

106 RELATIONSHIP WITH THIRD PARTY PRIVATE AGREEMENTS

This Zoning Resolution is not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, wherever this Zoning Resolution proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those imposed or required by such third-party private agreements, the provision of this Zoning Resolution shall govern.

107 AGRICULTURE

Except as otherwise provided herein, nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes; this includes the construction and/or use of buildings or structures incident to the agricultural purposes on which such buildings or structures are located. No Zoning Permit or Certificate shall be required for any such use, building or structure. Notwithstanding the foregoing, in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen or more lots approved under section 711.13.1 of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agricultural uses and structures are subject to the terms and conditions of this Resolution in the following manner:

- 107.1 Agricultural activities are prohibited on lots of one (1) acre or less.
- 107.2 Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but less than five acres are subject to all setback lines, height, and size regulations set forth in this Resolution.
- 107.3 Dairying or animal and poultry husbandry on subdivision lots greater than one acre but less than five acres when at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under section 4503.06 of the Ohio Revised Code are subject to the provisions of this Zoning Resolution. After thirty-five per cent of the lots are so developed, lawfully existing dairying and / or animal and poultry husbandry shall be considered a nonconforming use of land, and buildings or structures pursuant to section 519.19 of the Ohio Revised Code are thereafter prohibited.

108 EFFECTIVE DATE

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

200 ESTABLISHMENT OF DISTRICTS

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

A	Agricultural District
R-1	Residential District
R-1H	Residential Historical District
R-2	Residential District
R-2H	Residential Historical District
R-3	Residential District
R-4	Residential District
B-1	Business / Commercial District
B-2	Business / Commercial District
B-3	Business / Commercial District
B-4	Business / Commercial District
I	Industrial and Manufacturing District
P.U.D.	Planned Unit Development
M.H.P.	Mobile Home Park District
FP	Floodplain Overlay District

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

1701 PARKING OF TRAILERS, BOATS AND RECREATIONAL VEHICLES

The outdoor storage of a boat, trailer, or recreation vehicle shall be prohibited within the front yard. The parking or storing of any boat, trailer, or recreation vehicle shall be permissible within the side or rear yard, as well as inside any accessory building.

Boats, trailers, or recreation vehicles may be stored in the driveway for a period of 48 hours for routine maintenance. Boats, trailers, or recreation vehicles may be parked on the street in front of the residence or road right-of way within a residential district for a period not to exceed 72 hours and shall not constitute a hazard to approaching or on-coming traffic.

No occupancy for human habitation shall be maintained or business conducted therein while such trailer, recreation vehicle or boat where it is so parked or stored. Connections of power cables or power connection lines, as well as connections of any type of sanitary lines to the principal structure, or septic / sewage system is prohibited and is prima-facia evidence of occupancy or habitation.

The wheels or similar transporting devices of any such trailer permitted within any Residential District shall not be removed, nor shall any trailer be temporarily or permanently affixed to the ground or attached to something having a temporary or permanent location on the ground. If the recreation vehicle or trailer is located on a corner lot, then the parking or storing of said recreational vehicle or trailer shall be opposite the street facing side.

1703 MINIMUM BUILDING SETBACK LINES

Any building erected in any district shall be so maintained and situated to provide that no portion hereof shall be closer to the center of the nearest road pavement than fifty-five (55) feet within the residential streets in the township. For State and County roadways then the building set back distance from the center of the nearest roadway shall be no less than ninety-(90) feet.

Exception shall be 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.

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 three hundred (300) 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.

1707 SETBACK REQUIREMENTS ON CORNER OR FLAG SHAPED LOTS

1707.1 On a corner shaped lot, the main building and its accessory structures shall be required to be set back the same distance from all street or highway right-of-way lines as required for the front yard setback in the district in which such structures are located. Corner lot shall be designated as having two front designated areas and two side designated areas and no rear yard. See Section 1900 and 1901 for Area and Bulk Requirements. See Appendix A-01, Illustration A for Setback Dimensions.

1707.2 On a flag shaped / pan handle lot, the main building and its accessory structures shall be required to be set back the same distance from all street or highway right-of-way lines as those structures within interior lots. Buildings and structures may be constructed only within the body of the panhandle lot. The body of the panhandle shall meet the minimum lot requirements. The front yard setbacks shall be established from the front property line that parallels the roadway from which the panhandle lot has access.

The main building and any accessory structure shall have the same front set back distance as the interior lot they face as well as side and rear set back distances as required in the district they are located. The pole portion of the parcel shall not be used for defining setback lines.

Other types of corner or interior shaped lots are identified in Illustration C – A 3. In those examples, front, side and rear areas are identified for setback distance identification. See Section 1900 and 1901 for Area and Bulk Requirements. See Appendix A-01, Illustration A for Setback Dimensions

1711 FENCE REGULATIONS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS

The purpose of this section is to establish regulations controlling the location, installation and standards for fences in order that a property owner may construct a fence which retains the privilege of privacy, allows attractive landscape design, or offers reasonable security while assuring that such fences are located and constructed to respect the rights and enjoyment of neighboring property owner, the appearance of the community, and the overall health, safety, and public welfare of its residents.

However, the Zoning Inspector may order appropriate remedial measures to alleviate any hazardous conditions related to any fence, whether newly constructed following adoption of this section, or constructed prior to the adoption of this section, whether conforming or nonconforming, when the Zoning Inspector determines that such condition, without immediate remedial measures jeopardizes the health and safety of nearby residents or occupants.

Fences and Wall constructed in the Business & Commercial and Industrial & Manufacturing Districts shall be regulated under Article 2011-Requirements for Fences and Walls of this zoning resolution. Refer to that section of the Resolution for fence and wall construction in those districts.

1711.1 Fence Standards. Fences are permitted in all Agricultural and Residential Districts, subject to the following conditions:
A. Exemptions

1. Agricultural style fences used for agricultural purposes shall be exempt from the following regulations but shall however comply with the standards and regulations in the Ohio Revised Code for “agricultural fencing”.

2. Fences constructed in a mixed zoned location, being Residential & Agricultural Mix; then construction shall be in accordance with their zoned designation where the construction of the fence is taking place.
- B. Location
1. No fence, wall, or hedge shall be constructed closer to any public street than the road right-of-way or in front of any property line and/or easement.
 2. The property owner shall assume responsibility for determining the legal, and proper placement of the fence, wall or hedge upon his/her property.
 3. Fences constructed on corner lots shall be required to have the same set back distance as required for front yards in the district in which such structure is located.
 4. Fences shall only be erected in the side or rear yard areas.
 5. Decorative split rail fencing may be located as near as the road right-of-way. Examples would be split rail post and rails marking the front corners of the property, low stone walls surrounding a front porch or patio or wood or stone retaining walls integrated into landscaping in a sloped yard are examples.
 6. Kentucky Three or Four-Panel Rail Agricultural Fencing may be constructed along the front and sideline of the parcel when the parcel is over 5 acres in size, within an "A" Agricultural zoned district. Fence height shall not exceed forty-eight-(48) inches in height.
- C. Height
1. Side and rear yard fences shall not exceed six (6) feet in height for residential uses.
 2. Decorative split rail fencing, low stone walls, and hedge fences shall not exceed four (4) feet in height for residential uses.
 3. Chain link fences shall not exceed four (4) feet in height, metal support posts shall not exceed four feet-six inches in height. Chain link fences shall only be erected in the side or rear yard.
- D. Materials
1. Fences may be constructed of wood, vinyl, brick, stone, steel, aluminum or other material as approved by Zoning Inspector. Fence construction shall have a unified appearance and constructed of same / similar building materials.
 2. Fences constructed of metal, aluminum, or other steel materials other than chain link shall be subject to review and approval by the Zoning Inspector. Fences and walls are interchangeable for purposes of this section.
 3. Fences shall not contain an electric charge.
 4. Barbed wire, razor wire, or any other type of anti-climbing wire shall only be used in the non-residential areas and then only when approved by the Board of Zoning Appeals.
 5. Materials used for fences shall be of traditional fencing materials (wrought iron, chain link, pressure treated lumber, cedar, redwood, PVC, etc.) and shall be constructed of weather resistant materials or treated so that they are weather resistant.
 6. The finished or most decorative side of the fence shall face away from the property erecting the fence.
 7. Individual fence panels (lumber, cedar, redwood) may be constructed uniformly in a vertical or horizontal fashion with finished or most decorative side of the fence facing away from the property erecting the fence.
 8. Soft fencing being plantings composed of ornamental grasses, flowering bushes, and perennial plants may be incorporated into the solid fencing scheme to soften the visual impact of fencing.
 9. Decorative hedge walls may be utilized along the side and front of the property, for privacy purposes. Decorative hedge walls may not exceed the height of (4) four feet; shall be set back inside the property lines to allow for growth and expansion so that it does not extend into adjoining properties; and shall be trimmed and maintained on regular basis.

E. Maintenance

The fence, wall or hedge and the property surrounding both sides of the fence, wall or hedge shall be properly maintained at all times.

F. Certificate Required

Fences and walls shall require a Zoning Certificate, and payment of applicable fees.

G. Sight Distance Requirements

1. No fence, wall, or hedge planting shall interfere with visibility from a driveway. The Zoning Inspector/ Code Enforcement Officer is hereby empowered to cause all such obstructions to be moved in the interest of the public safety.
2. No fence or wall may be placed such they interfere with street level sight visibility for 50 feet from any approach to an intersection.
3. No Fence, wall or hedge planting shall not be higher than (32) thirty-two inches within the "sight triangle". See Appendix A-09, Illustration I.

H. Additional Fence, Walls, and Hedge Standards

1. On large residentially zoned estate type lots, open face decorative wrought iron fencing may be permitted on lots greater than two-(2) acres in size based on its integration within the landscaping scheme on a case-by-case basis and subject to site plan review and approval by the Board of Zoning Appeals. Chain link or panel / shadow box fencing would not be appropriate under this section.
2. Mesh wire fence shall be permitted if incorporated into or an integral part of a wood rail fence.
3. All fences on a parcel shall have a unified style.
4. Guard rails shall not be used as fencing.
5. Fencing around swimming pools – See Article 1708.2

AS AMENDED ON APRIL 12, 2021 AT THE BOARD OF TRUSTEES MEETING

1716 ACCESSORY BUILDINGS, STRUCTURES AND USES

1716.1 Accessory buildings, structures and uses shall be permitted in all districts provided that:

- a. Be customarily associated with and incidental, subordinate and secondary to a legally established principal permitted use and be in accordance with all requirements of this Resolution.
- b. Be operated on the same lot as the principal use, unless otherwise provided.
- c. Be compliant to deed restrictions, homeowner association rules, and neighborhood covenants governing accessory buildings and uses.

1716.2 General Standards for Accessory Buildings, Structures and Uses.

- a. A zoning permit is required for all accessory structures such as sheds, garages, pole barns, greenhouses, or other similar structures over 200 square feet, regardless of foundation.
- b. An accessory structure permit application along with a site plan or recent aerial photograph with property lines that shows the proposed accessory structure location and distances from each property line shall be indicated. All existing structures shall also be indicated in this site plan to include location of streets/roadways, driveways, principal structure, and any existing accessory structures such as sheds, detached garages, pools, ponds, pole barns or other structures. A drawing or product information sheet noting the height of the structure and materials utilized is also required.
- c. Accessory building or structures may only be constructed after the principal building has been established on the lot. On agricultural lots greater than five-(5) acres an accessory building or structure may be constructed prior to a principal building being constructed on the parcel.

- d. The property owner shall assume the responsibility for determining the legal, and proper placement of the accessory building or structure upon his/her property.
- e. Accessory buildings or structures shall be located behind the front building line of the primary structure.
- f. Accessory buildings or structures shall be located within the rear yard only; unless a specific hardship exists such as the location of principal structure in conjunction with the accessory building on the parcel and no other means of placement is available.
- g. All accessory structures, including detached garages constructed on corner lots shall be required to have a setback distance from the center of the roadway as the primary structure.
- h. Accessory buildings or structures shall be located at least ten-(10') feet from the principal structure.
- i. Accessory buildings or structures shall be located at least ten-(10') feet from rear property line.
- j. Accessory buildings or structures shall be located at least ten-(10') feet from side property lines.
- k. Accessory buildings or structures shall not be constructed or located within a utility easement, flood hazard area, or other restricted area.
- l. Detached garages used to store vehicles shall meet the setback requirements of the principal building.
- m. Grading and height elevation of the accessory building or structure shall not cause any adverse storm water drainage conditions to adjoining properties.
- n. No accessory building or structure shall be converted to a use other than what was stipulated in the application.
- o. No tractor truck trailer bodies, cargo shipping containers, old storage tanks, railroad cars, or similar type container(s) shall be considered as an accessory structure, storage building, or modified to be utilized as an accessory building within any zoning district. PODS are permitted as temporary use for a period not to exceed 30 days, installed on a concrete or asphalt surface and subject to applicable permitting requirements.
- p. Any accessory structure erected prior to the date of this section, which does not comply with these regulations, shall be determined to be a legally nonconforming use.

1716.3 Standards for Accessory Uses and Structures in "A" Agricultural and "R" Residential Zoned Districts.

- a. **No more than two-(2) accessory structures can be built on any "R" residential zoned lot where there is an existing attached or detached garage to the principal structure.** Agricultural zoned lots (under 5 acres in size) may be permitted more than two-(2) accessory structures based on lot area as indicated below.
- b. **Accessory Buildings, Garages, and Structures on lots with less than 1.0 acre of land.**
 - 1. The area of any one accessory building shall not exceed 576 square feet.
 - 2. The total area of both accessory structures shall not exceed 1000 square feet.
 - 3. Maximum permitted height of 15' feet.
- c. **Accessory Buildings, Garages, and Structures on lots greater than 1.0 acre but less than 2.99 acres of land.**
 - 1. The area of any one accessory building shall not exceed 750 square feet.
 - 2. The total area of both accessory structures shall not exceed 1600 square feet.
 - 3. Maximum permitted height of 15' feet.
- d. **Accessory Buildings, Garages, and Structures on lots greater than 3.0 acres but less than 4.99 acres of land.**
 - 1. The area of any one accessory building shall not exceed 1500 square feet.
 - 2. The total area of both accessory structures shall not exceed 3000square feet.
 - 3. Such accessory building shall not exceed 25 feet in height.
- e. **Accessory Buildings, Garages, and Structures on lots greater than 5.0 acres of land.**
 - 1. The area of any one accessory building shall not exceed 3500 square feet.
 - 2. The total area for three-(3) accessory structures shall not exceed a total of 7500 square feet.
 - 3. Such accessory buildings shall not exceed 35 feet in height.
 - 4. Agricultural zoned parcels greater than five-(5) acres, and use is specific to agricultural activity is exempt from height, size and setback requirements.

- f. Accessory structures that are to house vehicles shall be located so that access can be made to the accessory structure over a paved, concrete or stoned surface such as a driveway.
- g. Accessory dwelling unit (mother in suite, or granny house) used exclusively for habitation, shall be a single, secondary dwelling unit, not exceeding four hundred-(400) square feet, located on the same parcel as the main principal building and attached to the principal building, by such of means of a breezeway.
- h. The utilities (electric, gas, water, sanitary) shall be connected to the principal building or structure, and not operating separately. Accessory dwelling unit shall be deeded with the principal building as one combined unit.
- i. Accessory dwelling structures separate from principal structure and utilized for habitation shall require a site plan review as well as a Conditional Use Permit issued by the Board of Zoning Appeals after public hearing.
- j. All accessory structures shall be maintained in good condition. Any structure considered to be in disrepair, as determined by the Zoning Inspector, shall be repaired, replaced, or removed from the site.
- k. Mixed Use (Hybrid) Accessory Structures shall be prohibited in all "R" Residential zoned districts, however, is acceptable in "A" agricultural zoned districts where lot size exceeds five-(5) or more acres. A mixed-use accessory building or structure is a combination of a residential or habitation area combined with farm, commercial or other business uses contained within a single building.
- l. Green Houses and Planter Boxes are only permitted along the side or rear areas of the property.
- m. Commercial zoned parcels with a principal dwelling shall be treated as a "R" residential zoned parcel for the purpose of this Article.
- n. Commercial business activity, sales or service conducted within a detached accessory building shall be prohibited in a "R" residential zoned district. Private mechanical repair service maybe permitted for one-(1) motor vehicle or RV at a time.
- o. Driveways and driveway extension pads shall be constructed so that the edge is no closer than three-(3) feet from adjoining property lines.

1716.4 Standards for Accessory Structures and Uses in Business and Industrial Districts

- a. An accessory use may not exceed 35 feet in height.
- b. A detached accessory building shall not encroach on any required setback distance areas.
- c. There shall be no more than (3)-three detached accessory buildings on a lot where the principal building is 200,000 SF or less. One additional accessory building may be permitted for every 100,000 square feet of principal building floor area more than 200,000 square feet.
- d. Accessory buildings shall be set back from property lines based on their business or industrial classification set back distance as described in Article 19-2 Bulk and Area Requirements.
- e. The Zoning Inspector shall have the authority to determine if a proposed accessory use is of a scale and nature as to be a second principal building and/or use of the site, subject to all requirements.

2006.1 SCREENING FOR ACCESSORY USES

Screening for accessory uses shall be provided according to the following:

2006.1 Trash Collection Areas. All dumpsters and trash containers must be completely screened by a fence, wall, or earth berm of not less than six (6) feet, or more than eight (8) feet in height on at least three sides. Such screening shall be maintained in good condition without any form of advertising thereon.

The side of the enclosure used for access shall not be located so as to face any street, unless it is equipped with gates, so the dumpster can be fully enclosed.