement Establishments: One (1) for each three (3) persons of capacity.

1600.16 Schools (except High Schools and Colleges) and Public Buildings: Two (2) for each office and classroom and one (1) for each five (5) seats in the auditorium or similar places of assembly. Schools having a stadium shall meet the requirements or those of 1600.3 above, whichever is greater.

1600.17 Business or Professional Offices and Banks: One (1) for each three hundred (300) square feet of floor area.

1600.18 In computing the number of such parking spaces required, the following rules shall govern:

a. In the case of mixed uses, the parking space required shall equal the sum of the requirements of the various uses computed separately.

b. Where fractional spaces result, the parking spaces required shall be the nearest whole number.

c. The parking space requirement for uses not specifically mentioned herein shall be the same as required for a use of similar nature.

d. No building shall be enlarged, rebuilt or structurally altered to the extent of more than twenty-five (25) percent addition in floor area unless there shall be provided the total number of off-street parking spaces required for the original use and its enlargement.

1601 LOCATION

Parking facilities shall be located as follows:

On the same lot with the building or use served, except that non-residential use parking may be provided within three-hundred (300) feet of the lot and two (2) or more uses may provide a common parking lot meeting the requirements for this Section.

1602 OFF-STREET TRUCK LOADING SPACES

1602.1 Off-street truck loading spaces as defined in Section 302 herein, shall be provided as accessory to retail, wholesale, office, and industrial buildings as prescribed in this Section.

1602.2 Each such space shall be easily accessible from a street without substantial interference with traffic.

1602.3 The surface of each such space shall be of all weather dustless material.

1602.4 Areas allocated to required off-street loading spaces may not be included in required off-street parking area, nor shall the off-street loading space be used for normal vehicle repair or service work.

1602.5 All required loading spaces shall be on the same lot as the use served, but if such spaces abut a residential district they shall be suitably screened or fenced.

1602.6 No loading space shall be located in a required front yard.

1602.7 Every building of the type described below which is hereafter built, relocated or structurally altered to the extent of more than fifty (50) percent addition in floor area, shall provide off-street truck loading spaces in accordance with the following schedule:

a. A building whose dominant use is handling and selling goods at retail shall provide such spaces in relation to the floor area used for retail purposes as follows:

Area	Loading Spaces Required
5,000 - 10,000 sq. ft.	One (1)
10,000 - 20,000 sq. ft.	Two (2)
20,000 - 30,000 sq. ft.	Three (3)
Over - 30,000 sq. ft.	Four (4)

b. Manufacturing, repair, wholesale, trucking terminal or warehouse uses shall provide such spaces in relation to total floor area as follows:

Area	Loading Spaces Required
5,000 - 40,000 sq. ft.	One (1)
40,000 - 100,000 sq. ft.	Two (2)
Over - 100.000 sq. ft.	Three (3)

c. Other buildings not listed above but having over ten thousand (10,000) square feet in floor area shall provide one (1) such space.

1603 PARKING STANDARDS

Every off-street parking area shall be improved to meet the following minimum requirements:

1603.1 Any parking area for more than five (5) vehicles shall be graded and surfaced to provide a durable dust-free surface or have adequate treatment if within two hundred (200) feet of any A or R District.

1603.2 Drainage facilities shall connect with a public street drain, storm sewer, or drainage ditch.

1603.3 Lighting used to illuminate the parking area shall be arranged as to reflect the light away from any adjoining premises.

1603.4 From a public street every parking area shall have access not less than eight (8) feet or more than twenty feet in width in the case of a dwelling. From a public street in all commercial districts every parking area shall have access not less than sixteen (16) feet or more than thirty (30) feet in width.

1603.5 All driveways or curb cuts on Shawnee Township and Allen County roads shall conform to the Allen County Engineers Standard Drawings (DW-1 for Residential and DW-2 for Commercial). All driveway aprons or curb cuts on Ohio State roads shall conform to ODOT RESIDENTIAL DRIVEWAY STANDARD DRAWING, URBAN RESIDENTIAL DRIVE (DETAILS 803-2 & 803-3), or STANDARD COMMERCIAL DRIVE DESIGNS (803-8) and COMMERCUIAL DRIVE PROFILE CRITERIA (804-1) as appropriate.

Driveways or curb cuts on Shawnee Township maintained roads shall be approved by the Shawnee Township Road Superintendent. (Permit to Construct within Road Right-of -Way)

Driveways or curb cuts on Allen County maintained roads shall be approved by the Allen County Engineer. (Permit to Install Driveway)

Driveways or curb cuts on State Routes shall be approved by ODOT. (Right-of-Way User Permit)

1603.6 A parking area for more than ten (10) vehicles which abuts a residential district shall be suitably screened and fenced.

ARTICLE XVII

SUPPLEMENTARY DISTRICT REGULATIONS

1700 PURPOSE

The purpose of these provisions is to set specific conditions for various uses or areas wherein problems may occur, to alleviate such problems, and to promote the harmonious experience of property rights without conflict.

1701 PARKING OF RECREATIONAL VEHICLES

The parking or storing of any recreational vehicle or any trailer in any accessory building or in a side or back yard, but not the front yard, shall be permitted in any district, provided no living quarters shall be maintained nor any business conducted in such vehicle unless otherwise stated by Subdivision Covenants and Restrictions.

1702 BUFFER SCREENING AREA

See Article XX – PERFORMANCE MEASURES: LANDSCAPING, SCREENING & OUTDOOR LIGHTING REGULATIONS

1703 MINIMUM BUILDING SETBACK LINES

Any building erected in any district shall be so maintained and situated to provide that no portion thereof shall be closer to the center of the nearest road pavement than fifty-five (55) feet, except state and county roads which shall be ninety (90) feet, except any building appurtenant to a non-conforming building shall be maintained and situated to provide that no portion thereof shall be closer to the center of the nearest road pavement than the existing non-conforming building erected before the adoption of this zoning resolution, and any dwelling shall also be maintained and situated to provide that no portion thereof shall be closer to the center of the nearest road pavement than the average depth of any existing dwellings within one hundred (100) feet of the proposed dwelling and fronting on the same street. See Section 1900 and 1901 for Area and Bulk Requirements. See Appendix A-01, Illustration A for Setback Dimensions.

1704 USES NOT PERMITTED

The purpose of listing specific forbidden uses in the zoned districts of this Resolution is to protect the welfare, health, safety, and comfort of the public. The following uses are specifically forbidden in all zoning districts or in districts as specified.

1704.1 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.

1704.2 The exposed storage of one (1) or more unlicensed and/or inoperative motor vehicle(s), excluding vehicle(s) primarily intended for agricultural uses, for more than forty-five (45) days.

a. Parking: With the exception of permitted storage facilities outlined in Section 1101.4 herein, no vehicles in excess of one (1) ton load-ratings shall be parked or stored on any property or upon a public roadway within a residential or commercial zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking. Box trucks, buses, house trailers, semi tractors, commercial trailers, or construction equipment of any type shall only be parked or stored in a completely enclosed building designed for same. Any such building must comply with minimum size and design standards.

b. Temporary Outdoor Sales & Services: Temporary sales and services may be permitted within parking areas within any commercial district. A zoning permit valid for a period not to exceed four (4) consecutive days shall only be issued three (3) times within any twelve-month period to any individual or organization. The application for the temporary zoning permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if it is determined that it encroaches upon less than twenty-five percent (25%) of the required parking area.

c. Temporary Retail Sales: Temporary retail sales such as sales of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business has vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A zoning permit valid for a period not to exceed two (2) consecutive days shall only be issued three (3) separate times for any particular lot within any twelve (12) month period; and, not more than one (1) permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license and a written statement from the property owner authorizing such use. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the zoning permit shall be prominently displayed at the site.

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

1704.3 The dismantling of used vehicles for sale, salvage or storage purposes.

1704.4 Slaughter houses and stockyards.

1704.5 Distilling of bones, fat, or glue; or glue or gelatin manufacturing.

1704.6 Shooting ranges using firearms.

1704.7 Wild and / or dangerous animals and reptiles.

1704.8 Racetrack for vehicles or animals.

1704.9 Dumping, storing, burying, land filling, reducing, disposing of or burning 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.

1705 PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS

No commercial vehicle in excess of one (1) ton rating shall be parked or stored on any property within a Residential District except in a completely enclosed building. The said prohibited use shall include semi-tractors, trucks, buses, house trailers, or semi-trailers, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premise where labor using such tools, materials, and equipment is to be performed during the actual time of parking.

1706 PONDS, LAKES, OR OTHER WATER DETENTION/RETENTION STRUCTURES

For this section, “Ponds” generally means “Ponds, Lakes, or Water Retention/Detention Structures”.

1706.1 The purpose of these regulations is to guide the development, design, maintenance, and structural integrity of ponds in Shawnee Township. It is the purpose of these regulations to promote the public’s health,

safety, welfare by minimizing local nuisances, as well as potentially dangerous health and safety concerns, and to further the general harmony between and amongst neighbors.

1706.2 Ponds are considered permanent structures for purposes of zoning administration and require a zoning certificate. No pond shall hereafter be located, constructed, repaired, extended, enlarged, converted, or altered without full compliance with the terms of this Resolution. Such ponds must be designed, inspected, and approved by the Allen County Soil and Water Conservation District, a licensed landscape architect, or a professional engineer proficient in pond design. The pond design shall conform to the United States Department of Agriculture, Natural Resources Conservation Service, Handbook Number 590 (available at http://www.in.nrcs.usda.gov/pdf%20files/ponds.pdf).

1706.3 "Pond" shall mean a natural or artificially formed structure with an enclosed body of water more than six hundred (600) gallons.

a. "Detention Pond" shall mean an artificially formed structure designed to hold storm water runoff, detaining it for a period of time before ultimately slowly discharging the water downstream. Detention ponds are to be designed to complement large scale residential, commercial, and industrial developments. Such ponds must be designed, inspected, and approved by the Allen County Soil and Water Conservation District, a licensed landscape architect, or a professional engineer proficient in pond design. The pond design shall conform to the United States Department of Agriculture, Natural Resources Conservation Service, Handbook Number 590 (available at http://www.in.nrcs.usda.gov/pdf%20files/ponds.pdf).

b. "Retention Pond" shall mean an artificially formed structure designed to hold water year round with the capacity to accommodate a limited amount of storm water runoff. Retention ponds are reservoirs of natural water designed to enhance aesthetic elements of large scale residential, commercial and industrial developments. Such ponds must be designed, inspected, and approved by the Allen County Soil and Water Conservation District, a licensed landscape architect, or a professional engineer proficient in pond design. The pond design shall conform to the United States Department of Agriculture, Natural Resources Conservation Service, Handbook Number 590 (available at http://www.in.nrcs.usda.gov/pdf%20files/ponds.pdf).

c. "Agricultural Ponds" shall mean a natural or artificially formed Structure which serves as a reservoir of water for year round agricultural use. Agricultural ponds are to be used for agricultural based activities including aquaculture, hatcheries, hydroponics, or

irrigation and animal-related maintenance/production activities. Agricultural ponds may also support fire suppression due to the lack of access to municipal water services. The use of such ponds are limited and restricted to those activities supported by the owners. Agricultural ponds shall not engage in off farm commercial uses or in any commercial recreational activities such as, but not limited to, fishing or swimming. Agricultural ponds shall not be located outside of an agricultural District. Such ponds must be designed, inspected, and approved by the Allen County Soil and Water Conservation District, a licensed landscape architect, or a professional engineer proficient in pond design. The pond design shall conform to the United States Department of Agriculture, Natural Resources Conservation Service, Handbook Number 590 (available at http://www.in.nrcs.usda.gov/pdf%20files/ ponds.pdf).

d. "Aesthetic, Garden, or Recreational Ponds" shall mean a natural or artificially formed structure which is intended to serve as a permanent reservoir of water serving aesthetic desires and/or as an activity center for year round use. Such ponds are designed for year round enjoyment and to further such activities such as wildlife habitats, swimming, fishing, ice skating, etc. Such ponds shall not engage in commercial uses or in any commercial recreational activities without the appropriate Zoning Permit and requisite Health Department approval. Such ponds open to the public shall be subject to the safety conditions of Section 1708. Such ponds must be designed, inspected, and approved by the Allen County Soil and Water Conservation District, a licensed landscape architect, or a professional engineer proficient in pond design. The pond design shall conform to the United States Department of Agriculture, Natural Resources Conservation Service, Handbook Number 590 (available at http://www.in.nrcs.usda.gov/pdf%20files/ ponds.pdf).

1706.4 Ponds shall be permitted only as an accessory use in all districts which allow ponds, provided the plans, specifications and construction meet the demands of the respective authorized and approving bodies.

a. Retention and Detention ponds shall be mandated in platted developments as approved by the Lima-Allen County Regional Planning Commission under the major subdivision process and engineered to further local concerns related to drainage, stormwater runoff, and sediment control standards: such pond locations/design shall be approved by the Allen County Engineer and considered exempt from minimum yard requirements as identified in the Area and Bulk Requirements of Article XIX, Sections 1900 and 1901.

b. Retention and Detention ponds shall be mandated in commercial developments approved by the Allen County Engineer under the

Allen County Stormwater & Sediment control standards: such pond locations/designs shall comply with the minimum yard requirements as identified in the Area and Bulk Requirements of Article XIX, Sections 1900 and 1901.

1706.5 For safety and to minimize water drainage across property lines, the outside base of mounding on any pond bank, or the water's edge if no mounding, shall not be located closer than thirty-five (35) feet from any property line and/or road right-of-way on any parcel. No main building may be located closer than twenty-five (25) feet. See Appendix A-11, Illustration K; Pond Setback Dimensions.

a. Ponds shall be measured from the lot line and/or road right-of-way to the perpendicular edge of the high water line. See Appendix A-11, Illustration K; Pond Setback Dimensions.

b. Where mounding is present, ponds shall be measured from the base of the mound to the lot line and /or road right-of way. See Appendix A-11, Illustration K; Pond Setback Dimensions. Said mounding shall be subject to the conditions of Section 1714.2.

1706.6 Pond Drainage: Ponds shall be developed with due consideration to storm run-off drainage. Pond drainage onto adjoining property shall not be channelized or increased so to cause damage to adjoining properties.

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

Drainage criteria for all construction in Shawnee Township, for ponds any size, shall conform to the Allen County Subdivision Regulations and the Allen County Storm Water Management and Sediment Control Regulations that are in effect.

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

1706.7 In order to further orderly and sustainable development, the location design and maintenance of all ponds shall be coordinated with the Allen County Subdivision Regulations, the Allen County Floodplain Management Regulations, the Allen County Storm Water Management & Sediment Control Regulations and the Shawnee Township Storm Water Management Plan as applicable. The burden of compliance

with such regulations lies with the property owner. For retention, agricultural and recreational ponds, design issues including size, depth, construction, maintenance, etc., shall reflect the criteria outlined in the electronic Field Office Technical Guide (eFOTG) made available at the United States Department of Agriculture's (USDA) Natural Resource Conservation Service (NRCS) web site (www.nrcs.usda.gov), or a similar method approved by the appropriate agency.

1706.8 Pond Maintenance: Maintenance of all detention and retention ponds in platted subdivisions shall be conducted by those responsible parties identified in the respective platting documents with inspection and any necessary remediation subject to design specifications as adopted by local governments. Maintenance of all aesthetic, agricultural and recreational detention ponds shall be regularly conducted pursuant to accepted practices as documented in the following publications: Ohio Pond Management, Bulletin #374, The Ohio State University Extension Office, and The Ohio Pond Management Handbook, The Ohio Department of natural Resources (1996). Maintenance of ponds shall routinely include the following points: (1) periodic inspections for seepage; (2) elimination of any brush and trees on dikes; (3) regular mowing of planted vegetation to maintain its vigor and suppress woody growth; (4) periodic inspection of pipe/spillway, especially after heavy rainfall events to ensure functional integrity and removal of any obstructions; (5) the control and elimination of burrowing rodents such as woodchucks, muskrats; (6) the maintenance of permanent grass/cover and any necessary re-seeding of deficient areas on dike; (7) routine application of aquatic herbicides according to manufacturers' directions as needed; (8) regular monitoring of pond water quality to identify and address water impairment issues (i.e. dumping grass clippings lawn fertilizer/herbicide applications. etc.); (9) minimizing any heavy vehicular traffic on dikes; and (10) the control of problematic (nuisance) wildlife populations especially Canadian Geese attracted to the pond area in consultation with local Wildlife Officers.

1707 SETBACK REQUIREMENTS FOR BUILDING ON CORNER LOTS

The principal building and its accessory structures located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located. See Section 1900 and 1901 for Area and Bulk Requirements. See Appendix A-01, Illustration A for Setback Dimensions.

1708 REGULATION OF SWIMMING POOLS AS ACCESSORY USES

Sections 1708 through 1708.3 inclusive shall apply to the location and maintenance of swimming pools.

1708.1 It is the purpose of Sections 1708 through 1708.3 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. Such restrictions shall not apply to those structures/facilities utilized in agricultural pursuits.

1708.2 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 six (6) feet in height, and it shall be maintained in good condition with a gate and lock.

1708.3 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.

1709 ARCHITECTURAL PROJECTIONS

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

1710 OBSTRUCTION TO ROADWAY VISIBILITY

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

1710.1 On a corner lot at the intersection of two streets in any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such a manner as to impede vision materially between a height of two and one half (2 ½) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot and a line joining points along said street lines fifty (50) feet from the point of the intersection of the centerlines of the streets.

1711 FENCE RESTRICTIONS

As used in this Section, a fence is generally a barrier intended to create privacy or protection, confine pets, and define the boundaries of a property. Fences may be constructed of wood, vinyl, brick, stone, steel, aluminum, as well as other materials. Fences and walls are interchangeable for the purposes of this Section.

1711.1 It is recommended that all fences conform to the requirements of any subdivision deed restrictions. Deed restriction information is available at the Allen County Recorders Office.

1711.2 All fences must be at least one (1) foot from the property line to allow for maintenance on both sides of the fence.

1711.3 No fence is to be constructed within an easement or road right-of-way.

1711.4 Fences must not obstruct sight of oncoming traffic. Fences may not be higher than thirty two inches (32") within the Sight Triangle. See Appendix A-09, Illustration I.

1711.5 All fences are to be considered structures for the purpose of constructing or siting and shall not be constructed to a height of more than four (4) feet in any district except as follows:

a. Fencing constructed around swimming pools will comply with Section 1708.2 of this Resolution.

b. Fences constructed as screens for privacy around patios may not exceed six (6) feet in height an must be within thirty (30) inches of the edge of patio.

c. No fence shall be erected nearer the street than the front of the fence owner's house. Decorative yard ornaments having some of the elements of a fence, but not serving the ordinary function of a fence, may be located as near as the road right-of way. Split rail posts and rails marking the front corners of a property, low stone walls surrounding a front porch or patio, and wood or stone retaining walls integrated into landscaping in a sloped yard are examples of decorative yard ornaments.

d. Agricultural fences are exempt from fence regulations in this Resolution.

e. A security fence in manufacturing and commercial districts shall not to exceed nine (9) feet including the barbwire. Barbwire can project outward as long as the barbwire topper does not encroach past the property line. The security fence will be maintained in good condition and free of all advertising signs and other signs so as not to impair vision.

f. Barbed wire, razor wire, and similar materials, as well as electric fences, are not permitted in Residential Districts.

1711.6 All fences shall have the finished side facing outward.

1711.7 Fences do not require a Zoning Permit.

1712 PRINCIPAL BUILDING PER LOT

No more than one principal building or structure may be constructed upon any one lot for the purposes of this Resolution.

In a Residential District, a dwelling, or multiple dwellings collectively (connected or separate), constitute a principle building. There must be a principle building or

structure before an accessory structure is allowed. In an Agricultural District, where the Current Agricultural Use Value (CAUV) is zero, there must be a principle building or structure before an accessory structure is allowed.

In an Agricultural District, an accessory structure may be allowed without a principle building or structure, if the principal use of the property is agricultural as identified by the Allen County tax records and has a Current Agricultural Use Value (CAUV) greater than zero.

The CAUV may be found on the web site of the Allen County Auditor. See Appendix D.

In no event may an accessory structure built in an Agricultural District be converted to a use other than a PERMITTED USE in Section 1001 or CONDITIONAL USE in Section 1002 of Article X.

1713 CONVERSION OF DWELLING TO MORE THAN ONE UNIT

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

1713.1 The conversion is in compliance with all other local codes and resolutions, and any applicable State or Federal regulations;

1713.2 The district within which the residence is located is so regulated as to allow such an increase in dwelling units;

1713.3 The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;

1713.4 The lot area per family meets the lot area requirements for new structures in that district;

1713.5 The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and,

1713.6 The conversion is in compliance with all other relevant codes and resolutions.

1714 DRAINAGE AND MOUNDING

1714.1 Drainage includes stormwater drainage, sump pump run off, flowing well overflow, pool or pond overflow, flowing spring discharge, and the like.

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

Elevations of the foundation and earthwork shall be designated by the responsible party and approved before any construction activities commence. Grade changes are to be accommodated by intercepting the lot drainage before exiting the premises by proper use of systems such as diversion channels, drainage swales, catch basins with suitable conduits to remove water, or a combination of these systems. The proposed drainage must be in compliance with current technology that is considered good design practice.

In conjunction with these regulations, drainage criteria shall be applicable for all construction on existing lots of any size as well as conform to the most current drainage criteria of the Allen County Subdivision Regulations, the Allen County Stormwater Management and Sediment Control Regulations, and the Shawnee Township Stormwater Management Plan. (Information on these regulations is available from the Lima-Allen County Regional Planning Commission, LACRPC. See their web site under "Regulatory Controls" http://lacrpc.com/documents/FINALREGULATIONS_000.pdf .)

All drainage and drainage control techniques shall be shown and described on plans submitted pursuant to these regulations. Any such plans shall be submitted for approval to the Zoning Inspector. Plans may require review and approval by the Allen County Engineer, especially those where drainage will have impact on adjacent properties.

1714.2 Mounding, Landscaping, Raised Beds, and Other Earth Works

No land shall be graded, cut, or filled so as to create a mound with a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance between abutting lot lines. Major cuts, excavation, grading, and filling, where the same materially changes the site and the relationship with the surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading, and filling will result in a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance between abutting lot lines or adjoining tracts of land, except where the Zoning Inspector has determined that adequate provision is made to retain runoff and eliminates the negative consequences of standing water. The possible impact of runoff or standing water on adjacent property may require the review and approval of the Allen County Engineer.

1715 GARAGE SALES

Garage sales, which for the purposes of this Section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted. There may be one (1) such sale at any location within a calendar year whether conducted by an individual, family, group of families,

neighborhood organization, or community organization and shall not exceed a period of three (3) consecutive days. Adequate legal parking must be available or provided. Signs must conform to the requirements of Section 1804.10.

ARTICLE XVIII

SIGNS AND OUTDOOR ADVERTISING STRUCTURES

1800 GENERAL

1800.1 **General Intent:** Shawnee Township recognizes that signs are an important means of visual communication for the public convenience and that businesses, services, and other activities have the right to identify themselves by using signs that are accessory and incidental to the use of the premises where signs are located. The purpose of this article is to protect the general health, safety, and welfare of the community by providing an instrument for protecting the physical appearance of the community and for encouraging high quality, effective outdoor graphics for the purposes of navigation, information, and identification. Specifically, it is the intent of this section to provide businesses in the township with equitable sign standards in accord with fair competition and aesthetic standards acceptable to the community, and to provide the public with a safe and effective means of locating businesses, services, areas, and points of interest in the township. This section is based on the premise that signs are as much subject to control as noise, odors, debris and similar characteristics of land use, and that if not controlled and regulated, can become a nuisance to adjacent properties or the community in general, or depreciate the value of other properties in the community. All signs located on land within the township and visible from any public right-of-way or adjacent property shall comply with this Article unless specifically exempted herein.

1800.2 **Regulatory Purpose:** This article regulates signage to protect the health, safety and welfare of the public and for the following specific reasons:

To protect the public from hazardous conditions which result from structurally unsafe signage;

To ensure that signage does not obscure or distract the vision of motorists, such as signs that compete or conflict with necessary traffic signs and warning signals, and which may cause a traffic hazard;

To protect the public from profuse signage or sign blight that detracts rather than facilitates identification of businesses and other land uses, and can become a nuisance to adjacent property owners and depreciate the value of other properties in the community.

To provide signage appropriate to land use and to make appropriate adjustments in the size and amount of signage based on land use and building size;

1800.3 **Regulatory Conflicts:** Nothing contained herein shall be deemed a waiver of the provisions of any other regulation applicable to signs. Signs located in areas governed by several applicable regulations shall comply with all such regulations. If there is a conflict between these regulations and any other regulations, the more stringent shall apply; except those properties regulated by Overlay District sign standards.

1800.4 **Severability:** The provisions of this code are severable. If any part of this code is declared unconstitutional by a final judgment of a court of competent jurisdiction, that decision shall not affect any portion of the code which remains, but the remainder shall be in full force and effect as if the portion declared unconstitutional had never been part of the code.

1801 DEFINITIONS

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

Abandoned Sign. A sign associated with an abandoned use, a sign that remains after the termination of the business, or a sign or its immediate premises not adequately maintained and not repaired with the specified time under Article 1808.

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

Architectural Projection. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also “Awning”, Backlit Awning” and “Canopy, attached and free-standing”.

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

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

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

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

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

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

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

Billboard. An off-premise sign directing attention to a specific business, product, service, entertainment or other activity sold, offered, or conducted off-site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ground Sign. See **Free-Standing Sign.**

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

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

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

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

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

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

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

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

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

Pole Sign. See **Free-Standing Sign.**

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

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

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

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

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

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

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

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

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

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

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

Setback. The distance from the property line and/or right-of-way to the nearest part of the applicable building, structure, or sign, measuring perpendicularly to the property line and/or right-of-way line. See Section 1900 and 1901 for Area and Bulk Requirements. See Appendix A-01, Illustration A; Setback Dimensions.

Sign. A sign is defined as any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, whether permanent or temporary, which is affixed to, painted on, or represented directly or indirectly upon, or projected onto a building, structure, lot, or other device,

whether mobile or affixed to the ground, and which directs attention to any object, product, place, activity, person, institution, organization or business. This definition includes all signs visible from any public right-of-way or adjacent property, including interior signs oriented towards the exterior facade of any building or structure as well as back-lighted translucent panels or strip lighting affixed to any wall or roof where any such panels or lighting serves to identify a business and attract attention rather than to illuminate space for human activity.

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

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

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

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

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

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

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

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

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

1802 PERMIT REQUIRED

The erection or location of any sign within Shawnee Township shall require a Zoning Permit unless otherwise specified within this Article. In addition, signs may require a Building Permit under provisions of the Ohio Building Code. Exemptions from the necessity of securing a zoning or building permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this Article.

1802.1 When applying for a Zoning Permit for a sign, the following materials must be submitted:

a. A completed application and fee for each requested sign, signed by the owner of the premises upon which the sign is to be displayed.

b. Scale elevation drawing(s) of proposed sign(s) showing the design proposed, the materials used, the sign dimensions, the size, style, color and lettering type, lines and symbols and method of illumination.

c. Construction details, foundation and anchorage details, stresses and loads, and engineering calculations signed and sealed by a registered design professional when required by the Ohio Building Code.

d. A dimensioned site plan showing the exact location of proposed sign(s) in relation to adjacent buildings, lot lines or other structures.

e. For freestanding signs, a sign base landscaping plan.

Applications for a Building Permit for a sign must be submitted to the Shawnee Township Zoning Inspector and shall include the applicable fee and submittals required.

1802.2 Fees: The applicant for a Zoning Permit shall pay such fees as are prescribed by the Shawnee Township Trustees.

1802.3 Inspection: All signs and billboards erected within this Township are subject to inspection, whether a Permit is required or not, prior to erection. The Township Zoning Inspector, or any other official of the Township, is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this article are being complied with. Such inspection may be made at any reasonable time and the Township Zoning Inspector shall initiate the removal of any sign or billboard that is not maintained in accordance with the provisions of this Resolution.

1803 GENERAL REQUIREMENTS

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

1803.1 Conformance to Codes: Article and applicable provisions of the Ohio Building Code and of any other ordinance or regulation within this jurisdiction.

1803.2 Location: No sign shall be located nor project into the right-of-way of any public or private road within the Township. Signs shall not prevent free ingress to or free egress from any door, window or fire escape.

Said sign or signs shall be located in strict compliance with this Resolution, or in strict compliance with Article 1810 of the Shawnee Township Zoning Resolution.

No sign shall be permitted in Shawnee Township that interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares. Refer to Appendix A-09, Illustration I; Sight Triangle Easement.

1803.3 Size: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames, bracing and structural members shall not be included in the computation of the surface area unless such support members are made a part of the message or face of the sign. Architectural features of a building and nonstructural or decorative trim and areas separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border, are also not included in the surface area of a sign.

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

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

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

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

1803.4 Height: No sign shall be erected to a greater height than permitted by the specific provisions of this Resolution and in compliance with Article 1810. If no maximum height is otherwise set forth, no sign shall be erected at a height greater than fifteen (15) feet. The height of a sign shall be the distance from the established grade line at the base of the sign to the highest point of the sign or sign structure.

1803.5 Design:

a. Lettering: There shall not be more than two (2) types or more than three (3) sizes of lettering used for any sign including characters or trademarks used for identification.

b. Signs shall not use the words “STOP”, “LOOK”, “DANGER”, or other similar words that may mislead or confuse traffic.

c. Colors: Any three (3) colors, plus black and white may be used on any sign. The background color is considered one of the colors.

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

1803.6 Landscaping. The base of all permanent ground mounted signs shall be effectively landscaped with living plant material and maintained in good condition at all times. The minimum landscaped area shall extend at least four feet beyond all faces or supporting structures in all directions. Exposed foundations must be constructed with a finished material such as brick, stone, or wood, or be screened with evergreens to the top of the anchor bolts. The landscaped area shall include all points where sign structural supports attach to the ground.

1803.7 Lighting: If illuminated, signs shall be illuminated only by the following means:

a. By a white steady, stationary light of reasonable intensity directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

b. By white interior light of reasonable intensity with logos and/or letters lit or silhouetted on a translucent background. No additional lighting shall be permitted.

c. Non-flashing neon.

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

1803.8 Structure. All signs shall be so constructed that they will withstand a wind pressure of at least thirty (30) pounds per square foot of surface, and will be otherwise fastened, suspended or supported so that they will not be a menace to persons or property. Signs subject to the Ohio Building Code must also conform to applicable provisions therein.

1803.9 Maintenance. All signs and related surroundings shall be properly maintained and shall not show signs of rust or corrosion, exposed wiring, chipped paint or faces, cracked, broken, or missing faces, or loose materials.

1803.10 Visibility: Any interior window sign visible from the outside shall be considered an exterior sign and shall be subject to all provisions of the Shawnee Township Zoning Code.

1803.11 Multi-tenant properties. For all buildings or complexes designed and/or intended for multi-tenant usage, a total sign plan conforming to the requirements of this Code must be submitted to the Zoning Inspector or designee before any sign permit for the complex or individual tenant will be issued. The sign plan shall address, at a minimum, the following:

a. Proposed sign locations.

b. Materials.

c. Type of illumination.

d. Design of free-standing structures.

e. Size.

f. Quantity.

g. Uniform standards for non-business signage, including directional and informational signs.

1804 PERMITTED SIGNS – NO PERMIT REQUIRED

The following signs shall be permitted in the Township subject to the regulations set forth herein. No permit shall be required for any sign constructed or erected under the terms of this article. Under no circumstances shall the signs be located in the road right-of-way nor illuminated in any manner. No sign shall have more than two (2) sides. All signs shall comply with requirements listed in Article 1810.

1804.1 Real Estate Signs for sale, lease or rent of the premises on which the sign is located shall be limited to one sign per street frontage. Such signs shall not be illuminated and shall not exceed six (6) square feet of area per side. All such signs shall be removed within thirty (30) days after occupancy. See Article 1805 - Permit required - for signs larger than six (6) square feet on parcels greater than fifteen (15) acres.

1804.2 Directional Signs: Directional or other incidental signs pertaining to vehicular or pedestrian control on private property, provided the said signs are located outside the right-of-way of any public street or road,

shall be permitted provided said signs do not exceed four (4) square feet of area per side, do not exceed four (4) feet in height, and do not interfere or obstruct visibility when entering or leaving property. In M-1 zones, the height may be increased to five (5) feet. Such signs may contain information such as “in”, “enter”, “entrance”, “out”, “exit”, “do not enter” or similar language as approved by the Zoning Inspector. Arrows indicating desired traffic movement may also be used for directional signage. No more than twenty-five (25) percent of the area of any directional signage shall be permitted to be devoted to business identification or logo, which area shall not be assessed against the permitted sign area. No more than one directional sign shall be permitted per street entrance to any lot. Directional signs must be on the property to which they refer. Off-site directional signage shall require a variance from the Board of Zoning Appeals.

1804.3 Name and Address of Occupant of residential property, not to include designations as to employment or home occupation, and to be limited in size to no more than two (2) square feet in area per side. No more than one (1) sign shall be permitted.

1804.4 Temporary Signs for community activities and events shall be permitted in any district of the Township provided the said signs are located outside the right-of-way and that said signs:

a. Shall not interfere with visibility of traffic entering or leaving the highway.

b. Are erected or posted not more than thirty (30) days prior to an event and are removed within seven (7) days following said event.

c. Are capable of posting and removal without destruction of public or private property.

d. Are not attached to any structures including utility poles, light poles, and fences.

e. Designate the name and address of the landowner and/or person and committee charged with removal of the sign.

f. Shall not exceed five (5) feet in height and thirty-two (32) square feet in area per side.

Such signs include signs for the promotion of school, community service or church activities or a community event or election. No more than sixty-four (64) square feet of such signage shall be permitted on any one (1) lot or parcel of land. The location of the sign(s) shall be in conformance with the requirements of Article 1803. No one sponsor shall display such promotional signs for more than ninety days in any one year.

1804.5 Farm Signs denoting the name and address of the occupants, denoting produce or products for sales on the premises and denoting membership in organizations. No more than two (2) signs of any type may be permitted. Advertising signs may not exceed thirty-two square feet of area per side and all other signs shall be limited to six (6) squares feet per side. Farm signs are permitted only in the A district and on parcels of 10 acres or larger in size.

1804.6 Business/Professional signs: One (1) sign having not more than 4 square feet of display area on or over a show window or door of a store or business establishment, announcing without display or elaboration, only the name of the proprietor and the nature of his business.

1804.7 Public Use Facilities: Signs designating public uses or facilities shall be in conformity with this Resolution.

1804.8 Each and Every Premise within Shawnee Township shall be easily identified by street numbers visible from the street to assist Fire and Rescue Personnel.

1804.9 Historical Signs, Commemorative Plaque or Cornerstones placed by recognized historical agencies, provided that such signs are less than nine (9) square feet in area and not illuminated.

1804.10 Yard, Garage, or Moving Sales: A sign advertising the sale of personal property may be temporarily erected on the same lot as the sale provided such sign is not located in the right-of-way of any public street or road and shall not interfere or obstruct visibility when entering or leaving property. The signs must be removed on the last day of the sale, not to exceed seven (7) days nor more than twenty-one (21) days in a year or a permit is required.

1804.11 Construction Signs: Signs identifying a construction project may be temporarily erected upon the same lot as the project. Such signs shall be permitted only for the length of the construction project or for eighteen (18) months, whichever is shorter. Any extension past the eighteen (18) months shall be subject to approval by the Zoning Inspector. Construction signs shall contain only the name of the construction project, the construction firm(s), the engineer, the architect and/or the subcontractors involved in the project, the address of the project and/or lot number. Signs can be erected up to sixty (60) days maximum prior to the beginning of construction. Only one (1) construction sign shall be permitted per project. Maximum sign area permitted shall be six (6) square feet for each single dwelling unit for residential structures up to a maximum of thirty-two (32) square feet per side for all principal structures. All signs shall be set back from the street right-of-way per Article 1810. Additional temporary signs identifying subcontractors working on the project not to exceed six (6) square feet in size per subcontractor may be erected on the site for the

period of time the subcontractor is working on the site or for 90 days, whichever is less.

1804.12 Signs for Home Occupations: One (1) sign per residence no larger than four (4) square feet shall be permitted for the purpose of announcing a home occupation which has complied with all of the requirements of the Shawnee Township Zoning Resolution.

1804.13 Property Control Signs: (No Hunting, Keep off the Grass, etc.) shall be permitted not to exceed two (2) square feet in size.

1804.14 Window Signage with a total area of less than two (2) square feet and bearing only information about entry and exit, business hours and/or discount and credit systems accepted in that establishment (e.g., American Express, MasterCard, Visa, Golden Buckeye Card).

1804.15 Signs incorporated into a window display of a business other than those addressed in Article 1804.15, provided such window display signs are:

a. Limited to forty percent (40%) of the total first floor window area.

b. Placed only in ground floor level windows.

c. Illuminated only from a concealed source, and in accordance with Article 1803.7.

1804.16 Flags, pennants, or insignia of any nation, state, city, or other political unit. Flags may be illuminated as required by law.

1804.17 Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, or warnings at railroad crossings.

1804.18 Holiday Signs. Signs clearly in the nature of decorations customarily associated with any recognized holiday, to be limited to an aggregate total of 60 days in any one year, and to be displayed not more than 60 consecutive days. Such signs may be illuminated, providing no safety or visibility hazards are caused by such illumination. Animated and flashing holiday signs are permitted for residential uses only, providing no safety or visibility hazards are caused by such illumination.

1804.19 Scoreboards used for sporting events, including sponsorship signs. The sponsorship portion shall not to exceed fifty percent (50%) of the area of the scoreboard.

1804.20 Security system signs displaying information about the security system protecting buildings or property, provided that such signs do not exceed one square foot in area.

1804.21 Construction trailer signs painted on or affixed to construction trailers, vans, or other vehicles temporarily in use on a construction site.

1804.22 Transit Shelter Signage customarily applied to public transit facilities by the transit authority shall be permitted.

1805 PERMITTED SIGNS – PERMIT REQUIRED

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

1805.1 Real Estate Signs in All Zoning Districts: On parcels exceeding fifteen acres, one (1) sign not to exceed thirty-two (32) square feet per side and eight (8) feet in height. Signs identifying a property for sale, rent or lease may be placed on-site until thirty (30) days after occupancy. Where a parcel has frontages on two (2) or more roads, one (1) sign may be permitted on each road on review of the Zoning Inspector. Such signs shall not be illuminated and shall be set back from the public right-of-way a minimum of ten (10) feet. Said signs may remain on a premise for a period not to exceed eighteen (18) months without renewal.

1805.2 Subdivision Sale Signs: One (1) sign providing information on the sale of lots within an approved and recorded subdivision may be placed at each entrance to the subdivision until ninety percent (90%) of the lots within the subdivision are sold. Subdivision sale signs shall contain only the name of the subdivision, the name of the owner, the name of the developer and information regarding price, terms and the location and telephone number of the sales office. All such signs shall not exceed thirty-two (32) square feet and shall be set back from the right-of-way a minimum of ten (10) feet.

1805.3 Model Home Signs: One (1) sign per model home providing information on the builder, telephone number, and hours of operation. Signs shall be no more than six (6) square feet per side, no more than two (2) sides and may be placed on the property until ninety percent (90%) of the lots within the subdivision are sold.

1805.4 Permanent Subdivision Identification Signs in all zoning districts shall be limited to two (2) signs per entrance along major thoroughfares and shall not obstruct the visibility at any intersection. Such signs shall contain only the name of the subdivision they identify. The signs shall not exceed eight (8) feet in height, nor shall they exceed thirty-two (32) square feet on either side, and shall be landscaped. Identification signs shall not contain any advertising of products or changeable copy.

1805.5 Changeable Copy Signs: Permanent signs with changeable copy shall be permitted only under the following conditions:

a. For publicly owned facilities in all zoning districts.

b. For the following non-public owned and operated buildings and facilities provided the signs do not exceed twelve (12) square feet in size and otherwise meet the other requirements of this article: churches, private schools, colleges and community service organizations.

c. In B-1 and B-2 Districts for gas station price information (refer to 1805.7.2), for menu boards (refer to 1805.8), for motion picture theaters and for establishments with live entertainment. Such signs will be assessable against the permitted sign face area, except for menu board signs that do not face the public right-of-way.

d. For time and temperature signs, provided the signs do not exceed six (6) square feet and otherwise meet the other requirements of this article.

e. Signs with changeable copy as may be required by law.

1805.6 Seasonal Business. One sign per street frontage is allowed for a seasonal business. Such signs are limited to 32 square feet in area and 8 feet in height. They must set back at least 8 feet from any public right-of-way. Such signs are limited to three colors, including black and white. Seasonal business signs may be displayed 15 days prior to opening the business and shall be removed within 7 days of when the business closes for the year.

1805.7 Gasoline Stations. Gasoline stations, whose principal business is the sale of motor fuel, may display signs in addition to those herein authorized. Such signs shall be limited to the following:

a. One non-illuminated, double-faced sign not exceeding three square feet on a side is permitted for each set of motor fuel pumps identifying “self service” or “full service”.

b. Price and grade information can be displayed, in changeable copy.

c. Signs limited to the identification of the brand name, logo or type of fuel sold and other signs as may be required by law shall be permitted on the motor fuel pumps. No signs projecting above the pumps may be permitted, except as required by law.

d. Any other such signs as may be required by law.

1805.8 Drive-thru Menu Board Signs: A drive-thru menu board sign is permitted when located on the property to which it refers. The size of the sign shall not exceed sixty four (64) square feet.

1805.9 Business or Industrial Wall Signs: Wall signs are permitted for any business or use and shall comply with the following requirements:

a. The maximum allowable sign face area for wall signs shall be one square foot for every lineal foot of width of the building face to which the sign is attached, but the total aggregate square footage of wall signage shall not exceed the maximum size allowed for the use as shown in Article 1810. The maximum height for a wall sign shall be fifteen (15) feet, measured from the established grade line to the top of the sign, but in no case extending above the roof line of the building.

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

c. The function of such sign shall be relevant to the use of the property on which it is located.

1805.10 <u>Free-Standing Signs in Business and Industrial Districts</u>: A free-standing sign shall be permitted for any business or use based on the following conditions:

a. The maximum allowable size of a free-standing sign in a B-1 or B-2 District shall be such that the total free-standing signage does not exceed thirty two (32) square feet for parcels located on two lane roadways and fifty (50) square feet for parcels located on roadways with four or more lanes.

b. In an M-1 District, the maximum allowable size of a free-standing sign shall be fifty (50) square feet.

c. In B1 and B-2 Districts, the maximum height of such signs shall not exceed fifteen (15) feet above the established grade line or 15' above the grade at the edge of the street, whichever is greater, but in no case shall the height exceed 20'. In M-1 Districts, the maximum height of such signs shall not exceed twenty (20) feet above the established grade line or 20' above the grade at the edge of the street, whichever is greater, but in no case shall the height exceed 25'.

d. Not more than one (1) free standing sign may be authorized for any one (1) operation or establishment, except a second free standing sign of the same height and size is permitted if the site has frontage on two streets and the frontage on each street exceeds 200'. The signs shall be no closer than two hundred (200) feet when measured along the right-of-way line. Where more than one (1) operation or establishment is located on a single tract of land, having an entrance or parking area or areas used in common by the customers of such operations or establishments, only one (1) free standing sign may be authorized for the entire tract. Refer to 1805.18 for additional requirements for Joint Identification Signs.

e. No part of such sign will be closer to any street right-of-way line than fifteen (15) feet. No sign or its supporting structure shall be any closer to any other property line than the applicable building setback line.

f. The function of such sign shall be relevant to the use of the property on which it is located.

1805.11 Canopy and Marquee Signs. Canopy and Marquee signs shall be allowed in any B-1 or B-2 District, subject to the following conditions:

a. The permanently-affixed copy area of canopy or marquee signs shall not exceed 25 percent of the face area of the canopy, marquee or architectural projection upon which such sign is affixed or applied, or the permitted area for wall signs, whichever is less.

b. Graphic striping, patterns or color bands on the face of a building, canopy, marquee or architectural projection shall not be included in the computation of sign copy area.

c. Canopy and marquee sign copy area shall be deducted from the allowable area for wall signage provided in Article 1805.9.

1805.12 Awning Signs. Awning signs shall be allowed in any B-1 or B-2 District, subject to the following conditions:

a. The copy area of awning signs shall not exceed 25 percent of the background area of the awning or awning surface to which such sign is affixed or applied, or the permitted area for wall signs, whichever is less.

b. Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

c. Awning sign copy area shall be deducted from the allowable area for wall signage provided in Article 1805.9.

d. Backlit awnings must meet the requirements for lighting provided in Article 1803.7.

1805.13 Projecting Signs. Projecting signs shall be permitted in lieu of free-standing signage along any street frontage limited to one sign per occupancy along any street frontage with public entrance to such occupancy. Requirements regarding permitted locations, maximum size and height, setback and permit requirements shall be the same as for free-standing signs in business and industrial districts (refer to Article 1805.10). Projecting signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of nine (9) feet.

1805.14 Under Canopy Signs. Under canopy signs shall be allowed in any B-1 or B-2 District, subject to the following conditions:

a. Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed four (4) square feet.

b. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of nine (9) feet.

c. Under canopy sign copy area shall in addition to the allowable area for wall signage provided in Article 1805.9.

1805.15 Outdoor display of merchandise. Outdoor displays of merchandise for sale and visible from the public right-of-way or from adjoining properties shall be limited to 20% of the entire area of a property. This requirement shall not apply to landscape plant material sales or automobile and truck sales and rentals. Signs related to the sale of outdoor displays of merchandise shall be limited to one per street frontage and the area of such signs shall be limited to six (6) square feet and shall not exceed five (5) feet in height. Such signs will be permitted only in B-1 and B-2 Districts.

1805.16 Temporary Special Event and Grand Opening Signs. Signs temporarily displayed to advertise special promotions, events, grand openings shall be permitted in B-1 and B-2 Districts subject to the following limitations:

a. Such signs shall be limited to one sign per lot.

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

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

1805.17 Joint Identification Sign. One free-standing sign identifying the name of a shopping center or other building complex shall be permitted, if there are multiple uses sharing the same site. The sign face area of a joint identification sign dedicated to the identity of the development shall not exceed thirty-two (32) square feet. The sign face area of the sign dedicated to the identification of the individual occupants shall be twelve (12) square feet for each of the individual occupants of the development, with the total area of the sign not to exceed ninety (90) square feet and twenty (20) feet in height. A second joint identification sign of the same height and size is permitted if the site has frontage on two streets. The signs shall be no closer than 200 feet. A total sign plan conforming to the requirements of this code must be submitted to the Zoning Inspector or designee before any sign permit for the complex or individual tenant will be issued.

1805.18 ATM's. Signage for all ATM's (Automated Teller Machines) shall not be assessable against the allowable area for wall signage permitted in Article 1805.9. Such signage shall not exceed ten (10) square feet per ATM.

1806 CONDITIONALLY PERMITTED SIGNS – PERMIT REQUIRED

Any sign not specifically permitted in this Article 1800 shall require a variance or conditional use permit from the Board of Zoning Appeals as provided in Article 800 of the Shawnee Township Zoning Resolution.

1807 PROHIBITED SIGNS

The following signs shall be prohibited in Shawnee Township:

1807.1 Signs mounted upon the roof of any building or structure.

1807.2 Signs not otherwise specifically authorized by this Resolution, signs installed without a required permit or zoning certificate, or signs installed which do not meet applicable regulations.

1807.3 Off-premise signs, bench signs, billboards, changeable copy signs (except as provided in Article 1805.5), moving or rotating signs, trailer signs, portable signs, portable billboards, pennants, streamers, spinners, banners, flashing signs, projected images and animated signs, fluctuating lights, blinking lights, intermittent lights, string of lights, "A" frame signs and sandwich boards, gas-inflatable signs or devices, and other similar devices as specifically used for advertising purposes.

1807.4 Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.

1807.5 No sign or billboard shall be painted directly upon the roof of any building or structure.

1807.6 Advertising devices that attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.

1807.7 No signs shall be posted, attached, mounted or otherwise applied on traffic control signs, fences, street signs, traffic signal poles, utility poles, or any other unapproved supporting structure.

1807.8 No vehicle, trailer, or equipment of any type may be parked permanently for more than thirty (30) days on a business premises or a lot for the purposes of advertising a business, product, service, event, object, location, organization or the like. A vehicle or trailer may be exempted from this restriction if the vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate. Vehicles and trailers shall not be utilized primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

1807.9 No sign shall be located on a vacant lot, EXCEPT for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of a present danger or the prohibition of trespassing.

1807.10 Signs may not be installed in any public right-of-way unless specifically authorized by the County Engineer. Signs may not be installed in any utility easement.

1808 ENFORCEMENT: PROHIBITED, HAZARDOUS AND ABANDONED SIGNS

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

1808.1 Notification of Unlawful Signs. No prohibited, hazardous, abandoned or defective sign shall be allowed within Shawnee Township, nor allowed to continue by variance.

a. Prohibited Signs (as described in Article 1807). Notice shall be given by certified mail or personal service to the owner or lessee of any prohibited sign or the owner of the property on which it is located. The notice shall state that such prohibited sign shall be altered to conform with this regulation or be removed within (24) hours after the notice has been received. The Shawnee Township Zoning inspector or other authorized township personnel may remove the sign and store at the township premises. Removal shall be at the owner's expense.

b. Hazardous Signs. Hazardous signs are those signs that by reason of inadequate maintenance, dilapidated condition, obsolescence, or need of structural repair create an imminent hazard to public health, safety or welfare, as declared by the Zoning Inspector. Said signs are declared a nuisance and shall not be allowed within Shawnee Township. Notice shall be given by certified mail or personal service to the owner or lessee of any defective sign or the owner of the property on which it is located. The notice shall require defective sign removal or abatement within 24 hours. The Shawnee Township Zoning inspector or other authorized township personnel may remove the sign and store at the township premises. Removal shall be at the owner's expense.

c. Abandoned or Defective Signs: If any sign or billboard shall become abandoned in any manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned or defective sign or billboard is any sign or billboard that meets any of the following criteria:

   i. A sign that remains at the time a business (or use) identified by the sign discontinues the business or vacates the premises. A business has ceased operations if it is closed to the public for at least one hundred eighty (180) days or if substantially all of the material and/or equipment associated with the business has been removed for at least one hundred eighty (180) days. Seasonal businesses are exempt from this determination.

   ii. A sign or billboard associated with an abandoned non-conforming use.

   iii. Any sign or billboard that is not maintained in accordance with this Resolution (refer to Article 1803.9).

d. Abandoned or defective signs as hereinabove defined shall be declared a public nuisance by the Zoning Inspector. Notice shall be given by certified mail or personal service to the owner or lessee of any abandoned or defective sign or the owner of the property on which it is located. The notice shall require the abandoned or defective sign be removed or replaced within (24) hours as determined by the following circumstances:

   i. Signs that were used by a business which are determined will be used by a new business re-occupying the structure may remain, but the sign face must be replaced by a blank panel. Such a sign must conform to this code.

   ii. Signs that were used by a business which are found to be non-conforming with this code must be removed from the property, including all supporting structure.

1808.2 **Appeals of Notice to Remove:** The owner or lessee of a sign or the owner of the property on which a sign is located who has been notified by Shawnee Township that said sign is prohibited, hazardous or abandoned may appeal such decision to the Board of Zoning of Appeals within five (5) days of the receipt of such notice for prohibited and hazardous signs and within twenty (20) days for abandoned signs. The appeal shall contain the appellant's name and address, the decision being appealed, and a brief explanation why the appellant should not be required to comply with the decision being appealed.

1808.3 **Failure to Comply with Notices:** If the owner or lessee of a prohibited, hazardous or abandoned sign or the owner of the property on which such sign is located fails to comply with notice given pursuant to this section within the time specified, Shawnee Township is authorized to cause the action required by this resolution and notice. All costs incurred by Shawnee Township plus an administrative cost of fifteen percent (15%) of the direct costs shall be charged against the real property and its owners.

1808.4 **Other Remedies:** Any unpaid charge plus all costs and penalties shall constitute a debt due Shawnee Township. The Prosecutor shall, at the direction of the Shawnee Township Trustees, institute civil suit in the name of Shawnee Township to recover such charges, cost and penalties. Shawnee Township may prevent by injunction and require removal of any sign erected without a permit. These remedies shall be cumulative with all other remedies. No charge or conviction of violation of this regulation, or action, or remedy exercised hereunder, shall be exclusive, and none shall preclude the bringing of any charges of violation, or the exercise of any other remedy hereunder.

1809 NONCONFORMING SIGNS

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

1809.1 Termination of Legal Nonconforming Signs. A legal nonconforming sign must be brought into conformance or terminate and cease to exist if any one of the following conditions occur:

a. Whenever the sign is damaged more than 50% of its total replacement value, destroyed from any cause whatsoever, or becomes obsolete or substandard to the extent that the sign becomes a hazard or a danger.

b. The business to which the sign pertains expands the building gross floor area or parking area or loading area twenty percent (20%) or more from the effective date of this resolution.

c. Whenever there is a request made for a permit to alter the structural support of the sign.

d. Whenever there is a request for a building permit to make improvements to the façade of the building on which the nonconforming sign is located excluding normal repair or maintenance efforts.

e. When a change in the size or shape of a sign or a change in the area of sign copy occurs.

f. When a change in the sign copy occurs that does not apply to the original use or the original owner associated with the sign.

g. When a sign is relocated.

1809.2 Termination of Illegal Nonconforming Signs. An illegal nonconforming sign is considered a prohibited sign under Article 1807 and is subject to removal under Article 1808.

Section 1810 - Table of Sign Area, Height, and Setback Requirements – page 1

	Zoning Districts:							Requirements:					
Sign Type	A	R-I	R-II	R-III, R-IV, PUD	B-I & B-II	B-III & B-IV	I	Max. Size	Max. Height	Setback from R.O.W	$75 fee when Permit Req'd	No. of Signs Allowed	Notes
Real Estate Signs	Y	Y	Y	Y	Y	Y	Y	6 SF	4'	1'	No	1/Frontage	Non-illuminated
Real Estate on 15 acres +	Y	Y	Y	Y	Y	Y	Y	32 SF	8'	10'	Yes	1	Non-illuminated
Directional Signs	N	N	N	Y	Y	Y	N	4 SF	4'	1'	No	1/Entrance-	
Directional Signs - Manufacturing	N	N	N	N	N	N	Y	4 SF	5'	1'	No	-	
Off Premises Directional Signage	Y	N	N	N	Y	Y	Y	6 SF	4'	10'	Yes		Variance required
Name & Address Signs	Y	Y	Y	Y	Y	Y	Y	2 SF	8'	1'	No	1	
Temporary Community Event Signs	Y	Y	Y	Y	Y	Y	Y	32 SF	5'	1'	No	2	
Grand Opening & Special Event Signs	N	N	N	N	Y	Y	N	32 SF	8'	10'	Yes	1	
Farm Signs	Y	N	N	N	N	N	N	6 SF	4'	1'	No	see notes	2 total
Advertising Signs on Farms	Y	N	N	N	N	N	N	32 SF	8'	10'	No	see notes	See above
Business/Professional Signs	Y	Y	Y	Y	Y	Y	Y	4 SF	8'	on bldg.	No	1	
Historical/Commemorative Signs	Y	Y	Y	Y	Y	Y	Y	9 SF	8'	1'	No	1	Non-illuminated
Yard, Garage or Moving Sale Signs	Y	Y	Y	Y	Y	Y	Y	6 SF	4'	1'	No	1	7 days maximum
Construction Signs - single residence	Y	Y	Y	Y	Y	Y	Y	6 SF	4'	1'	No	1	
Construction Signs - major structure	Y	Y	Y	Y	Y	Y	Y	32 SF	8'	10'	No	1	
Home Occupation Signs	Y	Y	Y	Y	Y	Y	N	4 SF	8'	on bldg.	No	1	Non-illuminated
Property Control Signs	Y	Y	Y	Y	Y	Y	Y	2 SF	3'	1'	No	-	
Window Signs w/ hours & credit Info.	N	N	N	N	Y	Y	Y	2 SF	8'	on bldg.	No	1	
Signs in Window Display	N	N	N	N	Y	Y	N	see note	1st floor only	on bldg.	No	-	Up to 40% of window area
Business or Industrial Wall Signs	N	N	N	N	Y	Y	Y	see note 1	see notes	on wall	Yes	-	15 SF in B Districts 20 SF in I District
Free Standing Signs	N	N	N	N	Y	Y	Y	see note 2	15'	15'	Yes	1	
N= Not Permitted Y = Permitted													

Note 1: One (1) Sq Ft/Lineal Ft of building width, not to exceed 64 Sq Ft in B Districts or 100 Sq Ft in Industrial District. In no case less than 20 Sq Ft.
Note 2: In B Districts, not to exceed 32 Sq Ft. on 2 lane road, 50 Sq Ft on 4 lane road. In Industrial District, not to exceed 50 Sq. Ft.

Section 1810 - Table of Sign Area, Height, and Setback Requirements – page 2

	Zoning Districts:							Requirements:					
Sign Type	A	R-I	R-II	R-III, R-IV PUD	B-I & B-II	B-III & B-IV	I	Max. Size	Max. Height	Setback from R.O.W	Permit Req'd	No. of Signs Allowed	Notes
Subdivision Sale Signs	N	Y	Y	Y	Y	Y	N	32 SF	8'	10'	Yes	1/Entrance	
Model Home Signs	N	Y	Y	Y	Y	Y	N	6 SF	6'	10'	Yes	1	
Permanent Subdivision Ident. Signs	N	Y	Y	Y	N	N	N	32 SF	8'	15'	Yes	2/Entrance	
Canopy and Marquee Signs	N	N	N	N	Y	N	N	see note 1	15'	on bldg.	Yes	-	Up to 25%of face area of canopy, Deduct from allowable wall signage area
Awning Signs	N	N	N	N	Y	N	N	see note 1	15''	on bldg.	Yes	-	Up to 25% of awning area. Deduct from allowable wall signage area
Projecting Signs	N	N	N	N	Y	Y	Y	see note 1	15'	15'	Yes	1	In lieu of free-standing sign. Min. vertical clearance of 9'
Under Canopy Signs	N	N	N	N	Y	N	N	4 SF	15'	1'	Yes	1	Min. vertical clearance of 9'
Outdoor Display of Merchandise	N	N	N	N	Y	N	N	6 SF	5'	10'	Yes	1	
Menu Boards	N	N	N	N	N	Y	N	50 SF	15'	15'	Yes	1	
Changeable Copy Signs	Y	N	Y	Y	Y	Y	Y	Varies	8'	15'	Yes	1	Refer to Article 1805.5 for limitations
Seasonal Business	N	N	N	N	Y	N	N	32 SF	8'	15'	Yes	1	
Joint Identification Sign	N	N	N	N	Y	Y	Y	see note 2	20'	15'	Yes	1/Frontage	For multi-occupancy developments
ATM Signage	N	N	N	N	Y	N	N	10 SF/ ATM -	15'	15'	Yes	See notes	1 lane use sign per ATM, 1 sign on ATM and 1 identification sign per street frontage
N = Not Permitted Y = Permitted													

Note 1: One (1) Sq Ft/Lineal Ft of building width, not to exceed 64 Sq Ft.
Note 2: 32 Sq Ft plus 12 Sq Ft per tenant, not to exceed 90 Sq Ft.

ARTICLE XIX

AREA AND BULK REQUIREMENTS

Section 1900 - RESIDENTIAL AND AGRICULTURAL DISTRICTS

SCHEDULE OF REGULATIONS

Zoning District	Number of Dwelling Units	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area Per Family Unit (Sq. Ft.)	Minimum Lot width (C) (Feet)	Minimum Front Lot Line (Feet)	Minimum (Front) Setback (D) (Feet)	Yard Setback (Side) (Feet)	Yard Setback (Rear) (Feet) (F)	Min. Floor Area Per Dwelling Unit (Sq. Ft)	Max. Height of Structure (Feet)
R-I	1	12,150 (A) 108,900 (B)	12,150 (A) 108,900 (B)	90	50	55 90 (E)	8 Each	35	1,300	35
R-II	1	10,890 (A) 108,900 (B)	10,800 (A) 108,900 (B)	90	50	55 90 (E)	8 Each	35	1,300	35
	2	13,125 (A) 217,800 (B)	6,562 (A) 108,900 (B)	90	50	55 90 (E)	8 Each	35	1,000	35
R-III	2	13,125 (A) 217,800 (B)	6,562 (A) 108,900 (B)	90	50	55 90 (E)	8 Each	25	1,000	35
	3 or 4	15,750 (A)	3,937 (A)	90	50	55 90 (E)	8 Each	25	1,000	35
R-IV	5 or more	18,000 (A)	3,600 (A)	90	50	55 90 (E)	12 Each	25	750	35
A	1	108,900 (A) 108,900 (B)	108,900 (A) 108,900 (B)	90	50	55 90 (E)	8 Each	35	1,300	35

(A) With Central / Public Sewage System.
(B) With Private Sewage System.
(C) Measured From The Building Line.
(D) Measured From The Center Of Road Pavement.
(E) On State and County Roads.
(F) Applies To Main Building Only. Accessory Structures Must Be Placed A Minimum Of Four (4) Feet From The Rear Lot Line.

ARTICLE XIX

AREA AND BULK REQUIREMENTS

Section 1901 - BUSINESS, COMMERCIAL, INDUSTRIAL AND MANUFACTURING DISTRICTS

SCHEDULE OF REGULATIONS

Zoning District	Number of Dwelling Units	Minimum Lot Area (Sq. Ft.) (A/B)	Minimum Lot Width (C) (Feet)	Minimum Front Lot Line (Feet)	Minimum Front Setback (D) (Feet)	Yard Setback (Side)	Yard Setback (Rear) (F)	Max. Height of Structure (Feet)
B-I	0	10,000 (A) (B)	90	50	55 90 (E)	15 (G)	20 (G)	40
B-II	0	10,000 (A) (B)	90	50	55 90 (E)	15 (G)	20 (G)	40
B-III	0	20,000 (A) (B)	90	50	55 90 (E)	15 (G)	20 (G)	40
B-IV	0	20,000 (B)	90	50	55 90 (E)	15 (G)	20 (H)	50
I	0	20,000 (B)	90	50	55 90 (E)	15 (G)	20 (H)	(I)

(A) With Central/Public Sewage System.
(B) With Private Sewage System – Minimum Lot Area as required by the Health Department and/or Ohio EPA but no less than 20,000 square feet.
(C) Measured At Building Line.
(D) Measured To Center Of Road Pavement.
(E) On State Or County Roads.
(F) Applies To Main Building Only. Accessory Structures Must Be Placed A Minimum Of Four (4) Feet From The Rear Lot Line.
(G) Except Forty (40) Feet Where Abutting A Residential District.
(H) Except Sixty (60) Feet Where Abutting A Residential District.
(I) Intentionally Left Blank.

ARTICLE XX
PERFORMANCE MEASURES: LANDSCAPING, SCREENING & OUTDOOR LIGHTING REGULATIONS

2000 PURPOSE

The purpose of this Article is to enhance the quality of the physical environment of Shawnee Township by preserving existing trees and vegetation, planting new trees and vegetation, and controlling the installation of fences and exterior lighting fixtures. The regulations contained herein are designed to provide for the health, safety, and welfare of the residents of the Township by:

2000.1 Promoting the proper utilization of landscaping and screening as a buffer between certain land uses to minimize the possibility of nuisances including potential noise, glare, litter and the visual clutter associated with parking and service areas.

2000.2 Providing interruption of large expanses of vehicular use areas and reduction of reflected heat and glare through the implementation of interior and perimeter vehicular use area landscaping.

2000.3 Improving the appearance of off-street parking areas and vehicular use areas and properties abutting public rights-of-way.

2000.4 Providing permeable surface areas in order to allow for the infiltration of surface water into groundwater resources; reduce the quantity of storm water discharge, which helps to reduce the hazards of flooding and aids in the control of erosion and storm water runoff; and, improve the quality of storm water discharge.

2000.5 Establishing minimum standards for the consistent appearance of plant material across the community's landscape.

2000.6 Controlling the installation of exterior lighting fixtures to prevent light pollution in the forms of light trespass and glare and to preserve, protect and enhance the character of the Township and the lawful nighttime use and enjoyment of property located within the Township.

2000.7 Protecting, preserving, and promoting the aesthetic character valued by the residents of Shawnee Township.

2001 SCOPE OF APPLICATION

The provisions of this section shall apply to:

2001.1 All new development on vacant land that requires the submission of a development plan and issuance of a zoning permit or building permit.

The requirements of this Article shall be so indicated on plans submitted as part of the applicable application.

2001.2 The entire site of existing development when substantial expansion is conducted. An expansion of an existing property is substantial when:

a. The expansion of the square footage of an existing building or structure exceeds twenty-five percent of the gross floor area of the existing building after the date of the Resolution's adoption.

b. The expansion of the square footage of the vehicular use area exceeds twenty-five percent of the total existing vehicular use area after the date of the Resolution's adoption.

c. The land area of the development site is increased by twenty percent or more after the date of the Resolution's adoption.

2001.3 A developed site reflecting the expansion or alteration of an existing building, structure, or vehicular use area when such site is not governed by subsection 2001.2 above.

a. The minimum landscaping and screening required by this Article shall be provided to the extent of the alteration or expansion, but not for the entire property of which the alteration or expansion is a part.

b. Single-family detached dwellings and residential duplexes not included in a PUD shall be exempt from the landscaping requirements of this Article.

c. The requirements of this Article are minimum landscaping requirements, and nothing herein shall preclude a developer and the Township from agreeing to more extensive landscaping.

2002 DEFINITIONS

For the purposes of this Article and this Zoning Resolution, the following terms shall have the meaning herein indicated:

Berm: An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise. The height of a berm shall be measured from the average natural grade at the base of the berm.

Caliper: The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken at diameter-at-breast-height.

Diameter-at-breast-height (DBH): The diameter of a tree trunk measured in inches at a height four and one-half feet above ground. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point below the split.

Footcandle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Footcandle, horizontal: The measurement of foot-candles utilizing a direct reading, portable light meter mounted in the horizontal position.

Footcandle, vertical: The measurement of foot-candles utilizing a direct reading, portable light meter mounted in the vertical position.

Full-shielded or full cut-off type fixture: An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture. See Illustration 1 for full cut-off lighting below.

Glare: Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

Illuminance: The quantity of light arriving at a surface divided by the area of that surface, measured in footcandles.

Large tree: A living tree with a DBH measurement at maturity of at least six inches.

Light trespass: Light emitted by a lighting fixture that falls beyond the boundaries of the property on which the fixture is installed.

Recessed ceiling fixture: An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

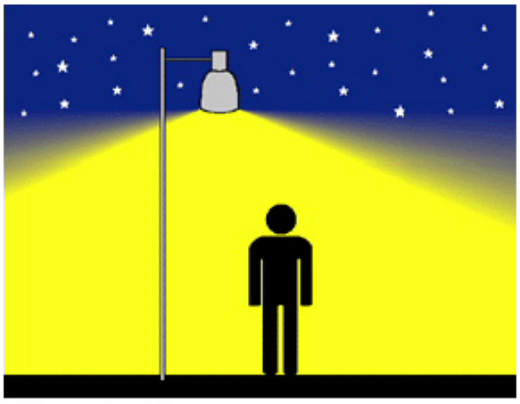
Shade tree: A tree with foliage that usually sheds annually and is planted primarily for its high crown of foliage or overhead canopy.

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

Small Tree: A living tree with a DBH measurement at maturity of at least four inches.

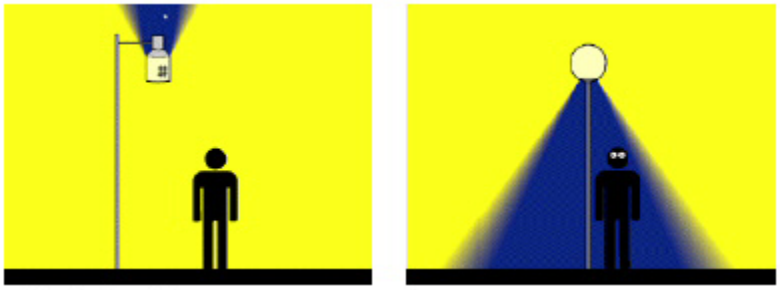
Uplighting: Any light source that distributes illumination above a 90-degree horizontal plane. See Illustration 2 for uplighting below.

Illustration 1: Full cut-off Lighting



Full cut-off lighting directs light down and to the sides as needed.

Illustration 2: Uplighting



- Uplighting wastes energy into the sky.
- Causes glare, light trespass and harsh illumination.

2003 LANDSCAPING ALONG THE STREET FRONTAGE

All areas within the required front or corner side and/or parking setback, excluding driveway openings, shall be landscaped as required below. The following minimum plant materials shall be provided and maintained on all lots or developments except lots devoted to single-family detached dwellings:

2003.1 Three large deciduous trees shall be provided for every one-hundred linear feet of lot frontage or fraction thereof, not including drive entrances.

2003.2 Each tree at the time of installation shall have a minimum caliper of two and one-half inches and a clear trunk height of at least six feet.

2003.3 Twenty shrubs shall be provided for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.

2003.4 Trees, shrubs or low spreading plant materials shall be planted in such a way that no impairment to the visibility of motorists or pedestrians results.

2003.5 All areas not devoted to trees and shrubs shall be planted with grass, ground cover or other live landscape treatment.

2003.6 Trees and shrubs may be aggregated appropriately.

2004 SCREENING AND LANDSCAPING OF PARKING LOTS

2004.1 Landscaping on the Interior of Parking Lots. Interior landscaping of parking lots shall be provided in accordance with the following requirements.

a. For any parking area designed to accommodate twenty or more vehicles when there are three or more parking aisles, a minimum of five percent of the parking lot shall be planted as landscaped island areas, developed and reasonably distributed throughout the parking lot to define major circulation aisles and driving lanes and provide visual and climatic relief from broad expanses of pavement.

b. Interior landscaped areas shall be dispersed so as to define aisles and break up the expanse of paving and limit unbroken rows of parking to a maximum of one-hundred feet. Each interior landscaped area shall be no less than 100 square feet. The minimum width for each area shall be ten feet.

c. Within the landscaped islands, there shall be provided one shade tree for every ten parking spaces. Each landscape island shall have at least one shade tree.

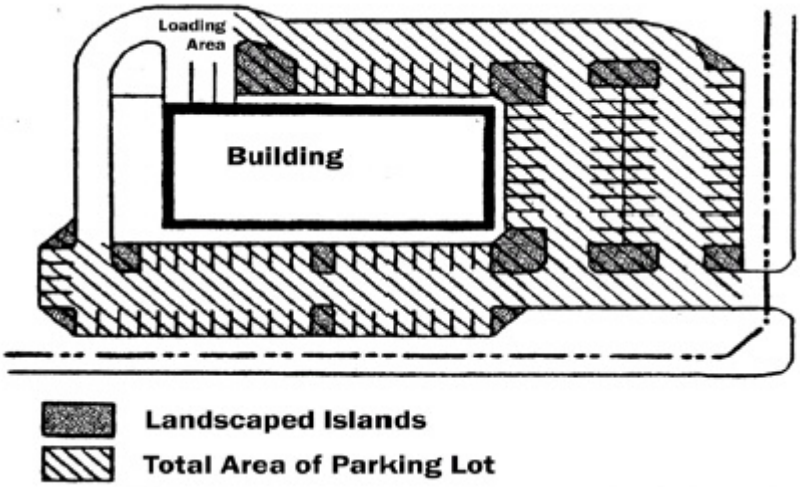
d. Shrubs or low spreading plant materials shall be planted within the required landscaped islands in such a way that there is no impairment to the visibility of motorists or pedestrians.

e. If the specific application of the interior landscape requirements will seriously limit functions of the building site, the Board of Zoning Appeals shall have authority to permit consolidation and relocation of these landscaped areas on the building site.

f. Landscaped areas along the perimeter of the parking area, or in any part of a setback or yard, shall not be counted as interior parking lot landscaped areas; except perimeter plantings may be used to satisfy the requirements in this Article when parking facilities are less than forty-two feet in width and accommodate twenty or fewer vehicles.

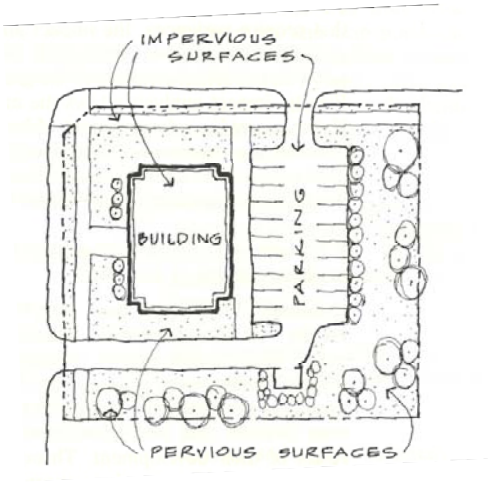
g. For the purpose of this Article, the area of a parking lot shall be the total vehicular surface area within the perimeter of the parking lot, including the landscaped islands, parking spaces and all circulation aisles except those with no parking spaces or landscaped islands located on either side. See Figure 1, Parking Lot Interior Calculation.

Figure 1: Parking Lot Interior Calculation



2004.2 Perimeter Landscaping Requirements. In addition to the requirements of subsections 2004.1 and 2004.3 hereof, perimeter landscaping shall be required along any side of a parking lot that abuts adjoining property that is not a right-of-way. A landscaped strip at least ten feet in width shall be located between the parking area and the abutting property lines. One large deciduous or two small deciduous trees for each forty lineal feet shall be planted in the landscaping strip. However, this does not mean that shade trees must be located forty feet on center or be spaced forty feet apart. This ten foot wide strip shall be landscaped open space free of any wall, fence, embankment and/or walkway. Such wall, fence, etc. may exist or be constructed on the edge of such landscape strip. The requirements of this Article shall not apply where planting is required for screening pursuant to subsection 2005, Buffering and Screening Between Districts and Uses.

2004.3 Street Frontage Planting Requirements. In addition to the requirements of subsections 2004.1 and 2004.2 hereof, when a parking lot is located adjacent to a public right-of-way, screening shall be provided to reduce the visual impact of the parking lot utilizing one of the following methods. The requirements of this subsection shall not apply where planting is required for screening pursuant to subsection 2005.3.d.



a. Landscaped setbacks. Provide at least a twenty-foot wide landscaped area exclusive of that required for sidewalks or utility easements, as specified in the Zoning Resolution, between the

right-of-way and the parking lot, to be planted with one large deciduous or two small deciduous trees for each forty lineal feet of frontage. This landscaped strip shall contain at least a three-foot high evergreen hedge, masonry wall or ornamental fence, such wall, fence, etc. shall be constructed on the edge of such landscape strip closest to the parking lot.

b. Grade changes. In cases where substantial grading is necessary that results in a parking lot lower in elevation than the surrounding or adjacent right-of-way, the resulting embankment should be planted with low shrubs and shade or ornamental trees. A minimum of ten feet of landscaping should be provided between the right-of-way and the parking lot.

c. Landscape berms. Create at least a two-foot high berm, measured from the natural grade, with slopes not to exceed twenty-five percent for lawn areas. Berms planted with ground cover and shrubs can be steeper; however, no slope should exceed forty percent.

d. Woodland preservation. In cases where quality woodland exists, preserve existing trees between the parking lot and the right-of-way. Provide additional evergreen shrubs if needed to achieve an effective visual buffer. The vegetation should be saved.

2004.4 Landscaping Design Criteria.

a. The primary landscaping materials used in parking lots shall be trees that provide shade or are capable of providing shade at maturity. Shrubbery, hedges, and other live planting material may be used to complement the tree planting scheme or landscape design but shall not be the sole components of the landscaping. Avoid tall shrubs or low branching trees that will restrict visibility. Effective use of earth berms and existing topography is also encouraged as a component of the landscape plan.

b. In large parking lots, separate pedestrian walkways should be provided to allow safe movement within the lots. These walkways should generally be oriented perpendicular to and between parking bays. Adjacent to the walks, trees should be planted. These plantings will aid in the identification of walkway locations within the lot and also aid in providing shade for the pedestrian. The following guidelines apply to the development of walkways within large parking lots.

   i. One walkway can serve as a collector for up to four bays of parked cars.

ii. The walkways shall be a minimum of four feet wide, allowing an additional thirty inches on each side for overhanging of automobiles.

iii. All walkways shall be raised to a standard sidewalk height and shall be constructed of different paving material than the parking lot.

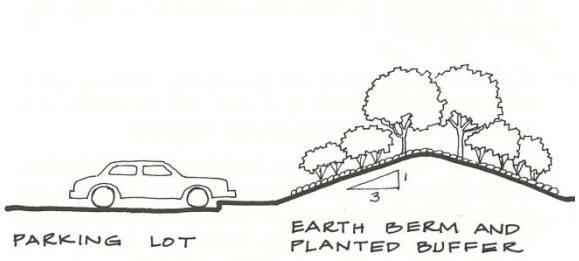
c. Accessways. Necessary accessways shall be permitted to traverse the required landscaping area. The width of such accessways shall not be subtracted from the linear dimensions used to determine the minimum number of trees required in this Article.

d. Vehicular Encroachment. A vehicle shall not encroach upon any landscaped area.

e. Vehicular Use Areas. Vehicular use areas, other than parking spaces or parking lots, for all land uses require two square feet of landscaped area for each 100 square feet of pavement or fraction thereof.

2005 BUFFER SCREENING BETWEEN DISTRICTS AND USES

2005.1 Intent. The intent of this Article is to establish provisions for a visual screen or buffer between incompatible uses and to reduce the effects of glare from automobile headlights, noise, and other objectionable activities conducted on a given lot.



2005.2 Screening. Screening, as required by the provisions of this Zoning Resolution, shall be of such nature and density that will screen the activities on the lot from view from the normal level of a first story window on an abutting lot.

2005.3 When Required. A buffer screening shall be required when:

a. A lot in the Business & Commercial and Industrial & Manufacturing Districts abuts the R-I, R-II, R-III, or R-IV District;

b. A lot in the A, R-I, R-II, R-III, R-IV District ~~is~~ devoted to a nonagricultural/nonresidential conditional use;

c. Required by Conditional Use Regulations

d. When any wall of a non-residential building in the Business & Commercial or Industrial & Manufacturing Districts is across the street from residential buildings in the R-I, R-II, R-III, or R-IV District, screening shall be installed along the full length of such street frontage. No screening shall be required when the Business & Commercial or Industrial & Manufacturing Districts lot is used for residential purposes.

i. Location. The buffer screening shall be located entirely within the higher intensity zoning district or use (such as Industrial & Manufacturing) and abutting the zoning district line or lot line of lower intensity use (such as Agricultural). However, the buffer yard may be placed in the lower intensity zoning district or partially within both zoning districts if both sides of the zoning district line and the entire buffer yard width are within common ownership and a permanent easement is provided over any portion of the buffer yard not within the higher intensity zoning district.

ii. Screening. When the natural vegetation within the required yard does not form a solid, continuous, visual screen or does not have a minimum height of six feet along the entire length of the common boundary at the time of occupancy, screening shall be installed in compliance with the following:

A. Screening Materials. Screening design and development shall be compatible with the existing and proposed land use and development character of the surrounding land, building, and structures. Screening within the buffer area shall consist of one or more or combination thereof of the following:

(1) A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid, continuous visual screen within one year after the initial installation. At a minimum, at the time of planting, the spacing of trees shall not exceed twelve feet on center, and the planting pattern shall be staggered. Shrubbery shall be more closely spaced.

(2) Non-living opaque structures such as a solid masonry wall that is compatible with the principal structure or a solid wood fence together with a landscaped area at least fifteen feet wide. For solid fences, fences shall be designed, constructed, and finished so that the supporting members face the property owner of the fence

and they shall be maintained in good condition, be structurally sound, and attractively finished at all times.

(3) An ornamental fence with openings through which light and air may pass together with a landscaped area at least fifteen feet wide. A chain link fence shall not be permitted.

(4) A landscaped mound or berm at least ten feet wide, with no more than a three to one slope.

B. Location. The location of the wall, fence, berm, or vegetation shall be placed within the buffer area to maximize the screening effect, as determined by the Zoning Commission.

C. Installation of Screening. Screening shall be continuous and in place at the time of occupancy. If vehicular or pedestrian access through the screen is necessary, the screening function shall be preserved.

D. Height of Screening. The height of screening shall be in accordance with the following:

(1) Visual screening by walls, fences, or mounds in combination with vegetation, fences or walls shall be a minimum of six feet high measured from the natural grade, except as set forth in subsection ii below.

(2) Whenever the required screening is located within a front yard or within twenty-five feet of a parking lot, drive, or driveway entrance, the required screening shall not exceed a height of three feet.

(3) When used alone, vegetation shall be a minimum of six feet high, as measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than one year after the initial installation.

e. Modifications to Buffering and Screening Requirements. Buffer areas required by this Article shall be applied equally to all similarly situated properties. The Board of Zoning Appeals is empowered to modify the above buffering and screening requirements if, and only if:

i. Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent as this Article.

ii. Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening and buffering effect.

iii. The required screening and landscaping would be ineffective at maturity due to the proposed topography of the site, and/or the location of the improvements on the site.

iv. The topography of adjacent and surrounding sites is such as to render required screening ineffective at maturity.

v. A written request is received from the owners of the abutting residential district property that the screening as required herein should be waived or varied based on stated purposes.

vi. It can be clearly demonstrated that it is highly improbable that the abutting property will be developed for residential purposes due to circumstances, which have taken place since the adoption of the Comprehensive Plan and this Zoning Resolution.

2006 SCREENING OF ACCESSORY USES

Screening of accessory uses shall be provided according to the following:

2006.1 Trash Collection Areas. Trash collection areas shall be screened with a solid fence or wall including gate to contain litter and control unauthorized access. Said fence shall be screened with evergreen shrubbery.

2006.2 Ground-mounted Mechanical Equipment. Ground mounted mechanical equipment shall be screened with evergreen shrubbery so that within one year the equipment is completely obscured from view.

2006.3 Outdoor Storage and Loading Areas. Permitted accessory loading areas, outdoor storage of goods, supplies, equipment or fleet vehicles used in the operation of an establishment, where permitted, shall be enclosed with a solid fence or wall, including solid gates. The wall or fence shall have a height tall enough to conceal all operations and materials therein from the view of any observer standing at the grade level of an abutting lot or a public street. The applicable zoning district may contain additional regulations governing outdoor storage.

2006.4 Height of Screening. Screening shall be a minimum of six feet in height, unless otherwise specified herein, placed adjacent to the waste receptacles, storage or loading areas so as to effect screening from any adjacent streets and any adjoining properties.

2007 GENERAL REQUIREMENTS, INSTALLATION, MAINTENANCE OF LANDSCAPING

Areas within the setback and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.

2007.1 Installation. Unless otherwise provided for in this Article:

a. Each tree at the time of installation shall have a minimum caliper of two inches and a clear trunk height of at least six feet, unless otherwise specified.

b. When a small tree is permitted by this Article, such tree shall have a minimum caliper of 1.5 inches and a clear trunk height of at least five feet at the time of installation.

c. If installation of plantings is not completed in a planting season, then landscaping must be installed during the next planting season.

2007.2 Performance Guarantee. No landscape plan required by this Zoning Resolution shall be approved and no zoning permit issued until the owner of the lot and/or building in question has posted a performance guarantee with the Township conditioned upon satisfactory installation of the approved landscaping in the owner's landscape plan. Such guarantee shall be in the form of a performance, surety bond, certified check or any other such type of guarantee approved by the Township. The financial guarantee shall cover the estimated cost of all required landscaping, installation of such landscaping and any other landscaping obligations on the part of the owner or applicant.

2007.3 Planting Arrangement. Trees and shrubs shall be arranged to create varied and attractive views and plant material should provide a variety of color displayed throughout the year.

2007.4 Screening. All screening shall be free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

2007.5 Parking. Vehicle parking shall not be permitted in landscaped areas.

2007.6 Pedestrian Movement. Materials shall not be placed where they will prevent pedestrian movement unless so planted for that or similar purpose.

2007.7 Maintenance. The owner of landscaping required by this Zoning Resolution shall maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. When necessary, plant materials shall be replaced, and replacement material shall conform to the original intent of the landscape plan. No plant material required by this Zoning Resolution shall be removed for any reason unless replaced with like kind and size at the time of removal. If not replaced with like kind and size, a revised landscape plan shall be submitted to the Zoning Inspector for review and approval.

2008 APPROVAL PROCESS FOR REQUIRED LANDSCAPING AND SCREENING

2008.1 The location of proposed landscaping, fences or walls required to fulfill the standards and criteria of this Article shall be reviewed and approved as part of the site plan pursuant to Article 6 of this Resolution.

2008.2 However, when a fence, landscaping, or wall is proposed at a separate time from any other development for new construction, additions or site renovation, a fence, landscaping, or wall may be approved administratively by the Zoning Inspector when the Zoning Inspector determines that the proposal:

a. Complies with the requirements of this Article;

b. Is consistent with any previously approved site plan;

c. Is compatible with the current site development if there is no approved plan; and,

d. Will have a minimal adverse impact to the surrounding areas.

If, because of the nature and location of the proposed improvements, the Zoning Inspector does not make such a determination, the request shall be referred to the Board of Zoning Appeals.

2009 FLEXIBILITY

The standards and criteria in this Article establish the Township's objectives and levels of landscaping intensity expected. In applying these standards, the Planning Commission may exercise discretion and flexibility with respect to the species, placement, and arrangement of the required elements to ensure that the

objectives of this and the proposed development or redevelopment are best satisfied.

2010 OUTDOOR LIGHTING REGULATIONS

The purpose of this Article is to regulate the placement, orientation, distribution patterns and fixture types of outdoor lighting in the Business & Commercial, and Industrial & Manufacturing Districts and all nonagricultural/nonresidential conditional uses in the A, R-I, R-II, R-III, or R-IV Districts.

2010.1 Exterior Lighting Plan. A lighting plan is required for all permitted and conditional uses in the Business & Commercial and Industrial & Manufacturing districts and shall be approved according to administrative procedures. The lighting plan shall demonstrate compliance with the exterior lighting standards of this Article, and shall include:

a. A plan showing location of all exterior light fixtures, controllers and transformers.

b. Property boundaries, building location(s), parking lot layout, pedestrian paths, adjacent rights-of-way, north arrow, and scale.

c. Specifications, including height, and drawings or photographs for all exterior light fixture types, poles, conduit and appurtenant construction.

d. Lamp wattage of all proposed luminaries.

e. Photometric levels and any light trespass at the boundaries of the development.

f. Cut sheets for all proposed exterior light fixtures and poles.

g. Any other information and data reasonably necessary to evaluate the required lighting plan.

2010.2 Appropriate site lighting, including lights for signs, buildings and streets, shall be arranged so as to:

a. Provide safety, utility and security.

b. Control light trespass and glare on adjacent properties and public roadways.

c. Reduce atmospheric light pollution.

2010.3 General Requirements.

a. All outdoor lighting fixtures regulated according to this Article, including but not limited to those used for parking areas, vehicular use areas, buildings, building overhangs, canopies, signs, displays and landscaping, shall be full cut-off type fixtures, unless exempt per subsection 2010.3.d.

   i. Full-cutoff fixtures shall be installed and maintained so that the shielding is effective as described in subsection 2002 Illustration 1.

   ii. Automobile-oriented uses such as gasoline stations, service stations and drive-through facilities shall install recessed ceiling fixtures in any canopy.

   iii. Signs that are wholly illuminated from within and freestanding signs that are externally illuminated with an exposed incandescent lamp not exceeding twenty-five watts do not require shielding.

b. Light trespass at a property line shall be limited to no more than 1.0 footcandles at the property line. All on-site lighting of buildings, lawns, parking areas and signs shall be designed so as not to shine onto any adjacent residential property or building, or to cause glare onto any public street or vehicle thereon.

c. Measurement.

   i. Light levels shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.

   ii. Measurements shall be taken at the applicable property line, along a horizontal plane at a height of three and one-half feet above the ground.

d. All non-essential outdoor lighting fixtures, including parking, sign, display and aesthetic lighting, shall be turned off after business hours. Only that lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary.

i. Exemptions.

A. Decorative outdoor lighting fixtures with bulbs of less than twenty-five watts, installed seasonally, are exempt from the requirements of this Article.

B. Temporary construction or emergency lighting is exempt from the requirements of this Article. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.

C. All outdoor lighting fixtures existing and legally installed prior to the effective date of this Zoning Resolution shall be exempt from the requirements of this Article. When existing lighting fixtures become inoperative, their replacements are subject to the provisions of this Article.

2011 REQUIREMENTS FOR FENCES AND WALLS

2011.1 Fences and Walls in the Business & Commercial and Industrial & Manufacturing Districts. Fences and walls may be erected in any Business & Commercial or Industrial & Manufacturing District only in compliance with the requirements set forth below:

a. Location. Fences and walls shall maintain a minimum setback within the property lines at all times. This minimum one foot (1') setback may be waived by the Zoning Inspector, when written permission from the adjacent property owner is received, providing such fence, including its foundation, shall not encroach on the adjacent property.

b. Materials and Construction.

i. Approved fencing materials include stone, brick, finished wood, iron, or synthetic look-alike products. Chain link shall only be permitted in rear and side yards at a maximum height of six feet above the natural grade at the fence location, except as provided for in subsection 2011.b.3 below.

ii. No fence shall be electrified or topped with barbed wire, except in the Industrial & Manufacturing districts as provided for in subsection 2011.b.3.

iii. In the Industrial & Manufacturing districts, fences topped with barbed wire are permitted to a maximum height of eight feet above natural grade at the fence location and only if the fences are fabricated with chain links topped with barbed arms turned

to the inside of the property. Such barbed wire shall only be constructed above a minimum height of seven feet from the natural grade at the fence locations.

iv. All fences shall be designed, constructed, and finished so that the supporting members face the property of the owner of the fence.

v. All fences on a single parcel shall have a unified style along a single plane and for all fence segments visible from off the premises from any single direction.

2011.2 Height. No fence shall exceed seven feet in height in any rear or side yard, or exceed forty-two inches in height when located in front or corner side yards, unless otherwise required or permitted by this Zoning Resolution.

2011.3 Screening and Landscaping.

a. Screening and landscaping is not required for ornamental fences.

b. All fences, other than ornamental fences, when visible from public streets, shall be visually softened and reasonably screened from the street with appropriate landscaping as follows:

i. Fences that are located within required building and parking setbacks shall be considered appropriately screened when the landscaping required in subsection 2003, Landscaping along the Street Frontage, is planted within five feet of the fence and between the fence and the property line.

ii. Fences that are not located within the required building and parking setback areas shall be screened with the following landscape materials, planted not more than five feet from the fence and between the fence and the property line:

A. One shade tree shall be provided for every thirty linear feet of fence length or fraction thereof, not including gates or other fence openings. Each tree at the time of installation shall have a minimum caliper of two and one-half inches and a clear trunk height of at least six feet;

B. One shrub, that is twenty-four inches in height at planting, shall be provided for every five feet fence length or fraction thereof, not including gates or other fence openings; and,

C. The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials.

ARTICLE XXI

WIND TURBINE GENERATORS

2100 REGULATION OF WIND TURBINE GENERATORS AND ANEMOMETER TOWERS

The purpose of this article is to establish general guidelines for the location of wind turbine generators (WTG) and anemometer towers in order to protect the public health, safety, comfort, and general welfare of Township residents. The Township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators in certain areas of the Township. The Township also recognizes the need to protect residents from unnecessary and unreasonable visual interference and noise radiation. Recognizing that such WTG may have negative health, safety, welfare, and/or aesthetic impacts upon adjoining and neighboring uses, Article XXI seeks to:

- Protect residential and agricultural areas from potential adverse impact of WTGs;
- Permit WTGs in selected areas by on-site residential, commercial, or industrial users, subject to the terms, conditions, and provisions hereof;
- Ensure the public health, welfare, and safety of the Township's residents in connection with WTGs; and,
- Avoid potential damage to real and personal property from the WTGs or anemometer towers or the failure of such structures and related operations.

2100.1 Recognizing the importance of clean, sustainable and renewable energy sources the Township permits the use of residential wind turbines under the following regulations to ensure the safety and welfare of all township residents is met.

2100.2 No WTG or anemometer tower shall hereafter be located constructed, repaired, extended, enlarged, converted or altered without full compliance with the terms of this Resolution. Said construction, alterations, or modifications require a zoning permit.

2101 DEFINITIONS

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

Accessory Structures: Structures such as sheds, storage sheds, pool houses, WTGs, unattached garages, and barns.

Anemometer: An instrument that measures the force and direction of the wind.

Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and -or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located at, the purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, any inhabited buildings, and will not intrude onto a neighboring property.

Cowling: A streamlined removable metal that covers the turbine's nacelle.

Decibel: A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

Nacelle: A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.

Primary Structure: For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

Professional Engineer: A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

Wind Power Turbine Owner: The person, or persons who own the Wind Turbine structure.

Wind Power Turbine Tower: The support structure to which the turbine and rotor are attached.

Wind Power Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation.

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

2102 ZONING PERMIT REQUIRED

All Wind Turbine Generators require a Zoning Permit. To obtain a Zoning Permit, site plan shall be submitted to the Township. The following items shall be the

minimum requirements for a completed application. The site plan shall include the following:

2102.1 Property lines and physical dimensions of the applicant's property.

2102.2 Location, dimensions, and types of existing major structures on the property.

2102.3 Location of the proposed wind energy system, foundations, guy wires and associated equipment.

2102.4 Fall Zone depicted as a radius around the center of the tower for a tower mounted wind energy system.

2102.5 The right-of-way of any public road that is contiguous with the property.

2102.6 Any overhead utility lines.

2102.7 Wind energy system specifications, including manufacturer, model, Rotor diameter in addition to tower height and tower type for small Wind energy systems.

2102.8 Tower foundation blueprints or drawings for tower mounted wind Energy systems.

2102.9 Tower blueprints or drawings for tower mounted wind energy systems.

2102.10 Sound level analysis prepared by the wind energy system Manufacturer or qualified engineer.

2102.11 Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (typically provided by the manufacturer).

2102.12 Evidence of compliance or non-applicability with Federal Aviation Administration requirements.

2102.13 The site plan must be stamped by a professional engineer or surveyor licensed to practice in the State of Ohio.

2102.14 A Building Permit must be obtained in accordance with the State of Ohio Building Code.

2102.15 Other information and data as required in Section 2104.

2103 ACCESSORY USE

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

2103.1 Height. The maximum height of any turbine shall be 100 ft. For purposes of Article XX, the maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the ground level of the tower.

2103.2 Setbacks. Any turbine erected on a parcel of land will need to establish a "clear fall zone" from all neighboring property lines, structures, as well as any inhabitable structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at, and would not strike any structures including the primary dwelling, and any inhabited structures.

2103.3 Maintenance. WTGs and anemometers must be maintained in good working order. Turbines and anemometers that become inoperable for more than 24 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing turbine.

2103.4 Decibel Levels. All WTGs shall operate within a decibel range of 50 to 70 decibels. This information shall be included in a prescribed engineering report described in Section 2104.2. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring property.

2103.5 Wiring and electrical apparatuses. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground.

2104 BEFORE CONSTRUCTION

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

2104.1 Location of all public and private airports in relation to the location of the turbine.

2104.2 An engineering report signed and sealed by a professional engineer that shows:

a. The total size and height of the unit;

b. The total size and depth on the unit's concrete mounting pad, as well as soil and bedrock data;

c. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection;

d. Data specifying the kilowatt size and generating capacity of the particular unit;

e. The maximum decibel level of the particular unit (this information must be obtained from the manufacturer of the turbine unit);

f. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right of ways, and neighboring properties;

g. Evidence of a "clear fall zone" with manufacturer's recommendation must be attached to the engineering report; and,

h. A maintenance schedule, as well as a dismantling plan that outlines how the unit will be dismantled, shall be required as part of the permit.

ARTICLE XXII

SOLAR ENERGY SYSTEMS

2200 PURPOSE

The purpose of this section is to accommodate Solar Panels/Systems in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of the system. In addition, this section provides a permitting process for Solar Energy Systems to ensure compliance with the provisions of the requirements and standards established herein.

2201 DEFINITION

Solar Energy System/Panel – a structure or panel containing Solar Cells that collects sunlight and converts it to electric current.

2202 PERMITTED USE

Solar Energy Systems are permitted in all Zoning Districts.

2203 REQUIREMENTS

2203.1 A Solar Energy System may be installed on any surface of an existing structure, provided such installation does not result in violation of the permitted height requirements of Sections 1900 and 1901. Such structure shall not have a total area greater than fifty percent (50%) of the roof area of the building; nor shall such structure be used for any purpose other than a use incidental to the main use of the building. The area restriction does not apply to solar collectors that are an integral part of the roofing material. For flat, or nearly flat, roofs the fifty percent (50%) limitation may be exceeded where the solar panels are not visible from abutting streets.

2203.2 A Solar Panel may be installed as free-standing, provided it meets all requirements for Accessory Structures in that district. A Solar Panel may not be installed in an easement.

2203.3 Solar Panels or Systems shall be installed so there is minimum glare onto adjacent properties or right-of-way.

2203.4 Solar Energy Systems, including collector panels, necessary support structure, conduit, and electrical gear shall be installed in the location that is least visible from abutting streets directly facing the subject property. In Residential Districts, Solar Energy Systems may not be installed within the front setback or on street facing, vertical surfaces or sloped roofs unless screened by suitable buffering.

2204 SOLAR ACCESS

No owner, occupier, or person in control of property shall allow vegetation or structures to be placed or planted so as to cast a shadow on the collectors of a Solar Energy System. This standard shall not apply to vegetation or structures existing at the time of installation of said Solar Energy System. The designer and owner of the Solar Energy System must take into account the possible legal use of adjoining properties and the likely and reasonable growth of vegetation in the design of their System.

Violations of these SOLAR ACCESS requirements constitute a private nuisance. The owner of the Solar Energy System is solely responsible for enforcing the protections afforded by this section.

2205 ZONING PERMIT REQUIRED

All Solar Energy Systems require a Zoning Permit. To obtain a Zoning Permit, a site plan shall be submitted to the Township. The following Items shall be the minimum requirements for a completed application. The site plan shall include the following:

2205.1 Property lines and physical dimensions of the applicant's property.

2205.2 Location, dimensions, and types of existing structures and easements on the property.

2205.3 Location of the proposed Solar Energy System, foundations, guy wires and associated equipment.

2205.4 The right-of-way of any public road contiguous with the property.

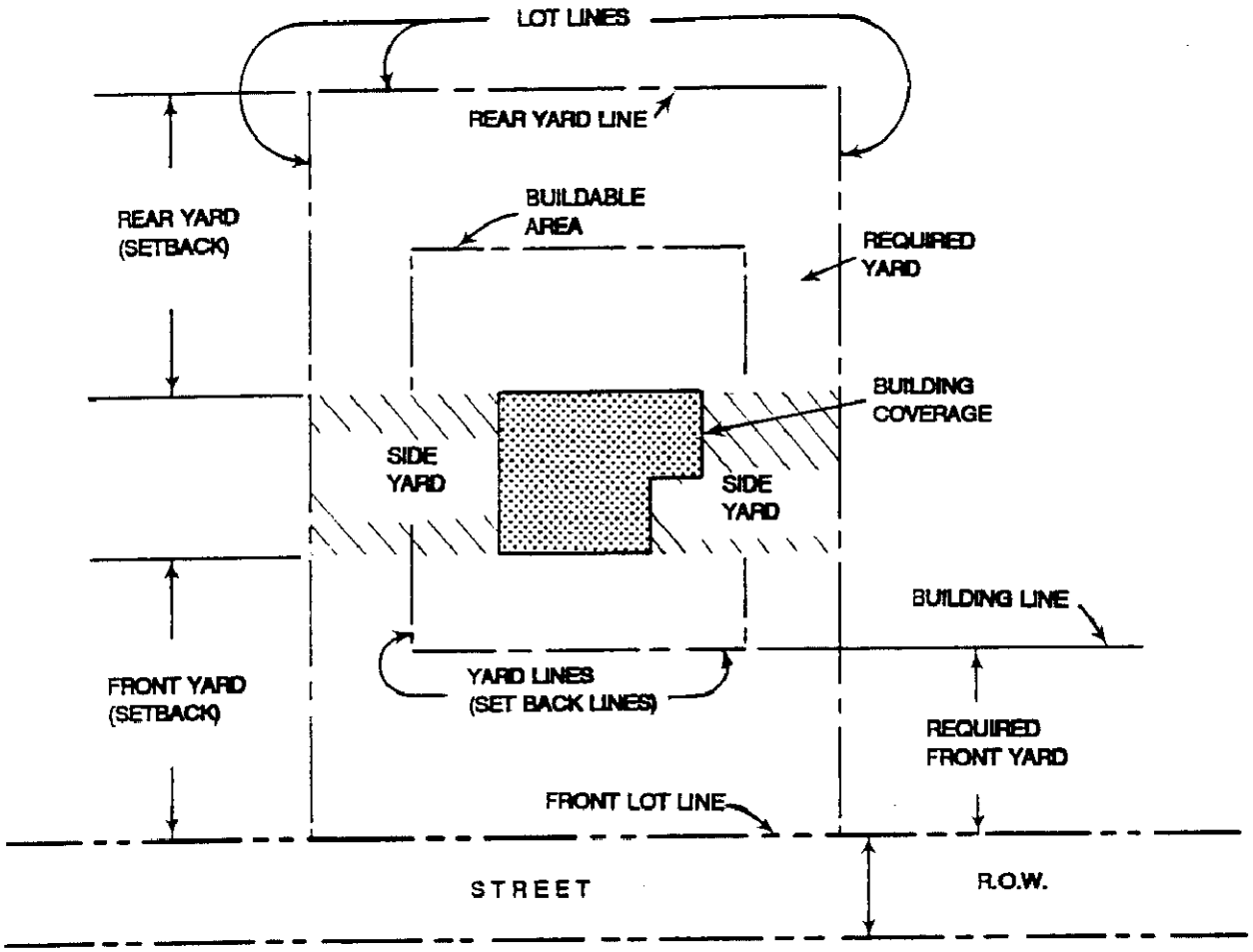
2205.5 Solar Energy System specifications, including manufacturer, and model.

2205.6 Electrical components in sufficient detail to allow for a Determination that the manner of installation conforms to the National Electrical Code (typically provided by the manufacturer).

2205.7 The design and the site plan must be stamped by a professional engineer licensed to practice in the State of Ohio for all residential applications 50KW and greater and all Agricultural, Business, or Industrial applications. Smaller residential systems shall be inspected and certified as safe by a licensed electrical contractor.

APPENDIX A

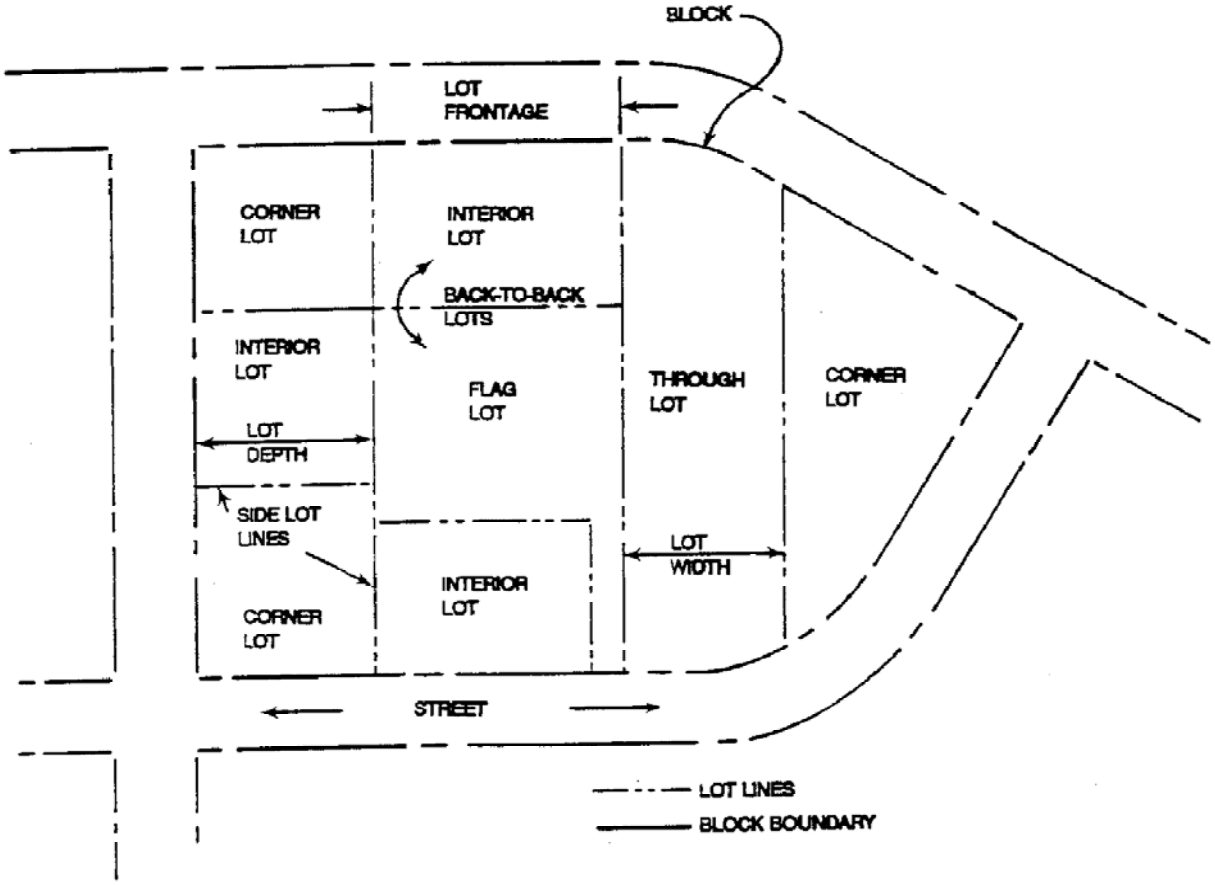
ILLUSTRATION A:
SETBACK DIMENSIONS



(For informational purposes only.)

ILLUSTRATION B:

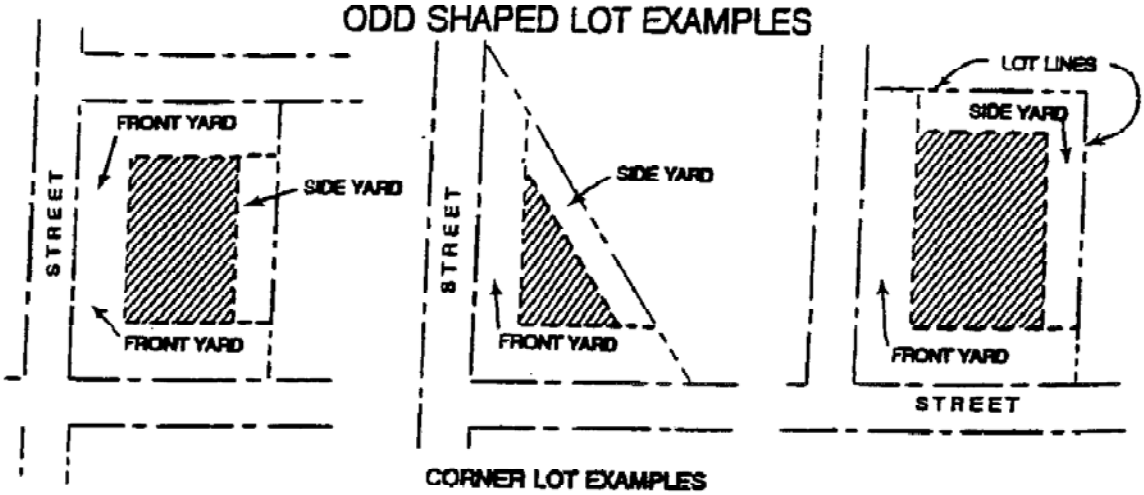
LOT TYPES



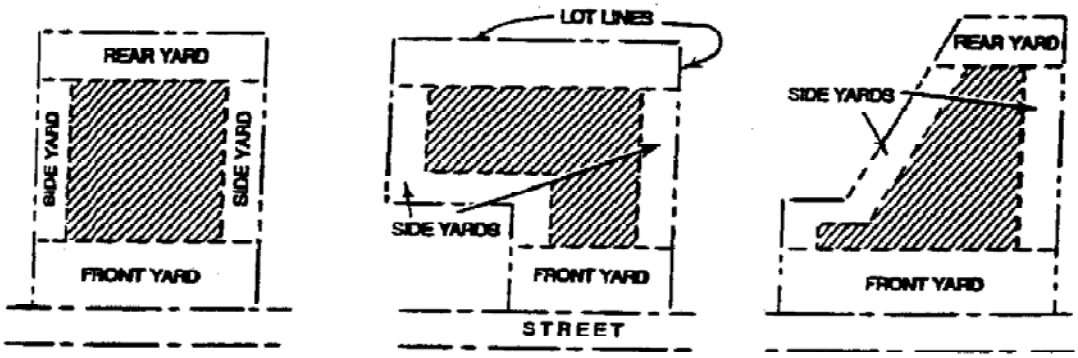
(For informational purposes only.)

ILLUSTRATION C:

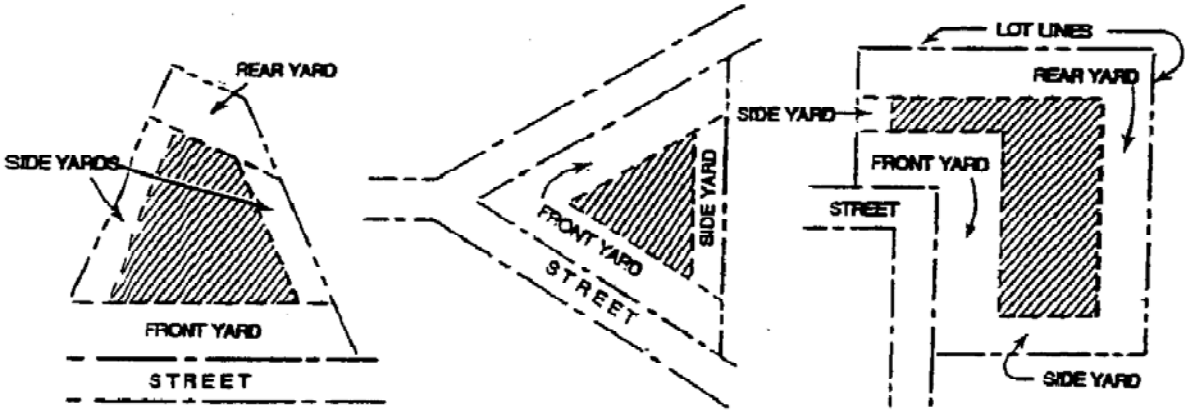
ODD SHAPED LOT EXAMPLES



CORNER LOT EXAMPLES



INTERIOR LOT EXAMPLES



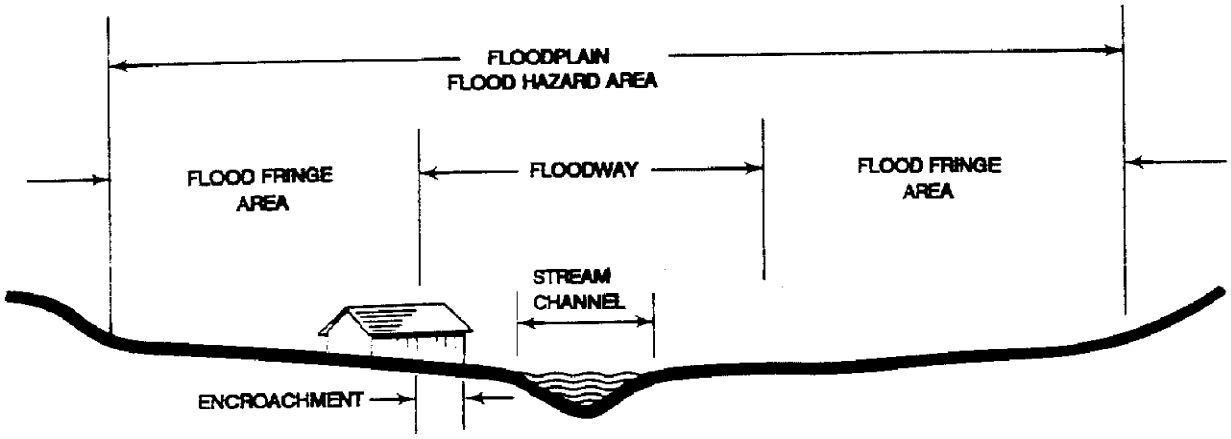
REQUIRED YARDS

BUILDING (ZONING) ENVELOPE (TWO DIMENSIONAL)

(For informational purposes only.)

ILLUSTRATION D:

FLOODPLAIN CROSS-SECTION



(For informational purposes only.)

Illustration D:

FLOODPLAIN CROSS-SECTION

Floodplain definition from FEMA, the Federal Emergency Management Agency. FEMA is an agency of the United States Department of Homeland Security created by Presidential Order on April 1, 1979. The primary propose of FEMA is to coordinate the response to a disaster (as a flood) that has occurred in the United States and that overwhelms the resources of local and state authorities.

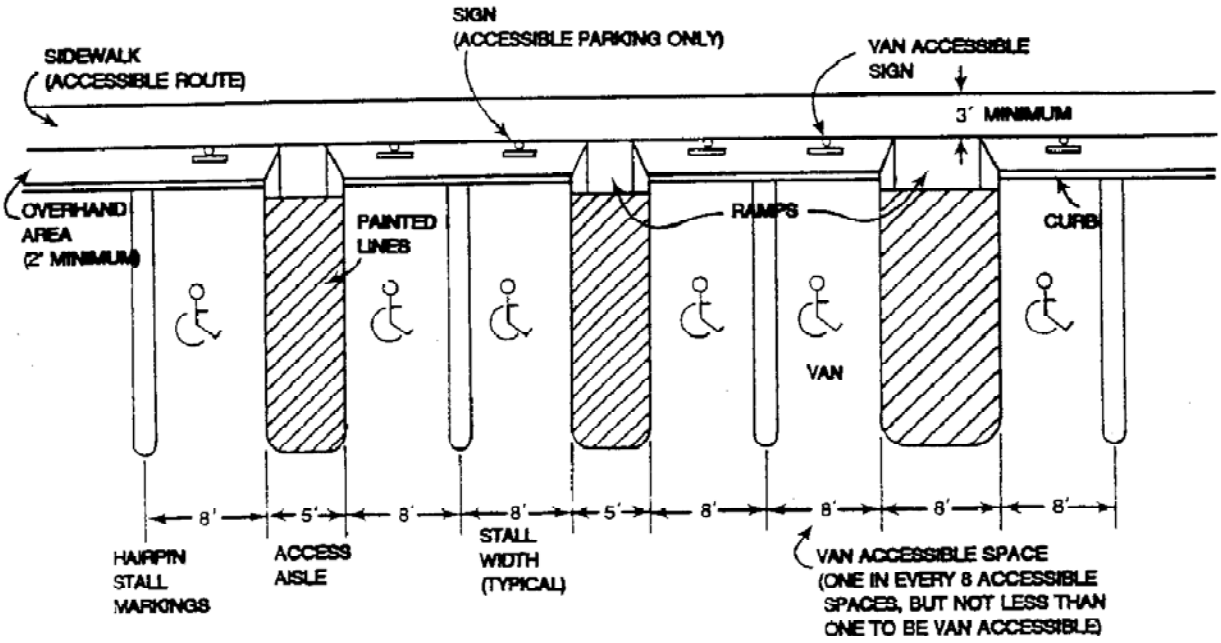
Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHA are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annaul-chance flood, are labeled Zone C or Zone X (unshaded).

FLOODING OUTSIDE THE FLOODPLAIN: A structure that is outside the Special Flood Hazard Area may still be subject to flooding. For example, structures with the lowest floor (including basement) below the elevation of Special Flood Hazard Area of a nearby Floodplain may well be subject to flooding. Property owners, developers, and contractors for such structures are urged to contact Lima-Allen County Regional Planning Commission assistance in accessing their risk.

(For Informational Purposes Only. Not A Requirement Of This Resolution.)

ILLUSTRATION E:

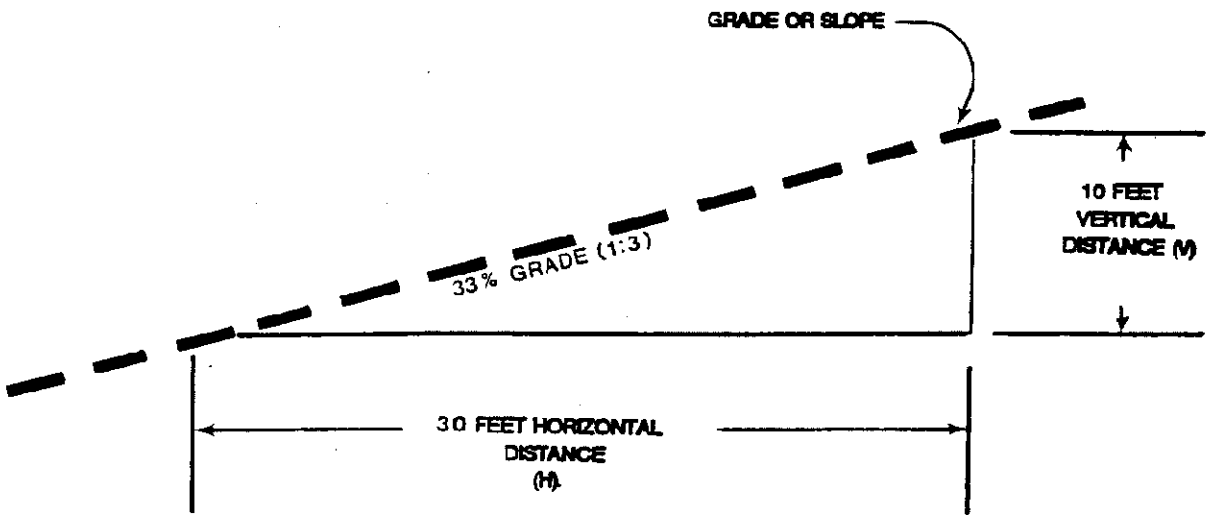
ACCESSIBLE PARKING SPACE STANDARDS



(For informational purposes only.)

ILLUSTRATION F:

DETERMINATION OF SLOPE

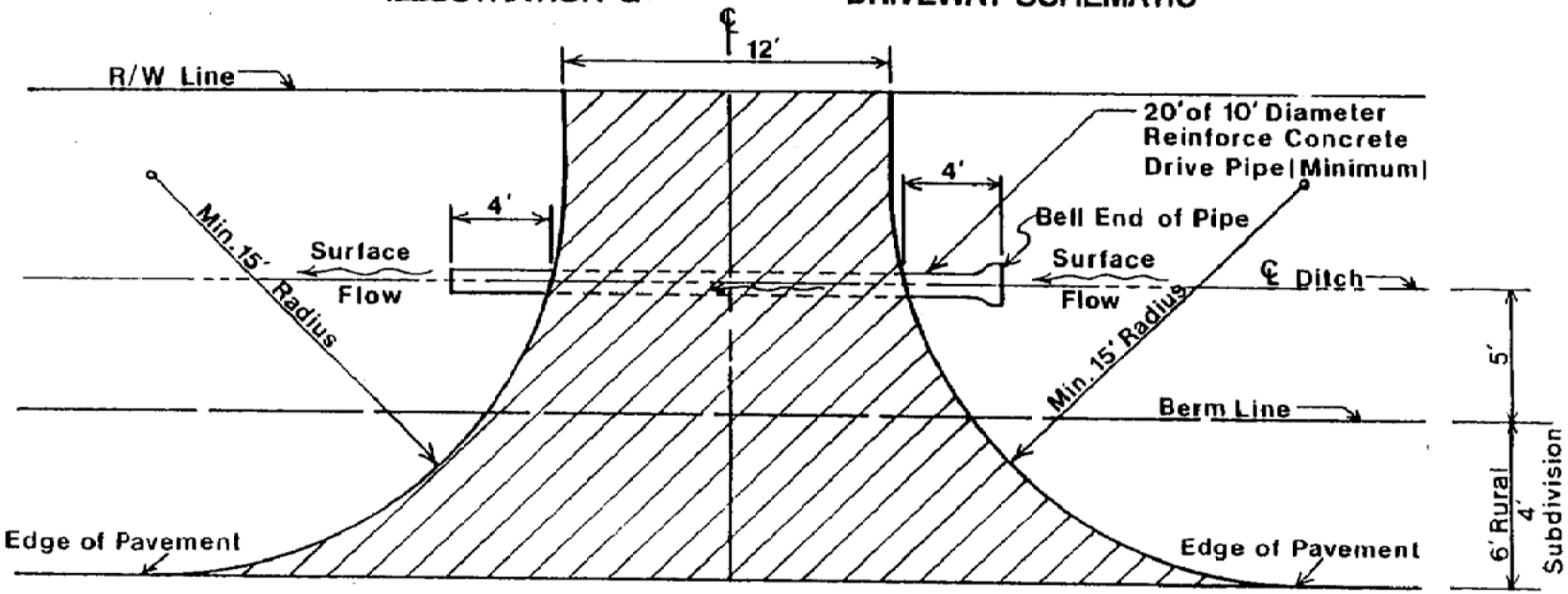


SLOPE CALCULATION = $\frac{V}{H}$

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

(For informational purposes only.)

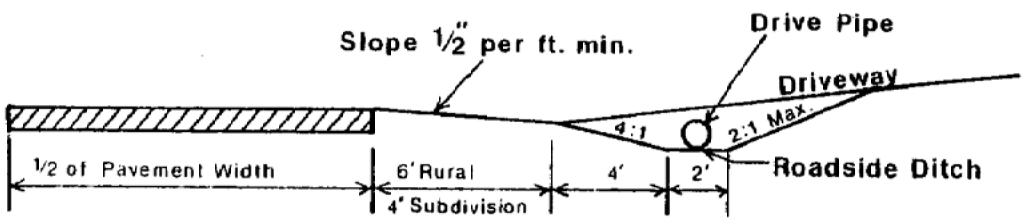
ILLUSTRATION G: DRIVEWAY SCHEMATIC



Note:

Roadside Ditch Shall Not Be Filled In

PLAN

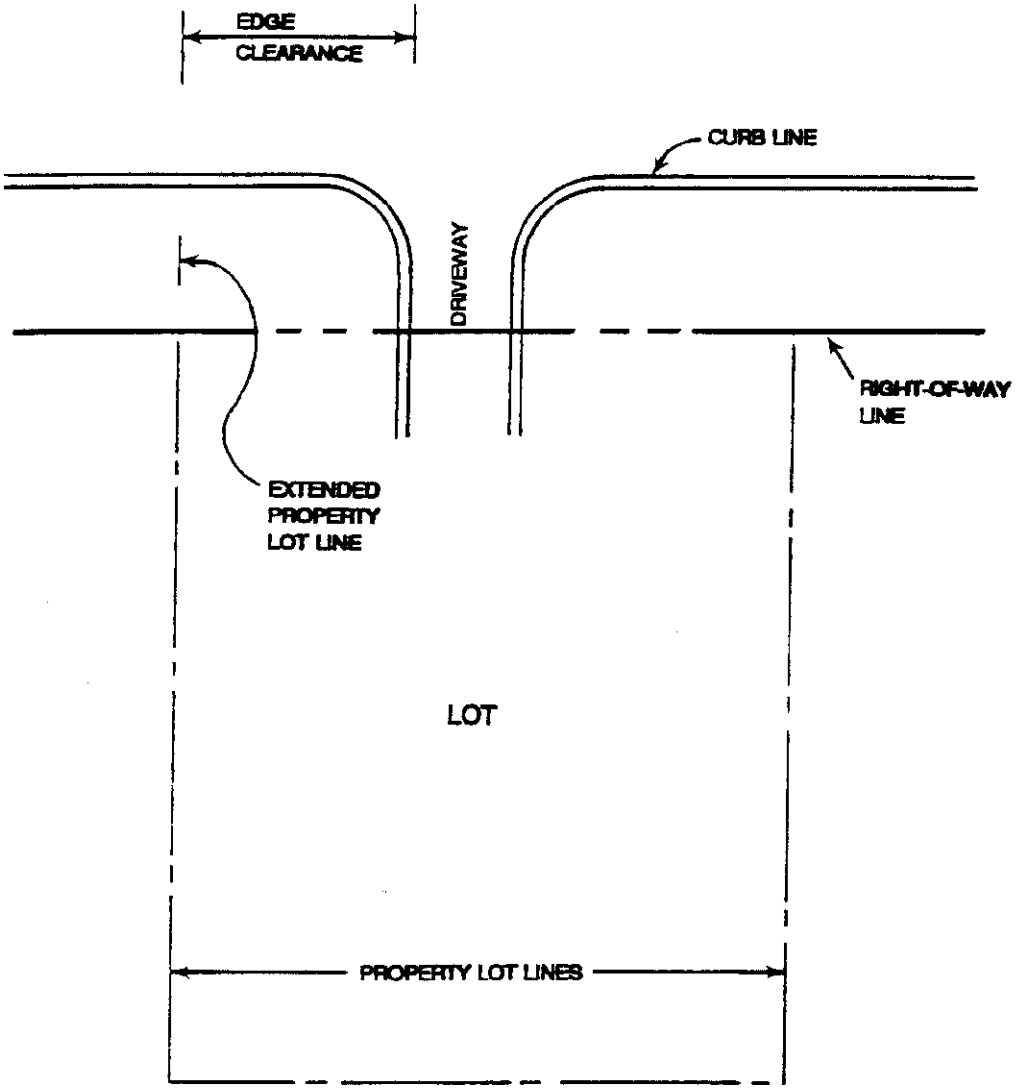


ELEVATION

(For informational purposes only.)

ILLUSTRATION H:

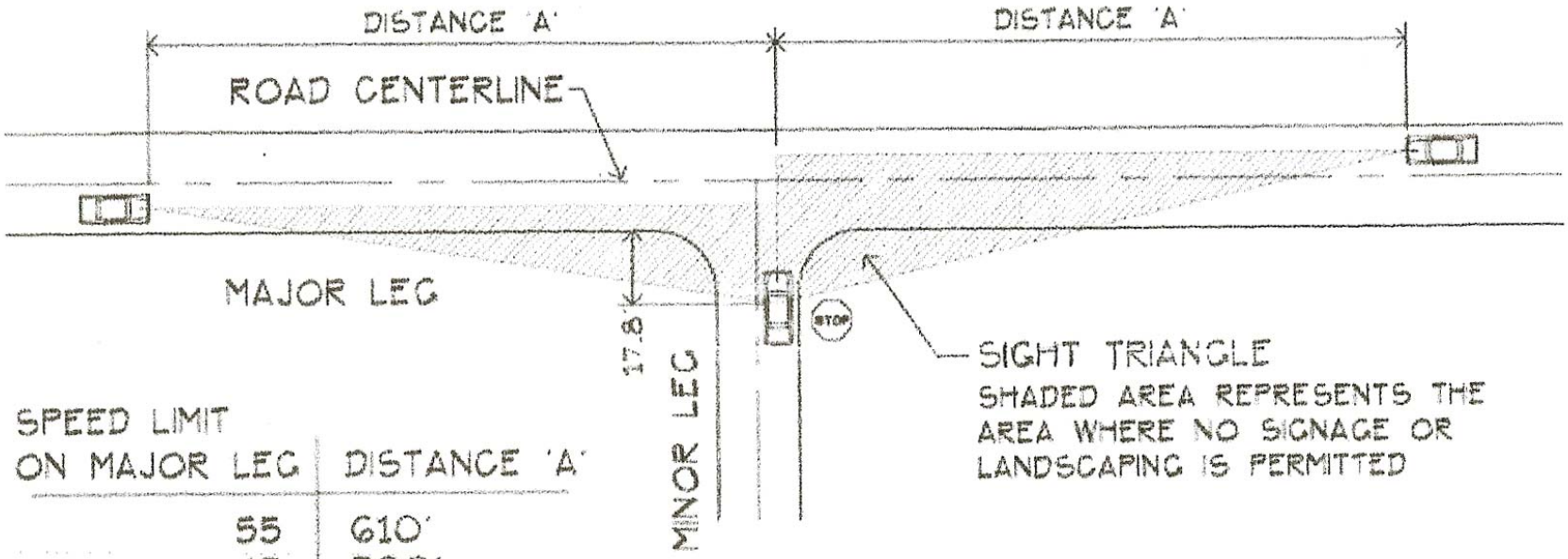
EDGE CLEARANCE



(For informational purposes only.)

ILLUSTRATION I

SIGHT TRIANGLE EASEMENT

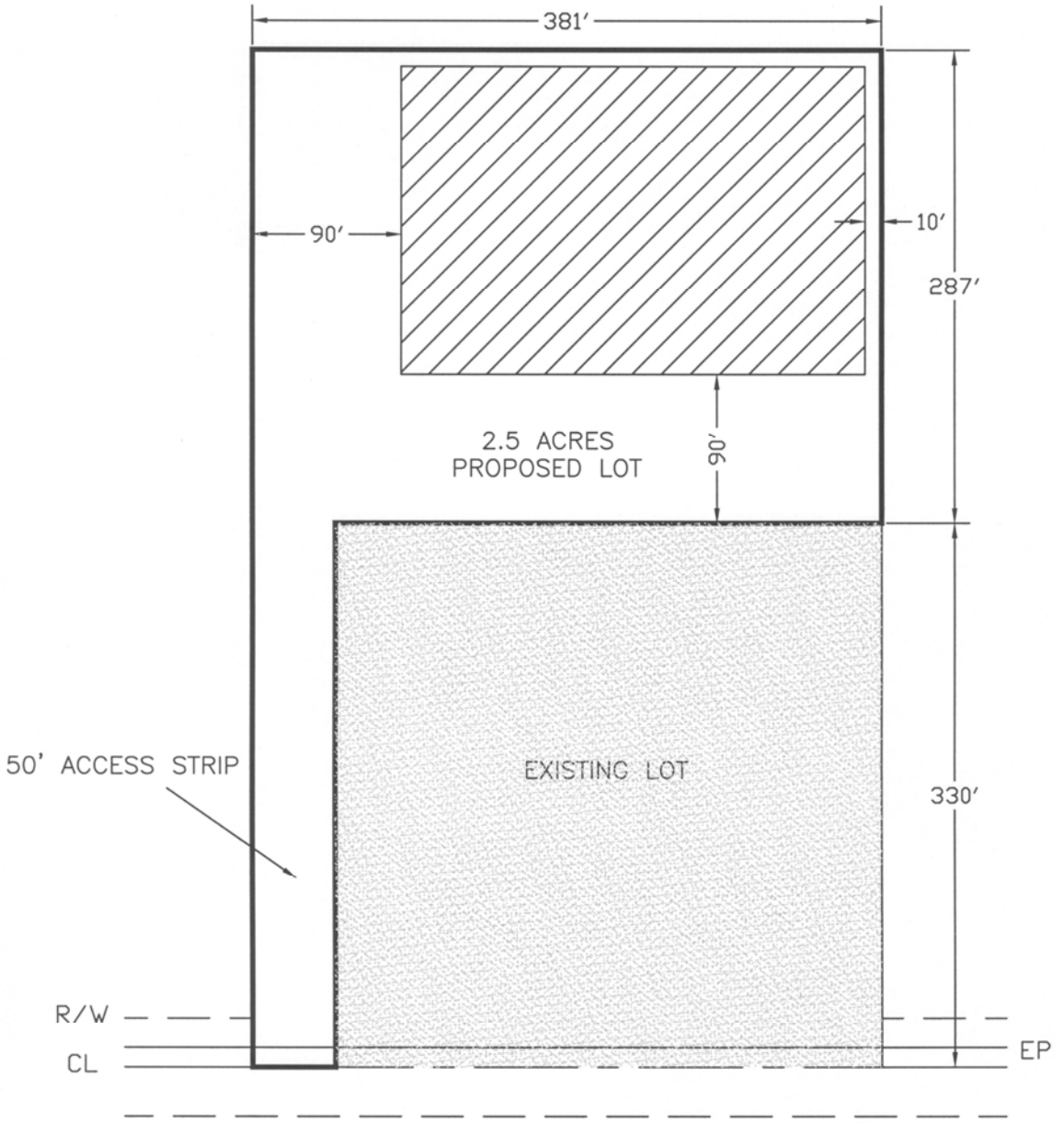


SPEED LIMIT ON MAJOR LEG	DISTANCE 'A'
55	610'
45	500'
35	390'
25	280'

ACCORDING TO AASHTO POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS

(iLLUSTRATION DISPLAYS RESOLUTION REQUIREMENTS)

ILLUSTRATION J
FLAG LOT



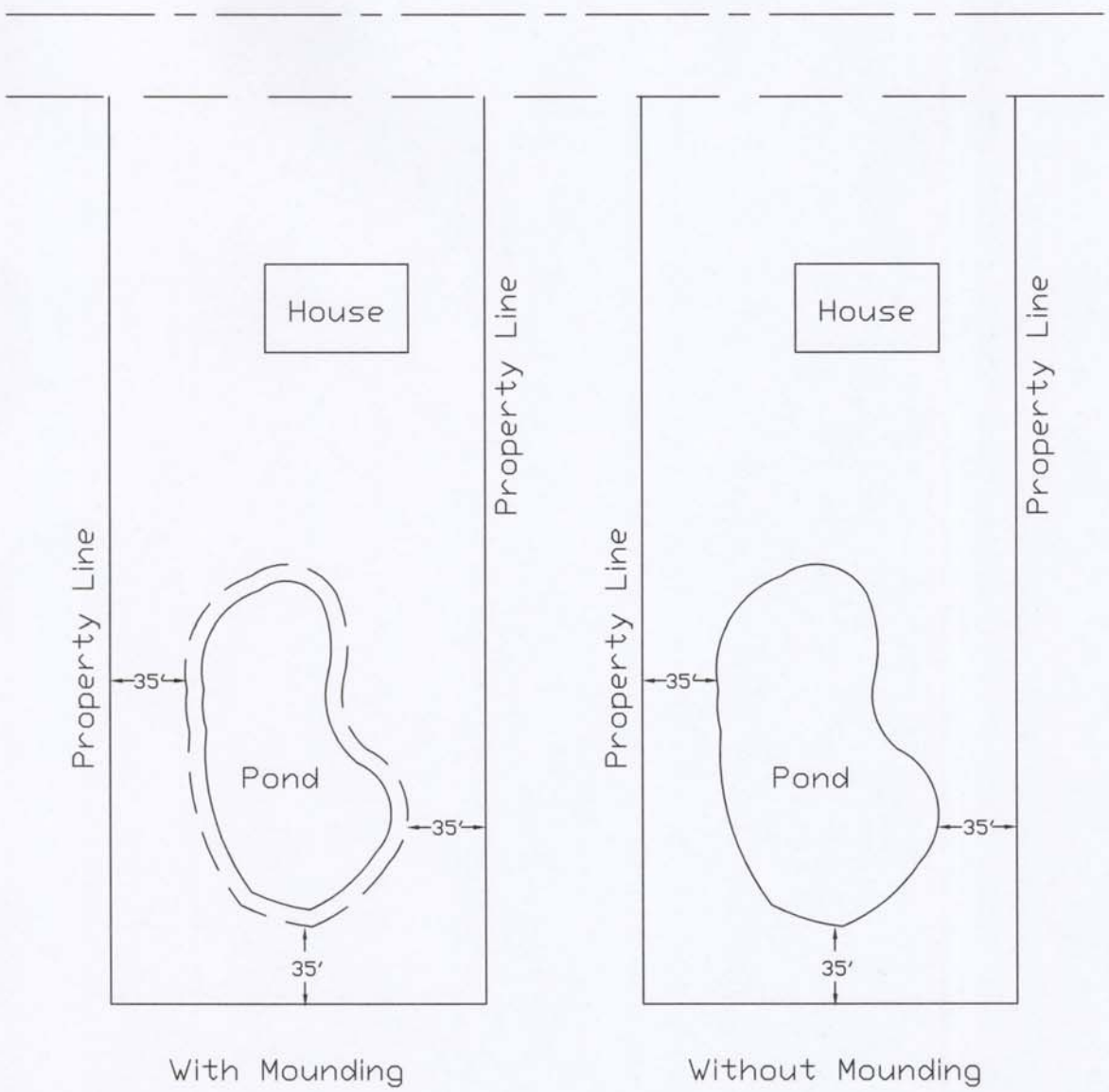
Applicable Setbacks
Front Yard Setback = 90' Minimum
Rear Yard Setback = 15' Minimum
Side Yard Setback = 10' Minimum (100' Total Required)
2.9 ACRES TOTAL (INCLUDES 50' STEM PORTION)

Building Area

0 50 100
Scale 1" = 100'

(For informational Purposes Only. Not A Requirement Of This Resolution.)

Illustration K:
Pond Setback Dimensions



With Mounding

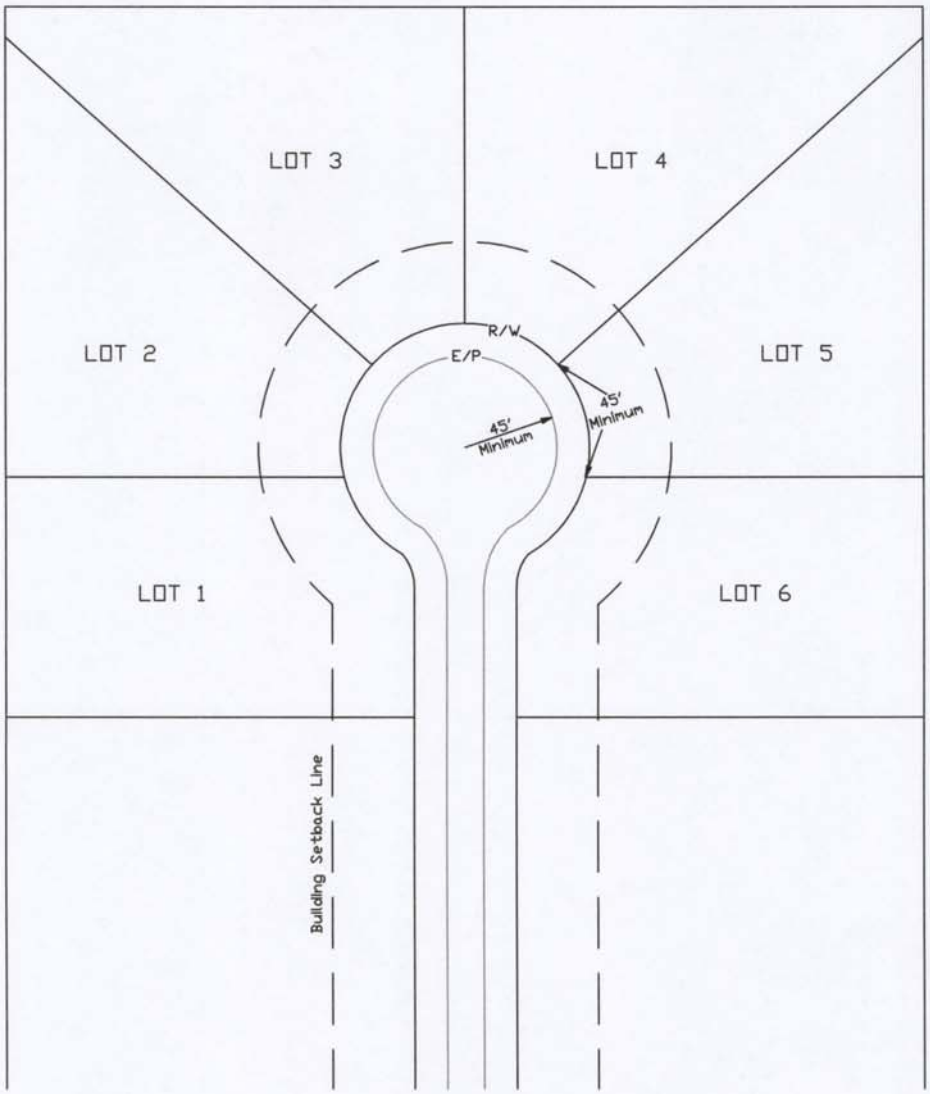
Without Mounding

Dashed line indicates base of mounding
Solid line indicates waters edge

(For Information Purposes Only)

Illustration L:

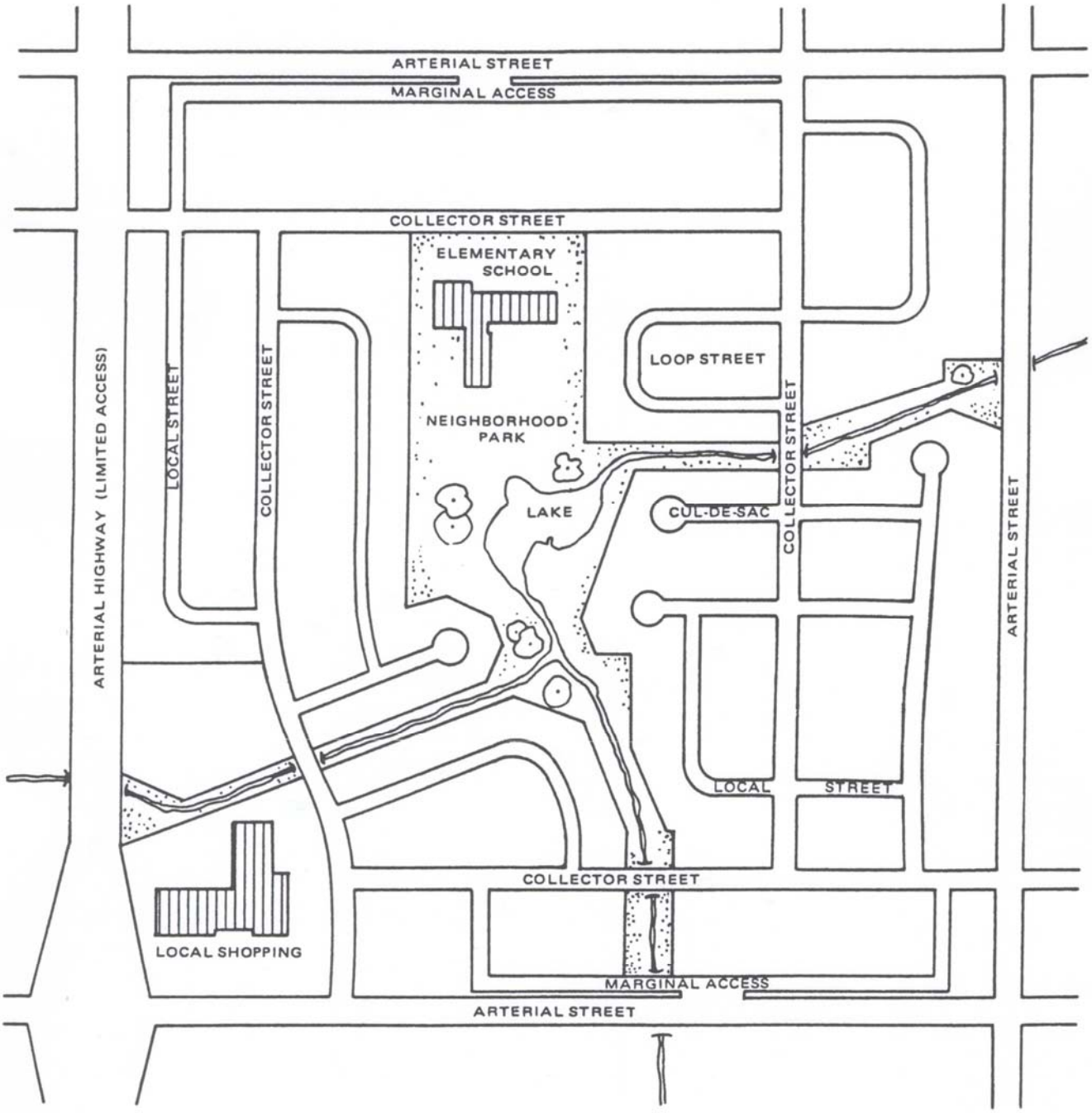
Cul-de-sac Minimum Dimensions



R/W = Right of Way
E/P = Edge of Pavement
Maximum cul-de-sac length = 600'
Maximum # of lots on cul-de-sac bulb = 6
Driveways shall not surpass more than 53% of the total frontage.

(For Information Purposes Only)

CLASSIFICATION OF THE THOROUGHFARE SYSTEM



(For Informational Purposes Only. Not A Requirement Of This Resolution)

Appendix C

(For informational purposes only. Not a requirement of this resolution)

Additional Information, Permits, or Approvals
may be required before a Zoning Permit will be issued or before construction may begin.

C-01 Location and design of driveway aprons and curb cuts. A permit may be required from the Shawnee Township Road Superintendent, the Allen County Engineer, or ODOT. See Section 1603.5 for requirements.

C-02 Drainage Plan. Approval may be required from the Allen County Engineer. See Section 1714 for Drainage and Mounding requirements.

C-03 Plumbing Permit: A permit issued by the Allen County Health Department stating that the proposed system complies with the applicable regulations and authorizes construction.

C-04 Permit to Install Sewage Treatment System: A permit issued by the Allen County Health Department stating that the proposed system complies with the applicable regulations and authorizes construction.

C-05 Sewer Tap Connection Permit: A permit or certificate is issued by the Allen County Sanitary Engineer stating that the proposed System complies with the applicable regulations and authorizing the connection to the Allen County Sanitary Sewer system.

C-06 Private Water System Permit (Well Permit): A permit issued by the Allen County Health Department stating that the proposed System complies with the applicable regulations and authorizes construction.

C-07 Plans for Ponds or Lakes. Review and approval is required from the Allen County Soil and Water Conservation District. See Section 1706 for requirements.

C-08 Floodplain. Any fill or construction in a Floodplain must be approved by the Lima-Allen County Regional Planning Commission. A Shawnee Township Zoning Variance will also be required. See ARTICLE XIV for requirements.

C-09 Review and approval by the Shawnee Township Fire Department when occupant safety or accessibility by fire or rescue equipment is a concern.

C-10 Review and approval by the EPA when the site has the possibility for contamination from past use or has the possibility of contamination from the proposed use.

C-11 Traffic impact and access management: Certain projects may require review and approval by the Lima-Allen County Regional Planning Commission, the Allen County Engineer, or the Ohio Department of Transportation.

C-12 Building Permit: A permit or certificate that licenses and grants legal permission to construct, enlarge, alter, repair, or demolish applicable structures or equipment installed in a building and is required by state code in Allen County for multifamily, commercial, and industrial buildings. Building Permits in Allen County are issued through the Allen County Building Department as administered by the Lima Public Works Department.

C-13 A Shawnee Township Storm Water Management Plan exists and compliance with the Allen County Stormwater Management and Sediment Control Regulations may be required by the Allen County Engineer where the discharge of pollutants and discharge water quality or flooding, erosion, and sedimentation are concerns. The text of the SWMP is available on the Lima-Allen County Regional Planning web site at http://lacrpc.com/documents/ShawneeSWMP-Complete.pdf. The text of the Allen County SMSCR is also available at http://www.lacrpc.com/pdfs/FINALREGULATIONS_000.pdf.

C-14 A Stormwater Pollution Prevention Plan (SPPP) may be required by the Allen County Engineer where stormwater pollution is a concern at a construction site.

C-15 Major subdivisions will require the review and approval of the Lima-Allen County Regional Planning Commission pursuant to the Allen County Subdivision Regulations available at http://www.lacrpc.com/pdfs/AllenCounty--COMPLETE.pdf.

Appendix D

(For informational purposes only. Not a requirement of this resolution)

Reviewing Agencies For Subdivisions, Commercial and Industrial Developments in Allen County

Planning Approval: (Residential Subdivisions, Lot Splits & Commercial Developments Involving Existing and Proposed Public Streets)
Lima-Allen County Regional Planning Commission
130 West North Street
Lima, OH 45801
Contact: 419-228-1836

Waterlines: (Refer to Water District Boundary Map for Appropriate Agency)
Lima City Utilities Department
Municipal Building
50 Town Square
Lima, OH 45801
Contact: 419-221-5294

Lima Water Distribution
1405 Reservoir Road
Lima, OH 45804
Contact: 419-221-5276

Allen Water District
P.O. Box 724
Lima, OH 45801-0724
Board Chairman: 419-221-2500
Local Contact: 419-227-3194
Stilson Consulting: 614-847-4670

Allen County Sanitary Engineer
3230 North Cole Street
Lima, OH 45801
Contact: 419-996-4673

Sanitary Sewers:
Lima Sewer District
Lima City Utilities Department
Municipal Building
50 Town Square
Lima, OH 45801
Contact: 419-221-5294

Allen County Sewer District
Allen County Sanitary Engineer
3230 North Cole Street
Lima, OH 45801
Contact: 419-996-4673

Streets and Storm Sewers:
Allen County Engineer
1501 North Sugar Street
Lima, OH 45801
Contact: 419-228-3196

Stormwater Management Plan Review:
Erosion & Sediment Control:
Allen Soil & Water Conservation District
3900 Campus Drive Unit A
Lima, OH 45801
Contact: 419-223-0040 ext. 109

Drainage Review:
Allen County Engineer
1501 North Sugar Street
Lima, OH 45801
Contact: 419-228-3196

Compliance with Deed Restrictions and Subdivision Regulations:
Allen County Recorder
301 N. Main Street, Room 204
PO Box 1243
Lima, OH, 45801
Contact: 419-223-8517
Fax: 419-223-8555
Deed Restrictions from May, 2006 on web site: www.co.allen.oh.us/rec

Lima-Allen County Regional Planning Commission
130 West North Street
Lima, OH 45801
Contact: 419-228-1836

Allen County Engineer
1501 North Sugar Street
Lima, OH 45801
Contact: 419-228-3196

Allen County Health Department: Private Water Systems (wells), Septic Systems, Plumbing
Combined Allen County General Health District
219 East Market Street
Lima, OH 45801
Contact: 419-228-4457

Building Permits: Industrial, Commercial, Multi-Family Dwellings
Lima Public Works Department
Municipal Building
50 Town Square
Lima, Ohio 45801
Contact: 419-221-5243

Zoning Permits:
Shawnee Township Zoning Department
2530 Ft Amanda Road
Lima, OH 45804
Contact: 419-991-8706

Subdivisions or Commercial Sites Fronting State or U.S. Highways:
Ohio Department of Transportation - District One
1885 North McCullough Street
Lima, OH 45801
Contact: 419-999-6893

Driveways and Curb Cut Permits:
Shawnee Township Road Department
2530 Ft Amanda Road
Lima, OH 45804
Contact: 419-991-7941

Ponds:
Allen Soil & Water Conservation District
3900 Campus Drive Unit A
Lima, OH 45801
Contact: 419-223-0040 ext. 109

Other:
Shawnee Township
2530 Fort Amanda Road
Lima, OH 45804-3729
419-991-8706 Fax - 419-991-2284

Allen County Auditor
310 N Main St
PO Box 1243,
Lima, OH 45802
www.allencountyauditorohio.com
419-223-8520 / 8518

Current Agricultural Use Value (CAUV) may be found on the web site.
Click on:
Property Search
Select: Parcel ID, Owner, Address, or Sales
Assessment Info: CAUV

Fort Shawnee, Village of:
General Number – 419-991-2015

RESOLUTION # 66-12

Adopt Shawnee Township Zoning Resolution

Whereas, the Shawnee Township Board of Trustees held a Public Hearing on June 11, 2012 in order to review changes to the Shawnee Township Zoning Resolution, and;

Whereas, the Shawnee Township Zoning Department and Zoning Boards worked closely with the Lima/Allen County Regional Planning in making these changes in order to bring the current Township Zoning Resolution up to date, and;

Whereas, some of these changes were as follows: **Correct typographical errors. Article III: Added some new definitions to Section 301. Article VI: Added information to Section 602 on Zoning Permit Application Requirements. Expand Permitted and Conditional Uses in various districts. Article XIII: New wording on Planned Unit Development Districts. Article XVI, XVII: Some new wording on Parking, Uses Not Permitted, Ponds & Lakes, Swimming Pools, Fences and Drainage. Article XVIII: New wording on Signs and Outdoor Advertising. Article XX: New Article on Performance Measurers; Landscaping, Screening & Outdoor Lighting. Article XXI: New Article on Wind Turbine Generators. Article XXII: New Article on Solar Energy Systems. Appendix added to help define and clarify.**

Therefore be it hereby resolved, the Shawnee Township Board of Trustees hereby adopts the Shawnee Township Zoning Resolution, as attached.

Motion R. Holly

Second D. Belton

Adopted this 25th day of June 2012

Mr. David Belton	(Yes or No)
Mr. Russell E. Holly	(Yes or No)
Mrs. Chris Seddelmeyer	(Yes or No)

Board of Township Trustees of Shawnee Township, Allen County, Ohio:

David L. Belton
Trustee

Russell E. Holly
Trustee

Chris Seddelmeyer
Trustee

Attest:

Absent
Stephanie Hoffer, Fiscal Officer