

SHAWNEE TOWNSHIP
ALLEN COUNTY, OHIO

ZONING RESOLUTION

66-12

JUNE 25, 2012



AMENDED:

July 27, 2015
February 23, 2017
May 2, 2018
April 12, 2021
July 12, 2021
March 28, 2025

EFFECTIVE:

August 27, 2015
March 23, 2017
June 2, 2018
May 12, 2021
August 12, 2021
April 28, 2025

RESOLUTION #

87-15
08-17
70-18
29-21
51-21
49-25

Board of Trustees for Shawnee Township

**David Belton
Russell Holly
Clark Spieles**

TABLE OF CONTENTS

<u>ARTICLE</u>		<u>PAGE</u>
	COVER PAGE, TABLE OF CONTENTS, APPENDICES & ILLUSTRATIONS	1-6
I	<u>GENERAL PROVISIONS</u>	
	100 Title	7
	101 Purpose	7
	102 Interpretation	7
	103 Separability	7
	104 Repeal of Conflicting Resolutions	7
	105 Uses Excluded from the Resolution	7
	106 Relationship to Third Party Agreements	7
	107 Agriculture	8
	108 Effective Date	8
II	<u>ESTABLISHMENT OF DISTRICTS</u>	
	200 Purpose	9
	201 Establishment of Districts	9
	202 Zoning District Map	9
	203 Zoning Map Legend	9
	204 Identification of Official Zoning Map	10
	205 Zoning Map Amendments	10
III	<u>INTERPRETATION AND DEFINITION OF TERMS & WORDS</u>	
	300 Purpose	11
	301 Interpretation of Term or Words	11
	302 Definitions	11-25
IV	<u>AMENDMENTS TO THE ZONING RESOLUTION AND/OR THE ZONING MAP</u>	
	400 General	26
	401 Purpose	26
	402 Initiation of Zoning Amendments	26
	403 Contents of Application for Zoning Map Amendments	26-27
	404 Contents of Application for Zoning Text Amendment	27
	405 Transmittal to Zoning Commission	27
	406 Submission to Lima-Allen County Regional Planning Commission	27
	407 Public Hearing by Zoning Commission	27
	408 Notice of Public Hearing in Newspaper	28
	409 Notices to Property Owners by Zoning Commission	28
	410 Recommendation by Zoning Commission	28
	411 Public Hearing by the Board of Trustees	28
	412 Action by Board of Township Trustees	28
	413 Effective Date and Referendum	29
V.	<u>ADMINISTRATION</u>	
	500 Purpose	30
	501 General Provisions	30
	502 Zoning Inspector	30
	503 Responsibilities of Zoning Inspector	30-31
	504 Township Zoning Commission	31
	505 Responsibilities of the Zoning Commission	31
	506 Board of Zoning Appeals	32
	507 Responsibilities of the Board of Zoning Appeals	32

V.	<u>ADMINISTRATION</u> (Continued)	
	508 Zoning Inspector, Board of Zoning Appeals, Legislative Authority, and Courts on Matters of Appeal	32
	509 Board of Township Trustees	33
	510 Permit and Administrative Fee Schedule	33
VI	<u>ENFORCEMENT</u>	
	600 General	34
	601 Zoning Permits Required	34-35
	602 Contents of Application for Zoning Permit	35-36
	603 Approval of Zoning Permit	36
	604 Expiration of Zoning Permit	36
	605 Record of Zoning Permits	36
	606 Failure to Obtain a Zoning Permit	36
	607 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates	37
	608 Entry and Inspection of Property	37
	609 Stop Work Order	37
	610 Zoning Permit Revocation	37
	611 Notice of Violation	37-38
	612 Prosecution of Violation	38
	613 Penalties and Fines	38
	614 Additional Remedies	39
VII	<u>PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES</u>	
	700 General	40
	701 Appeals	40
	702 Stay of Proceedings	40
	703 Variances	40
	704 Application and Standards for Variances	40-41
	705 Public Hearing by the Board of Zoning Appeals	41
	706 Notice of Public Hearing in Newspaper	41
	707 Notice to Parties of Interest	42
	708 Approval of Variance	42
	709 Action by Board of Zoning Appeals	42
	710 Terms of Variance	43
VIII	<u>CONDITIONAL ZONING REQUIREMENTS</u>	
	800 General	44
	801 Purpose	44
	802 Contents of Conditional Use Permit Application	44
	803 General Standards for all Conditional Uses	45
	804 Public Hearing	45
	805 Notice of Public Hearing	45
	806 Notice to Parties of Interest	46
	807 Action by the Board of Zoning Appeals	46
	808 Supplemental Conditions and Safeguards	46
	809 Expiration of Conditional Use Permit	46
	810 Denial of Conditional Zoning Certificate	47
IX	<u>RESIDENTIAL DISTRICTS: RI, RIH, RII, RIIH, RIII, RIV</u>	
	900 Purpose	48
	901 Permitted Uses	48-49
	902 Conditional Uses	49-50
	903 Requirements	

X	<u>AGRICULTURAL DISTRICT: A</u>	
	1000 Purpose	51
	1001 Permitted Uses	51
	1002 Conditional Uses	51-53
	1003 Requirements	54
XI	<u>BUSINESS & COMMERCIAL: B-I, B-II, B-III, B-IV</u>	
	1100 Purpose	55
	1101 Permitted Uses: B-I, B-II, B-III B-IV	55-56
	1102 Conditional Uses: B-I, B-II, B-III	56-58
	1103 Conditional Uses: B-IV	58-62
	1104 Requirements	62
XII	<u>INDUSTRIAL DISTRICT: I</u>	
	1200 Purpose	63
	1201 Permitted Uses	63
	1202 Conditional Use	63-64
	1203 Requirements	64
XIII	<u>PLANNED UNIT DEVELOPMENT DISTRICT: R-PUD & SP-PUD</u>	
	1300 Purpose	65
	1301 Permitted Uses in the R-PUD District	65-66
	1302 General Provisions	66-67
	1303 Specific Design Criteria for R-PUD District	67-69
	1304 Permitted Uses in the SP-PUD District	69-70
	1305 General Provisions	70-71
	1306 Specific Design Criteria for SP-PUD District	71-74
XIV	<u>FLOODPLAIN OVERLAY DISTRICT: FP</u>	
	1400 Purpose	75
	1401 Requirements	75
	1402 Permitted Uses	75
	1403 Conditional Uses	75
XV	<u>NON-CONFORMING USES</u>	
	1500 Purpose	76
	1501 Requirements	76
	1502 Expansion & Reconstruction	76
XVI	<u>OFF-STREET PARKING AND LOADING REQUIREMENTS</u>	
	1600 Off-Street Parking Regulations	77-78
	1601 Location	79
	1602 Off-Street Truck Loading Spaces	79
	1603 Parking Standards	80
XVII	<u>SUPPLEMENTAL DISTRICT REGULATIONS</u>	
	1700 Purpose	81
	1701 Parking of Trailers, Boats, and Recreational Vehicles	81
	1702 Buffer Screening Area	81
	1703 Minimum Building Setback Lines	81-82
	1704 Uses Not Permitted	82-83
	1705 Parking of Commercial Vehicles in Residential Districts	83
	1706 Ponds, Lakes, or Other Water Detention / Retention Structures	83-86
	1707 Setback Requirements for Building on Corner or Flag Shaped Lots	87
	1708 Regulation of Swimming Pools as Accessory Uses	87-88
	1709 Architectural Projections	88

XVII	<u>SUPPLEMENTAL DISTRICT REGULATIONS</u> (Continued)	
	1710 Obstruction to Roadway Visibility	89
	1711 Fence Regulations in Agricultural and Residential Districts	89-92
	1712 Principal Dwelling Building or Structure Per Lot	92
	1713 Conversion of Dwelling to more than One Unit	92
	1714 Drainage and Mounding	93
	1715 Regulation of Garage Sales	94
	1716 Accessory Buildings, Structures and Uses	94-98
XVIII	<u>SIGNS AND OUTDOOR ADVERTISING STRUCTURES</u>	
	1800 General	99
	1801 Definitions	100-103
	1802 Permit Required	104
	1803 General Requirements	104-107
	1804 Permitted Signs – No Permit Required	107-109
	1805 Permitted Signs – Permit Required	110-115
	1806 Conditionally Permitted Signs – Permit Required	115
	1807 Prohibited Signs	115-116
	1808 Enforcement of Prohibited, Hazardous, and Abandoned Signs	116-118
	1809 Nonconforming Signs	118
	1810 Table of Sign Area, Height, and Setback Requirements	119-120
XIX	<u>AREA AND BULK REQUIREMENTS</u>	
	1900 Residential and Agricultural District Schedule of Regulations	121
	1901 Business, Commercial, and Industrial and Manufacturing District Schedule of Regulations	122
	1902 Agricultural, Residential, Commercial and Industrial Schedule of Regulations for Accessory Structures	123
XX	<u>PERFORMANCE MEASURES</u>	
	2000 Purpose	124
	2001 Scope of Application	124-125
	2002 Definitions	125-126
	2003 Landscaping Along Street Frontage	127
	2004 Screening and Landscaping of Parking Lots	127-130
	2005 Buffer Screening between Districts and Uses	130-132
	2006 Screening of Accessory Uses	132-133
	2007 General Requirements, Installation, and Maintenance of Landscaping	133
	2008 Approval Process for Required Landscaping and Screening	134
	2009 Flexibility	134
	2010 Outdoor Lighting Regulations	134-136
	2011 Requirements for Fences and Walls (Business and Industrial Districts)	136-137
XXI	<u>WIND TURBINE GENERATORS</u>	
	2100 Regulation of Wind Turbine Generators and Anemometer Towers	138
	2101 Definitions	138-139
	2102 Zoning Permit Required	139-140
	2103 Accessory Use	140
	2104 Before Construction Requirements	141
XXII	<u>SOLAR ENERGY SYSTEMS</u>	
	2200 Regulations for Residential, Business, and Industrial Use Renewable Energy Generation Facilities	142
	2201 Definitions	142-144
	2202 Permitted Use	144-145

XXII	<u>SOLAR ENERGY SYSTEMS</u> (Continued)	
	2203 General Requirements	145
	2204 Regulations for Roof Mounted and Ground Mounted Solar Energy Systems	146-150
	2205 Regulations for Utility Grid Solar Energy Systems	150-165
	2206 Property Valuation	166-167
XXIII	(RESERVED – FUTURE USE)	168
XXIV	(RESERVED – FUTURE USE)	169
XXV	<u>EXTERNAL PROPERTY MAINTENANCE CODE</u>	
	2500 Purpose	170
	2501 Title	170
	2502 Source	170
	2503 Construction of Language	170-171
	2504 Definitions	171-175
	2505 Application of Property Maintenance Code	176
	2506 Code Enforcement Officer	177
	2507 Enforcement Action	177-179
	2508 Code Enforcement Appeals Board	179-181
	2509 Zoning Violation Citation	181-182
	2510 Prosecution	182
	2511 Abatement of Violation and Cost Recovery	183
	2512 Emergency Measures	183
	2513 Rule Making Authority	183
	2514 Additional Civil Penalties	184
	2515 Violation Penalties	184
	2516 Annual Review	184
	2517 Responsibility of Owner	184
	2518 Transfer of Ownership	184
	2519 Violation and Civil Fine Penalties	185-186
	2520 Continuing Violations	186
	2521 The Prohibited Storage and Accumulation of Junk Material on Private Property	186-188
	2522 Junk Motor Vehicles Prohibited on All Zoning Districts	188-191
	2523 Vegetation and Weed Cutting Required	192-193
	2524 Maintenance of Plantings	193
	2525 Notification for Vegetation & Weed Cutting	193
	2526 Failure to Comply with Notice to Cut Weeds, Trees & Bushes	193
	2527 Procedure for Weed and Grass Cutting	194-195
	2528 Specified Parcels	195
	2529 Specified Parcel Maintenance	195-196
	2530 Exterior Property Maintenance Standards	196
	2531 Structural Soundness and Maintenance of Dwellings	196-199
	2532 Exterior Property and Structural Exteriors	199-201
	2533 Stairways and Ramps	201
	2534 Poultry and Animal Husbandry	202
	2535 Insect and Rat Control	203
	2536 Storm Water Drainage	203
	2537 Fence Uses and Maintenance	203-204
	2538 Swimming Pools, Spas, and Hot Tubs	204-205
	2539 Abandonment of Construction Project / Revocation of Permit	206
	2540 Maintenance of Accessory Structures	206
	2541 Upkeep of Vacant Structures and Vacant Land	207
	2542 Open Burning of Rubbish, Trash or Noxious Debris Prohibited	207

XXV

EXTERNAL PROPERTY MAINTENANCE CODE (Continued)

2543	Blight Conditions and Corrective Action	207
2544	Accumulation of Junk, Junk Parts, Inoperable Machinery, Discarded Objects and Debris Prohibited in All Zoning Districts	207
2545	Permitted Number of Disabled or Junk Motor Vehicles on Residential Lots	208
2546	Signage	208-209
2547	Inoperable Motor Vehicles Prohibited in All Zoning Districts	209
2548	Mounding, Raised Beds, and Other Earth Works	210
2549	Drainage Control	210
2550	Regulations for Ponds, Lakes or Other Detention/Retention Structures	210-211
2551	Property Maintenance Standards Specific to Commercial and Industrial Properties	211

XXVI

(RESERVED – FUTURE USE)

212

APPENDICES

ILLUSTRATIONS

A.	Setback Dimensions	213
B.	Lot Types	214
C.	Odd Shaped Lot Examples	215
D.	Flood Plain Cross-Section	216
D.	Flood Plain Definition	217
E.	Accessible Parking Space Standards	218
F.	Determination of Slope	219
G.	Driveway Schematic	220
H.	Edge Clearance	221
I.	Sight Triangle Easement	222
J.	Flag Lot	223
K.	Pond Setback Dimensions	224
L.	Cul-de-Sac Minimum Dimensions	225

B.	CLASSIFICATION OF THE THROUGHFARE SYSTEM	226
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C.	ADDITIONAL INFORMATION – APPENDIX “C”	227-228
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D.	REVIEWING AGENCIES FOR SUBDIVISIONS, COMMERCIAL AND INDUSTRIAL DEVELOPMENTS IN ALLEN COUNTY, OHIO	229-230
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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 RELATIONSHIPS 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 agricultural land that is approved or qualified for the Current Agricultural Use Value - CAUV program in the State of Ohio, which allows farmland to be taxed based on its agricultural use rather than its market value.

To qualify for CAUV, land totaling ten (10) acres or more must be devoted exclusively to an agriculture use such as commercial animal or poultry husbandry, apiculture, aquaculture, the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, flowers or land retirement and conservation programs administered through a federal agency.

If a landowner has less than ten (10) tillable acres or less than ten (10) qualifying acres, the land owner must provide actual receipts to show that the land grossed \$2,500 annually for the previous three (3) years.

CAUV applications and filing fees are submitted and paid to the Allen County Auditor's Office (ORC 5713.30 – 5713.99).

No agricultural specific Building, Structure, and Fencing require a Township Zoning Permit and or Certificate on any such land that qualifies for CAUV program, but are still subject to property tax paid to the Allen County Auditor's Office.

Principle dwelling structures located on CAUV agricultural properties require a Township Zoning Permit and or Certificate.

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 Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agricultural buildings, structures, and uses 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 (1) acre, but less than ten (10) 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 percent 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.

ARTICLE II

ESTABLISHMENT OF DISTRICTS

200 PURPOSE

The purpose of this Article is establishing districts 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, County of Allen, State of Ohio:

A	Agricultural District
R-I	Residential District
R-IH	Residential Historical District
R-II	Residential District
R-IIH	Residential Historical District
R-III	Residential District
R-IV	Residential District
B-I	Business / Commercial District
B-II	Business / Commercial District
B-III	Business / Commercial District
B-IV	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

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 Article II Section 201, 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 Township 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 TOWNSHIP 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 Township Zoning Map:

- 204.1 Where district's 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 using 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 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 TOWNSHIP 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 Township Zoning Map shall then be signed by the Township Board of Trustees, and attested to by the Township Fiscal Officer.

ARTICLE III

INTERPRETATION AND DEFINITION OF TERMS & WORDS

300 PURPOSES

For the purposes set forth in this Resolution, the following interpretations and definitions are offered for purposes of clarification. If 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 INTERPRETATIONS 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" be 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 bookstore, 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 about 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 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 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 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 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 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 (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 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 Principal Building/Structure.

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 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.
- 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 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, 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 City of Lima Building 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 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 into 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 /Structure (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 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 non-self-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: 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. 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 applicants.

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 TRANSMITTALS 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 SUBMISSIONS 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 NOTICES 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 NOTICES TO PROPERTY OWNERS BY ZONING COMMISSION

Pursuant to 519.12 of the Ohio Revised Code or as in such statute 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 RECOMMENDATIONS BY ZONING COMMISSION

Pursuant to 519.12 of the Ohio Revised Code or as in such statute 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 ACTIONS 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 ORC 519.12 the proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than (15) fifteen percent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the petition is filed.

Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.

ARTICLE V
ADMINISTRATION

500 **PURPOSES**

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 **TOWNSHIP ZONING INSPECTOR**

A Township 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 THE TOWNSHIP 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 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 unincorporated 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 statute 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 PERMIT & ADMINISTRATION FEE SCHEDULE

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 Township Zoning Inspector with respect to actual administrative cost, both direct and indirect.

The schedule of fees shall be posted in the office of the Township 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 with payment is required for:

- a. Buildings and Dwellings that are intended for human or animal habitation.
- b. Remodeling that changes a buildings and dwellings footprint.
- c. In-ground and permanent above-ground pools.
- d. Ponds or lakes.
- e. Accessory Buildings or Structures (Greater than 200SF).
- f. Building demolition (No payment).
- g. Signs.
- h. Wind Turbine Generators.
- i. Solar Energy Systems.
- j. Fences in all zoned districts.
- k. PODS – Portable on Demand Storage Units; and
- l. Vendor Door to Door Registration.

601.2 A Zoning Permit is not required for:

- a. Internal remodeling that does not change a building's external footprint.

- b. Uncovered structures, including but not limited to decks, swimming pool aprons, patios, sidewalks, parking areas, and porches (An open roof or lattice is not a cover).
- c. Temporary above-ground pools.
- d. Mailboxes and mailbox enclosures.
- e. Basketball hoops.
- f. Trellises.
- g. Private utility poles.
- h. Some signs.

602 CONTENTS OF APPLICATION FOR ZONING PERMIT

The application for zoning permit shall be made in writing and be signed by the property 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 permit fees:

- 602.1 Name, address, email, and phone number of applicants; Name, address, email, and phone number of lot owner; Name, address, email, and phone number of contractors.
- 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 schedule, to any person.

606 FAILURES 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 NOTICES 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 by 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; or
- d. By posting a copy of the notice form on any window of a junk or inoperable motor vehicle (if the violation involves junk or inoperable motor vehicle); or
- e. If the violation involves a vacant land, then the notice form may be posted by affixing notice of violation to a stake or pole into the ground on the land found to be in violation; and
- f. Posting a copy of the notice of violation in the legal section of the newspaper having general circulation within the township, a minimum of one-(1) time. Whenever feasible a camera shall be utilized documenting the posting the notice on structure, land or vehicle with date and time indicated that said notice was posted.

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 the City of Lima, or 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 STAYS 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 NOTICES 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 NOTICES 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 APPROVALS 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 ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Resolution.

709 ACTIONS 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 **TERMS 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 PURPOSES

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 applicants.
- 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 owners 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 NOTICES 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 NOTICES 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 ACTIONS BY THE ZONING BOARD OF APPEALS

Within thirty (30) days after the date of the public hearing required in Section 804, the Zoning Board of 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 needs 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 USE ZONING PERMIT

No application for a Conditional Use Zoning Permit which has been denied wholly or in part by the Zoning Board of Appeals 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, structures, 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 IH – Residential District – “Single Family-Historical” – R-IH

The following uses and no other shall be permitted in an R-IH District:

- a. Any use permitted in an R-I District.

901.3 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.

901.4 Class IIH – Residential District – “Single & Double Family Dwellings – Historical” – R-IIH

The following uses and no other shall be permitted in an R-IIH District:

- a. Any use permitted in an R-II District.

901.5 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.

901.6 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 property 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.

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 one hundred (100) feet from any property line.
- b. The Day-Care Center shall be placed on a lot at least two (2) acres 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 property 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 one hundred (100) 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: ARTICLE XIX, Section # 1900 for Schedule of Regulations.

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 no 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.
- c. A buffer screening area at least ten (10) feet wide shall be provided along the side and rear lot lines.

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 one hundred (100) feet from any property line.
- b. The Day-Care Center shall be placed on a lot at least two (2) acres 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 property 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 one hundred (100) 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 one hundred (100) feet from any property 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 property 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 property line.
- b. The facility shall be placed on a lot at least two (2) acres in size.

1002.10 Recreation Camp/Recreation Facilities/Recreation Events shall be allowed as a conditional use in Agricultural "A" Zoned Districts provided:

- a. The parcel must contain at least twenty (20) acres in size.

- b. All activities including parking must remain at least one hundred (100) feet from any property lines.
- c. A buffer screening area at least ten (10) feet wide shall be provided along the side yard and rear yard property lines.

1002.11 Private Parking & Outdoor Service Facilities shall be allowed as a conditional use in Agricultural "A" Zoned Districts provided:

- a. The facility shall be placed on a parcel at least twenty (20) acres in size; no structure with the exception of necessary fencing and required landscaping shall be located closer than one hundred (100) feet from any property line.
- b. Such facilities will be designed, constructed, operated, and maintained in a manner so as to be adequately screened and remain harmonious in appearance with the general character of the surrounding community.
- c. Such facilities shall be designed in a manner that utilizes landscaping and screening buffer adjacent land uses and minimizes the possibility of nuisances including potential noise, glare, litter, and the visual clutter associated with parking and service areas. The design, installation, and maintenance of the required landscaping and screening should consider the topography and natural vegetation on the property but reflect the general requirements of Sections 2005.3, 2007, 2008, and 2009 of these regulations.
- d. Such facilities will have vehicle approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- e. Fencing may not exceed nine (9) feet including barb wire. Barb wire can project outward as long as the barb wire topper does not encroach past the property line. Any fencing will be maintained in good kept up in repair, repaired if needed timely, and kept free of debris, weeds, and vegetation. A working gate and lock shall be required to allow access to / from. Fences shall be painted, treated or other suitable form of preventative maintenance measure utilized to maintain its condition and reduce decay.
- f. Lighting of the facility shall comply with Section 2010 of these regulations.
- g. Such facilities shall be designed and managed in such a manner as those operations thereon do not become a nuisance to the general public or in vicinity in which they are located.
- h. Such facilities will not create excessive additional requirements at public cost for services.

1003 **REQUIREMENTS**

1003.1 Drainage and Mounding

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

1003.2 Area and Bulk Requirements

See: ARTICLE XIX, Section # 1900 for Schedule of Regulations.

ARTICLE XI

BUSINESS DISTRICTS: 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 their 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, Auction house.
- c. Dairy and Locker plants.
- d. Rental storage facilities.
- e. Bars and Night Clubs – Excluding any Adult Entertainment.

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

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 property 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 one hundred (100) 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 one hundred (100) feet from any property line.
- c. 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 property 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 than one hundred (100) feet from any property 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 yard and rear yard property 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 one hundred (100) feet from any property 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 one hundred (100) feet from any property line.
- b. The Day-Care Center shall be placed on a lot at least two (2) acres 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-III District provided:

- a. No structure shall be placed less than one hundred (100) feet from any property 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. No building and or structure shall be placed less than ninety (90) feet from any property line, and road right of way.
- b. All Federal, State, County, and Township licenses and permits are submitted and approved.
- c. 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.

1102.11 Tattoo and Body Piercing Parlors may be allowed as conditional use in any B-II or B-III District provided:

- a. All Federal, State, and Local codes and statutes are met.
- b. All Commercial Building Codes must follow the City of Lima Building Department requirements.
- c. All State and Local Board of Health Regulations are met and maintained according to law.
- d. Hours of operation as well as number of chairs for clients being served shall be a condition as determined by Zoning Board of Appeals.
- e. Not to expand the business to include other units on premises.
- f. Any changes to the business or the building ownership will make this conditional use **void**, and require a new variance application and approval by the Township Zoning Board of Appeals.

1103 CONDITIONAL USES: B-IV (With Approval by the Shawnee Township Zoning Board of 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 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 provided:

The following definitions shall apply in the interpretation of this Section: "Adult Entertainment Business" Any adult bookstore, adult 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 than 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 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 or Adult Entertainment Business must 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 a 1500-foot radius of another Massage Establishment or Adult Entertainment Business.
- iii. No Massage Establishment shall be permitted in a location which is within a 1500-foot radius of any church, any public or private school, day-care center, any park, any playground, social service facility, neighborhood center, or State of Ohio licensed liquor establishment.
- iv. No Massage Establishment shall be permitted in a location which is within a 1500-foot radius of any residence or property line of any residential “R” zoned district.

1103.3 Internet Sweepstakes Terminal Café, Internet Café, Lottery Arcades businesses shall be allowed as a conditional use in a B-IV district provided:

No building shall be erected, constructed, or developed, and no buildings or premises shall be reconstructed, remodeled, arranged for use, or used for any Internet Sweepstakes Terminal Café, Internet Café, Lottery Arcades unless authorized by the issuance of a Conditional Use Permit in accordance with the provisions of this resolution.

- a. All Internet Sweepstakes Terminal Café, Internet Café, Lottery Arcades shall comply with the district regulations applicable to all properties in any district in which they are located.
- b. No Internet Sweepstakes Terminal Café, Internet Café, Lottery Arcades shall be permitted in a location which is within a 1500-foot radius of another Internet Sweepstakes Terminal Café, Internet Café, Lottery Arcade Business.
- c. No Internet Sweepstakes Terminal Café, Internet Café, Lottery Arcades shall be permitted in a location which is within a 1500-foot radius of any church, any public or private school, day-care center, any park, any playground, social service facility, neighborhood center, or State of Ohio licensed liquor establishment.
- d. No Internet Sweepstakes Terminal Café, Internet Café, Lottery Arcades shall be permitted in a location which is within a 1500-foot radius of any residence or property line of any residential "R" zoned district.

1104 REQUIREMENTS

1104.1 See: ARTICLE XVII, for additional requirements for Supplement District Regulations.

1104.2 See: ARTICLE XIX, Section # 1901 for Area and Bulk Requirements.

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

ARTICLE XII

INDUSTRIAL 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 Industrial "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 Data Storage Centers, 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. After 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 their 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 Industrial "I" District provided:

- a. No structure used for processing refuse shall be located less than one hundred (100) feet from any property line.
- b. The facility shall be placed on a parcel of at least ten (10) 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 if 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 REQUIREMENTS

1203.1 See: ARTICLE XVII, for additional requirements for Supplement District Regulations.

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

1203.3 See: ARTICLE XX, for additional requirements for Performance Measures: Landscaping, Screening, & Outdoor Lighting Regulations.

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.

- a. 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.
- b. 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 like 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 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 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 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. 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.

- a. 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 triangle easement as illustrated in Illustration "I". 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 triangle easement area if 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 sixteen (16) feet.

1303.8 The R-PUD shall utilize a lighting plan 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 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 rights-of-way.
- 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 like 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 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 if 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 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 always keep them in good order and free from refuse and debris. 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 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 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 rights-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.
- e. 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 a FEMA Identified Special Flood Hazard Area. 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 FEMA Identified Special Flood Hazard Area.

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 Zoning Board of 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 any FEMA Identified Special Flood Hazard Area. 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 County 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 of 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 based on 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:

- a. 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 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:

<u>Area:</u>	<u>Loading Spaces Required:</u>
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:

<u>Area:</u>	<u>Loading Spaces Required:</u>
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. 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 COMMERCIAL 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 BOATS, TRAILERS, AND RECREATIONAL VEHICLES

The outdoor parking or storage of a boat, trailer, or recreational trailer/vehicle shall be prohibited within the front yard. The parking or storing of a boat, trailer, or recreational vehicle shall be permissible within the side or rear yard.

In addition, boats, trailers, or recreational trailer/vehicles parked or stored on one's property, must be fully operable, must have current registration, and legal licensing, and must be legally able to be pulled or driven upon a public roadway.

If the boat, trailer, or recreational vehicle is located on a corner lot, then the parking or storing of said boat, trailer, or recreation vehicle shall be opposite the street facing side.

Boats, trailers, or recreational trailers/vehicles may be stored in the driveway for a period of 72 hours for routine maintenance. Boats, trailers, or recreational vehicles shall not be parked on the road/street, and or in a road right-of way, and the parked location shall not constitute a hazard to approaching traffic or on-coming traffic.

No occupancy for human habitation shall be maintained or business conducted therein while such boat, trailer, or recreational vehicle, where it is so parked or stored.

Connections of power cables, power lines, and or extension cords, water, gas, as well as connections of any type of septic/sanitary lines to the principal dwelling structure 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 Zoned 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.

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 hereof shall be closer to the center of the nearest road pavement than fifty-five (55) feet within township roadways. 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 five hundred (500) feet of the proposed dwelling and fronting on the same street. See Section 1900 and 1901 for Area and Bulk Requirements.

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 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 Slaughterhouses 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 more than 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.

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 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.
- 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.

- 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 agriculturally 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 is 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 registered State of Ohio engineer proficient in pond design.

"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 registered State of Ohio engineer proficient in pond design.

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 principle dwelling structure and or building may be located closer than thirty-five (35) feet. See 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 Township Zoning Inspector as provided in these regulations.

1706.7 Pond Location:

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 (effort) made available at the United States Department of Agriculture's (USDA) Natural Resource Conservation Service (NRCS), 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, AMD The Ohio Department of Natural Resources.

Maintenance of ponds shall routinely include the following points:

- a. Periodic inspections for seepage.
- b. Elimination of any brush and trees on dikes.
- c. Regular mowing of planted vegetation to maintain its vigor and suppress woody growth.
- d. Periodic inspection of pipe/spillway, especially after heavy rainfall events to ensure functional integrity and removal of any obstructions.
- e. The control and elimination of burrowing rodents such as woodchucks, muskrats.
- f. The maintenance of permanent grass/cover and any necessary re-seeding of deficient areas on dike.
- g. Routine application of aquatic herbicides according to manufacturers' directions as needed.
- h. Regular monitoring of pond water quality to identify and address water impairment issues (i.e., dumping grass clippings lawn fertilizer/herbicide applications. etc.).
- i. Minimizing any heavy vehicular traffic on dikes; and
- j. The control of problematic (nuisance) wildlife populations especially Canadian Geese attracted to the pond area in consultation with the Ohio Department of Natural Resources (ODNR)

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

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 must be located in the rear yard, it shall not be located closer than fifteen (15) feet to any property line.
- c. The swimming pool or the access area which the pool 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.

- i. Fencing shall be required for in-ground swimming pools and shall be no less than four (4) feet in height and no greater than six (6) feet in height with a gate and lock. Electronic pool covers do not satisfy the wall or fencing requirement. (Refer to External Property Maintenance Code for additional restrictions and conditions)
- ii. Above ground swimming pools with a height greater than 48 inches shall satisfies the same four (4) foot fence height requirement. Access to the swimming pool / decking shall be secured in such a manner as to prevent unauthorized entry or unintentional falls. Example is locked gates, secured ladders, secured access to platforms/decking, etc.

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 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.
- 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, roof overhangs, 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 setbacks.

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 any roadway.

1710.1 On a corner lot at the intersection of two streets in any zoning district, nothing shall be installed, erected, placed, planted, or allowed to grow in such a manner as to impede the Sight Triangle Easement as illustrated in this resolution.

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 Township 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 Township Zoning Inspector determines that such condition, without immediate remedial measures jeopardizes the health and safety of nearby residents or occupants.

Fences and Walls constructed in the Business and Industrial 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

- I. Agricultural style fences used for agricultural purposes (CAUV approved) shall be exempt from the following regulations, however shall comply with the standards and regulations in the Ohio Revised Code for "agricultural fencing".
- II. 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

- I. No fence, wall, or hedge shall not be constructed/installed in any public road right-of-way, or in front of any property line, or utility easement, or the sight triangle easement as illustrated in this resolution. See Illustration "I".
- II. All fences and walls must be constructed at least one (1) foot inside all property lines. The property owner shall assume responsibility for determining the legal, and proper placement of the fence, wall, or hedge upon his/her property.
- III. 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.
- IV. Fences shall only be erected in the side or rear yard, and setback four (4) foot from the front line of the principal dwelling structure.
- V. Decorative split rail fencing must be located at least one (1) foot from 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.
- VI. 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 four (4) feet in height.

c. Height

- I. Side or rear yard privacy fences shall not exceed six (6) feet in height for residential uses.
- II. Decorative split rail fencing, low stone walls, and hedge fences shall not exceed four (4) feet in height for residential uses.
- III. Chain link fences shall not exceed four (4) feet in height. Chain link fences shall only be erected in the side or rear yard and setback (4) foot from the front line of the principal dwelling structure.

d. Materials

- I. Fences may be constructed of wood, vinyl, brick, stone, steel, aluminum, or other material as approved by the Township Zoning Inspector. Fence construction shall have a unified appearance and constructed of same / similar building materials.
- II. Fences constructed of metal, aluminum, or other steel materials other than chain link shall be subject to review and approval by the Township Zoning Inspector. Fences and walls are interchangeable for purposes of this section.

- III. Fences shall not contain an electric charge.
 - IV. Barbed wire, razor wire, or any other type of anti-climbing wire shall only be used in the non-residential districts of the township.
 - V. 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.
 - VI. Individual fence panels (lumber, cedar, redwood, PVC) may be constructed uniformly in a vertical or horizontal fashion with finished or most decorative side of the fence facing away from the property.
 - VII. 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.
 - VIII. Decorative hedge walls may be utilized along the side and front of the property, for privacy purposes. Decorative hedge walls shall not exceed the height of four (4) feet. Must 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 a regular basis; and not to impede into the Sight Triangle Easement as illustrated in this resolution. See Illustration "I".
- e. Maintenance
- The fence, wall or hedge and the property surrounding both sides of the fence, wall or hedge shall be properly maintained.
- f. Certificate Required
- Fences and walls shall require a Township Zoning Permit, and payment of the applicable administrative fees prior to construction and or installation.
- g. Sight Distance Requirements
- I. No fence, wall, or hedge planting shall interfere with visibility from a road or driveway. The Township Zoning Inspector is hereby empowered to cause all such obstructions to be moved in the interest of the public safety.
 - II. No fence, wall or hedge planting shall not be planted within the Sight Triangle Easement of any road and or driveway. See Illustration "I".
- h. Additional Fence, Walls, and Hedge Standards
- I. 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 Zoning Board of Appeals. Chain link or panel / shadow box fencing would not be appropriate under this section.

- II. Mesh wire fence shall be permitted if incorporated into or an integral part of a wood rail fence.
- III. All fences on a parcel shall have a unified style.
- IV. Guard rails shall not be used as fencing.
- V. Fencing around swimming pools – See Article 1708.2

1712 PRINCIPAL DWELLING BUILDING OR STRUCTURE PER LOT

No more than one principal dwelling 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 principal building. There must be a principle dwelling 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 dwelling building or structure, if the principal use of the property is agricultural as identified by the Allen County Auditor records and has a Current Agricultural Use Value (CAUV) greater than zero.

The CAUV qualifications may be found on the web site of the Allen County Auditor.

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 the following conditions are met:

- 1713.1 The conversion follows all other local codes and resolutions, and any applicable County, State, or Federal regulations.
- 1713.2 The zoning 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 zoning district.
- 1713.4 The lot area per family meets the lot area requirements for new structures in that zoning district.
- 1713.5 The floor area per dwelling unit is not reduced to less than that which is required for new construction in that zoning district.
- 1713.6 The conversion follows 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.

- a. Lots shall be developed with due consideration to storm water drainage. Lot drainage onto adjoining property shall not be channelized, diverted, or increased to cause damage to adjoining properties.
- b. 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 follow current technology that is considered good design practice.
- c. 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 any requirements set by the Allen County Drainage Engineer Department.
- d. 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 Township Zoning Inspector. Plans may require review and approval by the Allen County Drainage Engineer, especially those where drainage will have impact on adjacent properties.

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

- a. No land shall be graded, cut, or filled 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.
- b. 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.

An exception is where the Township 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 Drainage 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 two (2) such sales at any location within a calendar year whether conducted by an individual, family, group, group of families, neighborhood organization, or community organization and shall not exceed three (3) consecutive days.

1715.1 Notification of the garage sale must be made a minimum of twenty-four (24) hours in advance of the sale. Residents shall document information concerning the garage sale on the form designated by the township. Adequate legal parking must be available and provided. Garage Sale signs shall not be posted within in the road right of way, nor posted on any state, county, township, or utility company pole.

1716 ACCESSORY BUILDINGS, STRUCTURES AND USES

Accessory Buildings or Structures: A structure on the same property as a principal dwelling structure, and of nature customarily incidental and subordinate to the principal dwelling structure. Examples of accessory buildings or structures include: Detached garages, Storage sheds, Gazebos, Picnic pavilions, Pole barns, Animal enclosures, Playhouses, Greenhouses, Car Ports, and Equipment enclosures.

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, structures and uses.

1716.2 General Standards for Accessory Buildings, Structures and Uses:

- a. A zoning permit is required for all accessory buildings or 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 dwelling structure, and any existing accessory structures such as green houses, 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 shall only be constructed after the principal dwelling structure has been established on the property. On CAUV qualified agricultural properties greater than ten (10) acres, an accessory building or structure may be constructed prior to a principal dwelling structure being constructed on the property (Article # 1 Section # 107).
- 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 within the rear yard only; unless a specific hardship exists such as the location of the principle dwelling structure in conjunction with the accessory building or structure on the parcel and no other means of placement is available.
- f. Accessory buildings or structures constructed on corner lots shall be required to have a setback distance from the center of the roadway as the principal dwelling structure.
- g. Accessory buildings or structures shall be located at least ten-(10') feet from the primary dwelling structure including architectural projections.
- h. Accessory buildings or structures shall be located at least ten-(10') feet from rear property line including architectural projections.
- i. Accessory buildings or structures shall be located at least ten-(10') feet from side property lines including architectural projections.
- j. Accessory buildings or structures shall not be constructed or located within any utility easement, FEMA Identified Special Flood Hazard Areas, or other recorded easements.
- k. Detached garages used to store vehicles shall meet the setback requirements of the principle dwelling structure.
- l. 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 original permit application.
- m. No tractor truck trailers, 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.
- o. Any accessory building or 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.**
 - i. The area of any one accessory building shall not exceed 576 square feet.
 - ii. The total area of both accessory structures shall not exceed 1000 square feet.
 - iii. Maximum permitted height of fifteen (15) feet. (Common level ground to the roof peak)
- c. **Accessory Buildings, Garages, and Structures on lots greater than 1.1 acre but less than 2.99 acres of land.**
 - i. The area of any one accessory building shall not exceed 750 square feet.
 - ii. The total area of both accessory structures shall not exceed 1600 square feet.
 - iii. Maximum permitted height of twenty-five (25) feet. (Common level ground to the roof peak)
- d. **Accessory Buildings, Garages, and Structures on lots greater than 3.0 acres but less than 4.99 acres of land.**
 - i. The area of any one accessory building shall not exceed 1500 square feet.
 - ii. The total area of both accessory structures shall not exceed 3000 square feet.
 - iii. Maximum permitted height of twenty-five (25) feet. (Common level ground to the roof peak)
- e. **Accessory Buildings, Garages, and Structures on lots greater than 5.0 acres of land.**
 - I. The area of any one accessory building shall not exceed 3500 square feet.
 - II. The total area for three-(3) accessory structures shall not exceed a total of 7500 square feet.

- iii. Maximum permitted height of thirty-five (35) feet. (Common level ground to the roof peak)
- iv. Agricultural zoned parcels greater than ten (10) acres and qualifies for CAUV program agricultural activity must remain outside of the public road right-of-way, and any utility easements, and the minimum building set back distance for that roadway area, e.g., fifty-five (55) feet on township roads and ninety (90) feet on county and state roads.
- 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 means of an enclosed 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 dwelling building or structure as one combined unit.
- i. All accessory structures shall be maintained in good condition. Any structure considered to be in disrepair, as determined by the Township Zoning Inspector, shall be repaired, replaced, or removed from the property.
- j. 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 or other business uses contained within a single building.
- k. Green Houses and Planter Boxes are only permitted in the rear yard of the . principle dwelling structure-
- l. Business Zoned parcels with a principle dwelling structure shall be treated as a "R" Residential Zoned parcel for the purpose of this Article.
- m. Business activity, sales, or service conducted within a detached accessory building shall be prohibited in all "R" Residential Zoned Districts.
- n. Driveways and driveway extension pads shall be constructed so that the edge is no closer than four (4) feet from adjoining property lines (Reference Illustration "G" Driveway Schematic). No secondary driveways shall be permitted leading to the accessory building or structure from any roadway.

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

- a. An accessory building or structure may not exceed thirty-five (35) feet in height (Common Level Ground to The Peak).
- b. A detached accessory building or structure shall not encroach on any required setback distance areas.
- c. There shall be no more than three (3) 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. Section 1902 - Bulk and Area Requirements.
- d. Accessory structures and buildings shall be set back from property lines based on their Business or Industrial classification as described in Article XIX Section 1902 - Bulk and Area Requirements.
- e. The Township 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.

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 road 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, all sign design plans must be reviewed to verify compliance with Ohio Building Code before construction can begin (City of Lima – Building Department).

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 or Requirements.

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/Digital Billboard. An off-premises sign owned by a company or person for the purpose of renting/leasing advertising 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-premises 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 using 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. A sign anchored directly to the ground or supported by one or more posts, columns or other vertical structures or supports, and not attached to or dependent for support from any building. These are commonly known as ground, pole, and or pylon 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/Monument Sign. Any permanent sign that is installed on post or other supports that are placed on, or anchored into the ground and is independent and detached from any building or other structure.

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.

Drive-Through 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.

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. Reference 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. Reference 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 eave, 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 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 from any public right-of-way or adjacent property.

1802 PERMIT REQUIRED

The placement, erection, modification, and or design change of any sign within Shawnee Township shall require a Township Zoning Permit unless otherwise specified within this Article. In addition, signs may require a Building Permit under provisions of the Ohio Building Code (City of Lima – Building Department).

In Business and Industrial Zoned Districts, the property owner is responsible for securing a Township Zoning Permit and a City of Lima Building Department Permit, for any sign place on their property before any construction, erection, modification, and or design changes are made, and in accordance with all the other provisions of this Article.

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

- a. A completed application accompanied by a fee for each requested sign, signed by the owner of the property 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 must be signed and sealed by a registered design engineer licensed by the State of Ohio.
- d. A dimensioned site plan showing the exact location of proposed sign(s) in relation to adjacent buildings, property lines, right of ways, or other structures.
- e. For freestanding and billboard signs, a sign base landscaping plan must be submitted. Applications for a Permit for a sign must be submitted to the Shawnee Township Zoning Inspector and the City of Lima Building Department and shall include the applicable fee and submittals required.

1802.2 Permit Fee Schedule: The applicant for a Sign Permit shall pay such fees as are prescribed by the Shawnee Township Board of Trustees.

1802.3 Inspection: All signs erected within Shawnee 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 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 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 Illustration "I", Sight Triangle Easement.

1803.3 Size: The surface area of a sign face shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all 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, billboard, digital billboard has two (2) display faces, the areas of all faces of the sign, billboard, digital billboard shall be included in determining the area of the sign, unless the two faces are joined back-to-back, and are parallel to each other, and not more than 24 inches apart.

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 were 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 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.

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 always maintained in good condition. 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 LED or 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 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 zoning 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 Resolution.

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 Township 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 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: 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 Business and Industrial Zoned properties, provided the said signs are located outside the road right-of-way, shall be permitted provided said signs shall not exceed twelve (12) square feet of area per side, and shall not exceed five (5) feet in height, and do not interfere or obstruct visibility when entering or leaving property. 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 Zoning Board of 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, Local Elections, and Events: shall be permitted in any district of the Township provided the said signs are located outside of the road right-of-way and:

- a. Shall not interfere with motorist ability to observe on-coming traffic on the roadway.
- b. Are erected or posted not more than (60) sixty days prior to an event, and are removed within (7) seven days following the said event.

- c. Can post 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 (8) eight feet in height and (32) thirty-two square feet in sign face area per side.
Such signs include signs for the promotion of school, or community service, or church activities, or community event, or local elections. No more than thirty-two (32) square feet of such signage shall be permitted on anyone lot or parcel of land. The location of the sign shall be in conformance with the requirements of Article 1803. No one or sponsor shall display such temporary signs for more than (67) sixty-seven days in any one (1) calendar 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 (2) two signs of any type may be permitted. Advertising signs may not exceed (32) thirty-two square feet of area per side and all other signs shall be limited to (6) six squares feet per side. Farm signs are permitted only in the Agricultural Districts and on parcels of ten (10) acres or larger in size.

1804.6 Business/Professional signs: One (1) sign having not more than (4) four 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 Safety Service Personnel.

1804.9 Historical Signs, Commemorative Plaque or Cornerstones: placed by recognized historical agencies, provided that such signs are less than (9) nine square feet in area and not illuminated.

1804.10 Yard Sales or Garage 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 road and shall not interfere or obstruct visibility when entering or leaving a property.

1804.11 Construction Signs: Signs identifying a construction project may be temporarily erected upon the same parcel as the project. Such signs shall be permitted only for the length of the construction project, or for (18) eighteen months, whichever is shorter. Any extension past the (18) eighteen months shall be subject to approval by the Township 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 (60) sixty days maximum prior to the beginning of construction. Only one (1) construction sign shall be permitted per project.

Maximum sign area permitted shall be (6) six square feet for each single dwelling unit for residential structures up to a maximum of (32) thirty-two square feet per side for all principal structures. All signs shall be set back from the road right-of-way per Article 1810. Additional temporary signs identifying subcontractors working on the project not to exceed (6) six square feet in size per subcontractor may be erected on the site for the period the subcontractor is working on the site or for (90) ninety days, whichever is less.

- 1804.12 Signs for Home Occupations: One (1) sign per residence no larger than (4) four square feet shall be permitted for the purpose of announcing a home occupation which has complied with all the requirements of the Shawnee Township Zoning Resolution.
- 1804.13 Property Control Signs: (No Hunting, No Trespassing, etc.) shall be permitted not to exceed (2) two square feet in size
- 1804.14 Window Signage: with a total area of less than (2) two 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 1804.14, 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 Political unit. United State Flags must 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) sixty days in any one calendar year, and to be displayed not more than (60) sixty 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 (32) thirty-two square feet per side and (8) eight 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 Township Zoning Inspector. Such signs shall not be illuminated and shall be set back from the road right-of-way a minimum of (10) ten feet. Said signs may remain on a premise for a period not to exceed (18) eighteen 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 (32) thirty-two square feet, and shall be set back from the road right-of-way a minimum of (10) ten 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 (6) six square feet per side, no more than (2) two 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 (32) thirty-two square feet on either side and shall be landscaped.
All such signs shall not exceed thirty-two (32) square feet and shall be set back from the road right-of-way a minimum of (15) fifteen feet.
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 (12) twelve square feet in size and otherwise meet the other requirements of this article: churches, private schools, colleges, and community service organizations.
 - c. In Business Districts for gas station price information (refer to 1805.7), 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 road right-of-way.

- d. For time and temperature signs, provided the signs do not exceed (12) twelve square feet and otherwise meet the other requirements of this article.

1805.6 Seasonal Business: One sign per street frontage is allowed for a seasonal business. Such signs are limited to (32) thirty-two square feet in area and a maximum of (8) eight feet in height. They must have a setback of at least (15) fifteen feet from any road right-of-way. Such signs are limited to three colors, including black and white. Seasonal business signs may be displayed (30) thirty days prior to opening the business and shall be removed within 7 days of when the business closes for the year.

1805.7 Gasoline - Charging Stations: Gasoline stations, whose principal business is the sale of motor fuel, electrical (EV) charging, may display signs in addition to those herein authorized.

- a. Price and grade information can be displayed, in changeable copy.
- b. 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 and charging stations.

1805.8 Drive-thru Menu Boards: 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 (64) sixty-four square feet in area and a maximum of (15) fifteen feet in height.

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. The maximum height for a wall sign shall be (15) fifteen 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 (18) eighteen 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 Free-Standing Signs in Business and Industrial Districts: 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 face in a Business Zoned District shall not exceed (36) thirty-six square feet per side for parcels located on two lane roadways, and a maximum sign face of (50) fifty square feet per side for parcels located on roadways with more than two lanes.
- b. In an Industrial Zoned District, the maximum allowable sign face is (50) fifty square feet per side.
- c. In Business Zoned Districts, the maximum height of such signs shall not exceed (15) fifteen feet above the established grade line or (15) fifteen feet above the grade at the edge of the street, whichever is greater, but in no case shall the height exceed (20) twenty feet. In Industrial Districts, the maximum height of such signs shall not exceed (20) twenty feet above the established grade line or (20) twenty feet above the grade at the edge of the street, whichever is greater, but in no case shall the height exceed (25) twenty-five feet.

Not more than one (1) one free standing sign may be authorized for anyone (1) one 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) two hundred feet. The signs shall be no closer than (200) two hundred feet when measured along the right-of-way line. Where more than (1) one 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 (1) one Free Standing Sign may be authorized for the entire tract. Refer to 1805.17 for additional requirements for Joint Identification Signs.

- d. No part of such sign shall not be closer than (15) fifteen feet to any road right-of-way and or utility easement line. No sign or its supporting structure shall not be any closer to any other property line(s) than the applicable building setback line.
- e. Lighting from a Free-Standing Sign shall not extend into any road right-of-way or adjacent property line. Lighting from a Free-Standing Sign shall not exceed the illuminance level of 1.0-foot candle.
- f. The function of such sign shall only be relevant to the use of the property on which it is located.

1805.11 Billboards / Digital Billboards in Business and Industrial Districts: A billboard / digital billboard shall only be permitted in a Business or Industrial Zoned Districts based on the following conditions:

- a. The maximum allowable size of a billboard face in a Business District shall not exceed (36) thirty-six square feet per side for parcels located on two lane roadways, and a maximum billboard face of (50) fifty square feet per side for parcels located on roadways with more than two lanes.
- b. In an Industrial District, the maximum allowable billboard face is (50) fifty square feet per side.

- c. In Business Districts, the maximum height of such signs shall not exceed (15) fifteen feet above the established grade line or (15) fifteen feet above the grade at the edge of the street, whichever is greater, but in no case shall the height exceed (20) twenty feet. In Industrial Districts, the maximum height of such signs shall not exceed (20) twenty feet above the established grade line or (20) twenty feet above the grade at the edge of the street, whichever is greater, but in no case shall the height exceed (25) twenty-five feet.
- d. Billboards / Digital Billboards and any portion thereof are not permitted within a 500-foot radius of a residential zone property, school, church, library, government building and or facility, cemetery, park or recreational area.
- e. Billboards / Digital Billboards and any portion thereof are not permitted within a 500-foot radius of another Billboard / Digital Billboard.
- f. No part of such sign shall be closer than (25) twenty feet to any property line, road right-of-way, and or utility easement.
- g. No Adult Entertainment Business or Adult Retail Business advertising shall be allowed on any Billboard / Digital Billboard.
- h. Lighting from a Billboard / Digital Billboard shall not extend into any road right-of-way or adjacent property line. Lighting from a Billboard / Digital Billboard shall not exceed the illuminance level of 1.0-foot candle.

1805.12 Canopy and Marquee Signs: Canopy and Marquee signs shall be allowed in any Business District, subject to the following conditions:

- a. The permanently affixed copy area of canopy or marquee signs shall not exceed (25) twenty-five 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.

1805.13 Awning Signs: Awning signs shall be allowed in any Business District, subject to the following conditions:

- a. The copy area of awning signs shall not exceed (25) twenty-five 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.

1805.14 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 Zoned Districts refer to Article 1805.10. Projecting signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of (9) nine feet.

1805.15 Under Canopy Signs: Under canopy signs shall be allowed in any Business 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 (4) four square feet.
- b. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum vertical clearance of (9) nine feet.
- c. Under canopy sign copy area shall in addition to the allowable area for wall signage provided in Article 1805.9.

1805.16 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 (6) six square feet and shall not exceed (5) five feet in height. Such signs will be permitted only in Business Zoned Districts.

1805.17 Temporary Special Event and Grand Opening Signs: Signs temporarily displayed to advertise special promotions, events, grand openings shall be permitted in Business Zoned 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 (30) thirty days in any 3-month period, and not more than (60) sixty days in any calendar year. The signs shall be erected no more than (30) thirty days prior to the event or grand opening and shall be removed not more than one (7) seven days after the event or grand opening.
- c. The total area of such signs shall not exceed (32) thirty-two square feet and (8) eight feet in height.

1805.18 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 (32) thirty-two square feet. The sign face area of the sign dedicated to the identification of the individual occupants shall be (12) twelve square feet for each of the individual occupants of the development, with the total area of the sign not to exceed (90) ninety square feet and (20) twenty 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) two hundred feet. A total sign plan conforming to the requirements of this code must be submitted to the Township Zoning Inspector before any sign permit for the complex or individual tenant will be issued.

1805.19 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 Township Zoning Board of 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 application for a township zoning permit, or signs installed which do not meet applicable building regulations, designs, and or calculations, that were not performed by a registered design engineer licensed by the State of Ohio.

1807.3 Bench signs, moving or rotating signs, semi-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 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 public.

1807.9 Signs cannot be installed in any road right-of-way.
Signs cannot 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 to protect the public health, safety, or welfare. It shall be the duty of the Township 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 Township 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 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 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 associated with an abandoned non- conforming use.
 - iii. Any sign 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 Township 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 twenty-four (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 Zoning Board of Appeals within (5) five days of the receipt of such notice for prohibited and hazardous signs and within (20) twenty 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 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

Sign Type	Zoning Districts:						Requirements:						Notes
	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	
Real Estate Sign	Y	Y	Y	Y	Y	Y	Y	6 SF	4'	10'	No	1	Non-illuminated - Temporary
Real Estate on 15 acres +	Y	Y	Y	Y	Y	Y	Y	32 SF	8'	10'	No	1	Non-illuminated - Temporary
Directional Signs - Business	N	N	N	Y	Y	Y	N	12 SF	5'	5'	No	2/Entrance – 2/Exit	
Directional Signs - Industrial	N	N	N	N	N	N	Y	12 SF	5'	5'	No	2/Entrance – 2/Exit	
Off Premises Directional Signage	Y	N	N	N	Y	Y	Y	12 SF	5'	10'	Yes	1	ZBA - Variance Hearing 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	8'	10'	No	2	
Temporary Grand Opening Signs	N	N	N	N	Y	Y	N	32 SF	8'	10'	No	1	
Farm Signs	Y	N	N	N	N	N	N	6 SF	4'	10'	No	2	
Advertising Signs on Farms	Y	N	N	N	N	N	N	32 SF	8'	10'	No	1	
Business/Professional Signs	N	N	N	N	N	N	N	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, 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'	10'	No	1	
Construction Signs - Major Structure	Y	Y	Y	Y	Y	Y	Y	32 SF	8'	15'	No	1	
Home Occupation Signs	Y	Y	Y	Y	N	N	N	4 SF	8'	on bldg.	No	1	Non-illuminated
Property Control Signs	Y	Y	Y	Y	Y	Y	Y	2 SF	4'	1'	No	-	
Window Signs W/Hours & Information	N	N	N	N	Y	Y	Y	4 SF	8'	on bldg.	No	1	
Signs in Window Display	N	N	N	N	Y	Y	Y	See text	1 st floor only	on bldg.	No	1	Up to 40% of window area
Ground / Monument Signs	N	N	N	N	Y	Y	Y	50SF	8'	15'	Yes	1	See Section 1805.10
Billboards / Digital Billboards	N	N	N	N	Y	Y	Y	See text		25'	Yes	1	36 SF Two Lanes 50 SF More Than Two Lanes
Business or Industrial Wall Signs	N	N	N	N	Y	Y	Y	See text	15'	on bldg.	Yes	1	
Free Standing Signs	N	N	N	N	Y	Y	Y	See text		15'	Yes	1	36 SF Two Lanes 50 SF More Than Two Lanes

The property owner shall assume responsibility for determining the legal, and proper placement of a sign.

The property owner shall assume responsibility for securing the proper permits for a sign.

Section 1810 - Table of Sign Area, Height, and Setback Requirements – page 2

Sign Type	Zoning Districts:						Requirements:					Notes	
	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
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	Y	N	See text	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	Y	N	See text	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 text	15'	15'	Yes	1	In lieu of free-standing sign. Minimum Vertical Clearance of 9'
Under Canopy Signs	N	N	N	N	Y	Y	N	4 SF	15'	1'	Yes	1	Minimum Vertical Clearance of 9'
Outdoor Display of Merchandise	N	N	N	N	Y	Y	N	6 SF	5'	10'	Yes	1	
Drive-Thru Menu Boards	N	N	N	N	N	Y	N	64 SF	15'	15'	Yes	1	
Changeable Copy Signs	N	N	N	N	Y	Y	Y	12 SF	8'	15'	Yes	1	
Seasonal Business	N	N	N	N	Y	Y	N	32 SF	8'	15'	Yes	1	
Joint Identification Sign	N	N	N	N	Y	Y	Y	12 SF	20'	15'	Yes	1/Frontage	Multiple Uses Sharing the Same Site
ATM Signage	N	N	N	N	Y	Y	N	10 SF	15'	15'	Yes		

N = Not Permitted Y = Permitted

The property owner shall assume responsibility for determining the legal, and proper placement of a sign.

The property owner shall assume responsibility for securing the proper permits for a sign.

**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)	Front Yard Minimum Setback (D) (Feet)	Side Yard Minimum Setback (Feet)	Rear Yard Minimum Setback (Feet)	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	65	55 90 (E)	8 Each	35	1,300	35
R-II	1	7,200 (A) 108,900 (B)	7,200 (A) 108,900 (B)	65	65	45	5 Each	35	1,000	35
R-III	1	10,890 (A) 108,900 (B)	10,890 (A) 108,900 (B)	90	65	55 90 (E)	8 Each	35	1,300	35
R-IV	2	13,125 (A) 217,800 (B)	6,562 (A) 108,900 (B)	90	65	55 90 (E)	8 Each	35	1,000	35
R-V	1	7,200 (A) 108,900 (B)	7,200 (A) 108,900 (B)	65	65	45	5 Each	30	750	35
R-VI	2	11,400 (A) 108,900 (B)	5,700 (A) 108,900 (B)	65	65	45	5 Each	30	750	35
R-VII	2	13,125 (A) 217,800 (B)	6,562 (A) 108,900 (B)	90	65	55 90 (E)	8 Each	25	1,000	35
R-VIII	3 or 4	15,750 (A)	3,937 (A)	90	65	55 90 (E)	8 Each	25	1,000	35
R-IX	5 or more	18,000 (A)	3,600 (A)	90	65	55 90 (E)	12 Each	25	750	35
A	1	108,900 (A) 108,900 (B)	108,900 (A) 108,900 (B)	90	65	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.

* (B) 108,900 SF = 2.5 Acres of Land * (B) 217,800 SF = 5.0 Acres of Land

* There may be deed restrictions on the property that differ from this resolution. Please check your deed to make sure that any proposed project meets any restrictions that may be in effect.

* Land surveys performed by a registered State of Ohio surveyor are recommended.

**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.)	Minimum Lot Width (C) (Feet)	Minimum Front Lot Line (Feet)	Minimum Front Setback (D) (Feet)	Minimum Side Yard Setback	Minimum Rear Yard Setback (F)	Maximum 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 County 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 Were Abutting a Residential District.
- (H) Except Sixty (60) Feet Were Abutting a Residential District.
- (I) Intentionally Left Blank.

**ARTICLE XIX
AREA AND BULK REQUIREMENTS**

Section 1902 – AGRICULTURAL, RESIDENTIAL, BUSINESS, COMMERCIAL, INDUSTRIAL DISTRICTS SCHEDULE OF REGULATIONS FOR ACCESSORY STRUCTURES, BUILDINGS AND USES

Zoning District	Number Accessory Units Permitted Per Lot	Minimum Lot Area (Acreage)	Maximum SF for 1 Accessory Building	Maximum SF for 2 Accessory Building	Front Yard Setback Rear Yard	Side Yard Setback (Feet)	Rear Yard Setback (Feet)	Max. Height of Structure (Feet)
A & R	2	0 to 1.0 Acre	576	1000	N/A Rear Yard	10 Feet	10 Feet	15 Feet
A & R	2	1.1 to 2.99 Acre	750	1600	N/A Rear Yard	10 Feet	10 Feet	25 Feet
A & R	2	3.0 to 4.99 Acre	1500	3000	N/A Rear Yard	10 Feet	10 Feet	25 Feet
A & R	2	5.0 Acres and Greater	3500	7500	N/A Rear Yard	10 Feet	10 Feet	35 Feet
AGRICULTURAL (CAUV)	OPEN	10.0 Acres and Greater	OPEN	OPEN	55/90 Rear Yard	10 Feet	10 feet	35 feet
BUSINESS & INDUSTRIAL	3	(3) Permitted with 200,000 SF or Less	OPEN	OPEN	55/90	10 Feet	10 feet	35 feet
BUSINESS & INDUSTRIAL	4	(4) + 1 Additional Permitted for Each Additional 100,000 SF	OPEN	OPEN	55/90	10 Feet	10 feet	35 feet

See: Current Agricultural Use Value (CAUV) program (ORC 5713.30-5713.99) in the State of Ohio (Allen County Auditor Office).

See: Article 1716 for complete list of information concerning accessory buildings, structures and uses.

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 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.

Foot-candle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Foot-candle, horizontal: The measurement of foot-candles utilizing a direct reading, portable light meter mounted in the horizontal position.

Foot-candle, 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 foot-candles.

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.

Up lighting: Any light source that distributes illumination above a 90-degree horizontal plane. See Illustration 2 for up lighting below.

Illustration 1: Full cut-off Lighting

Full cut-off lighting directs light down and to the sides as needed.



Illustration 2: Up lighting

Up lighting 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:

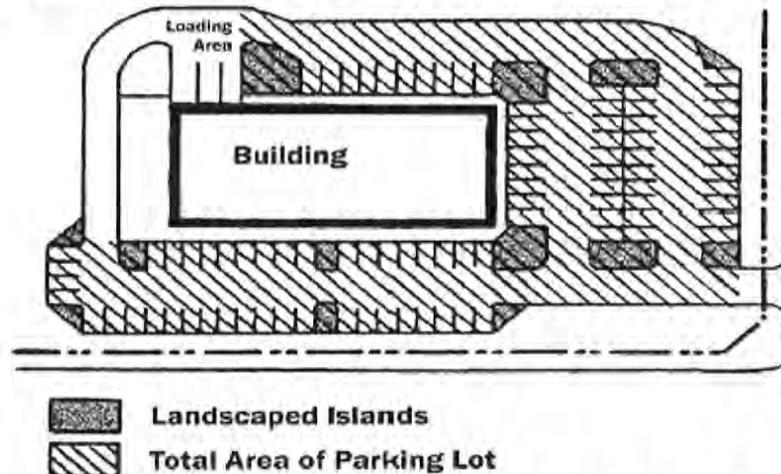
- 2003.1 Three large deciduous trees shall be provided for every one-hundred linear foot of lot frontage or fraction thereof, not including drive entrances.
- 2003.2 Each tree at the time of installation shall have a minimum caliper of two and one-half inches and a clear trunk height of at least six 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 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 Zoning Board of 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 (25) 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 can provide 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 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.
- iv. 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 a Business and Industrial 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 or Industrial 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.
 - i. Location: The buffer screening shall be located entirely within the higher intensity zoning district or use (such as Industrial Zoning District) and abutting the zoning district line or property 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:
 - iii. 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:

- A. 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.
- B. 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 always finished.
- C. 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.
- D. A landscaped mound or berm at least ten feet wide, with no more than a three to one slope.
 - 1. 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.
 - 2. 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.
 - 3. Height of Screening: The height of screening shall be in accordance with the following:
 - a. 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.
 - b. 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.
 - c. When used alone, vegetation shall be a minimum of six feet high, as measured from the natural grade, 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:
1. Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent as this Article.
 2. Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening and buffering effect.
 3. 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.
 4. The topography of adjacent and surrounding sites is such as to render required screening ineffective at maturity.
 5. 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.
 6. 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: 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 to face any street, unless it is equipped with gates, so the dumpster can be fully enclosed.
- 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 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 always 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 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 Township 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 Township 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 Township Zoning Inspector does not make such a determination, the request shall be referred to the Zoning Board of 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 and Industrial 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 and Industrial 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.
- b. 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.
 - i. Light trespass at a property line shall be limited to no more than 1.0 foot-candles 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 foot-candles 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 IN BUSINESS AND INDUSTRIAL DISTRICTS

2011.1 Fences and Walls in the Business and Industrial Districts. Fences and walls may be erected in any Business or Industrial District only in compliance with the requirements set forth below:

- a. Location:
 - i. Fences and walls shall always maintain a minimum (1) one-foot setback within all property lines.
 - ii. Fences and walls shall not be constructed in any public road right-of-way and/or utility easement.
 - iii. Fences and walls shall only be erected in the side or rear yard, and setback (4) four-foot from the front line of the building.
- b. Materials and Construction:
 - i. Approved fencing materials include chain link, stone, brick, finished wood, iron, or synthetic look-alike products.
 - ii. Fence and walls shall not be electrified or topped with barbed wire, except in the Industrial Zoned Districts.
 - iii. All fences shall be designed, constructed, and finished so that the supporting members face the property of the owner of the fence.

- iv. 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.
- c. Height:
- i. In Business Zoned Districts fence and walls using stone, brick, finished wood, iron, or synthetic look-alike products shall not exceed (6) six-feet in height, measured from the common ground level.
 - ii. In Business Zoned Districts a chain link fence shall not exceed (8) eight-feet in height, measured from the common ground level.
 - iii. In Industrial Zoned Districts chain link fences topped with barbed wire are permitted to a maximum height of eight (8) feet, measured from the common ground level. If barbwire is installed the maximum height of nine (9) feet is allowed. Chain link topped with barbwire can project outward if the barbwire arms / topper does not encroach past the adjacent property line. A chain link fence may be rendered opaque with slats inserted diagonally.
- d. Screening and Landscaping:
- i. Screening and landscaping are not required for ornamental fences.
 - ii. 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:
 - iii. 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.
 - iv. Fences that are not located within the required building and parking setback areas shall be screened with landscape materials, planted not more than five feet from the fence and between the fence and the property line.

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 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

To this Article, the following definitions shall apply unless the context clearly indicates or requires different meaning.

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 most of the 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 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 unit.
- e. The maximum decibel level of the 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 REGULATIONS FOR RESIDENTIAL, BUSINESS, AND INDUSTRIAL USE RENEWABLE ENERGY GENERATION FACILITIES.

The purpose of this article is to establish general guidelines for the locations of residential, commercial, and industrial renewable energy generation facilities to protect the public health, safety, comfort, and general welfare of the Township resident.

The Township recognizes in some specific instances, under carefully controlled circumstances it may be in the public interest to permit the placement of renewable energy generation facilities within certain areas of the Township. Recognizing that such renewable energy generation energy facilities may have a negative health, safety, welfare and / or aesthetic impact upon adjoining and neighboring uses. Article XXII seeks to:

- Protect residential and agricultural areas from potential adverse impact from renewable energy generation facilities:
- Permit renewable energy generation facilities in selected areas by on-site Agricultural, Business, or Industrial Zoned Districts, subject to the terms, conditions, and provisions hereof:
- Ensure the public health, welfare, and safety of the Township's residents in connection with renewable energy generation facilities and:
- Avoid potential damage to real and personal property from renewable energy generation facilities or the failure of such facility structures and related operations.

2200.1 Recognizing the importance of clean, sustainable, and renewable energy sources, the Township permits the use of residential, business, and industrial solar energy systems under the following regulations to ensure the safety and welfare of all Shawnee Township residents are met.

2200.2 No solar energy system shall hereafter be located, constructed, repaired, extended, enlarged, converted, or altered without the full compliance with the terms of this Resolution. Said construction, alterations or modifications shall require a zoning permit.

2201 DEFINITIONS

ACCESS BUFFER: The distance from adjacent landowners' properties to the nearest solar energy facility, building or collector.

ACCESS ROADS: Provide construction and service access to each solar collection area.

ADJOINING PROPERTY LINE: The property boundary lines between the real property for the proposed installation of a solar energy system, subject of the Application and real property owned by another person, persons, or entity.

BATTERY ENERGY STORAGE SYSTEM (BESS): A system of batteries, connected to a renewable energy generation facility that enable energy from renewable energy generation facilities, like solar/wind, to be stored and then released when power is needed.

COMMUNITY SOLAR and/or WIND FACILITY: A wind/solar project, or purchasing program, within a geographic area, in which the benefits of a solar project flow to multiple customers such as individuals, businesses, nonprofits, and other groups. (i.e. customers are those benefitting from the energy generated by the renewable energy generation facilities.)

DB(A): The sound pressure level in decibels. Refers to the "a" weighted scale defined by the American National Standards Institute (ANSI). A method for weighting the frequency spectrum to mimic the human ear.

DECIBEL: A logarithmic unit of measurement that expresses the magnitude of sound pressure and sound intensity.

ELECTRICAL COLLECTION/DISTRIBUTION/TRANSMISSION SYSTEM: Consists of underground and overhead cables that carry electricity from and within groups of energy generating-collectors and transmits it to a collection substation and point of interconnection switchyard, which transfers the electricity generated by the project to the regional power grid.

ELECTROMAGNETIC FIELD (EMF): A combination of invisible electric and magnetic fields of force. They can occur both naturally and due to human constructions.

GROUND-MOUNTED SOLAR ENERGY COLLECTOR: A solar collector system that is not attached to and is separate from any building on the parcel of land on which the solar collector system is located.

KILOWATT HOUR (kWh): A measure of electricity defined as a unit of work or energy, measured as 1 kilowatt (1,000 watts) of power expended for 1 hour.

KILOWATT: A measure of 1,000 watts of electrical power.

MEGAWATT: A unit used to measure power, equal to one million watts.

ON-SITE: A solar energy system designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

PRIVATE USE RENEWABLE ENERGY GENERATION FACILITY: A private use facility, with a noted design capacity of generating no more than 125% of a three (3) year historical usage average, of renewable energy collectors with the primary purpose for use upon the property said facility is located on.

PROFESSIONAL ENGINEER/SURVEYOR: A State of Ohio registered professional engineer, or land surveyor, who meets the criteria as defined in ORC 4733.01 and ORC 4733.11.

RENEWABLE ENERGY CAPACITY: The maximum generating capacity of renewable energy generation facilities.

ROOF-MOUNTED SOLAR COLLECTOR/PANEL/MODULE: A solar energy collector that is attached to a building's roof on the parcel of land including solar shingles.

SENSITIVE ENVIROMENTAL AREAS: Any areas determined by the Ohio Department of Natural Resources that consist of unique or sensitive ecological, biological, or related ecosystems.

SETBACKS: 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.

SOLAR COLLECTOR/PANEL/MODULE: A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

SOLAR ENERGY FACILITY: A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and can collect, distribute, and store (if appropriate to the technology) the sun's radiant energy for a beneficial use. This being either Residential, Agricultural, Business, or Industrial Zoned District use.

SOLAR ENERGY: Radiant energy (direct, diffuse, and reflected) received from the sun.

TOWNSHIP: Townships are grassroots, statutory governments that perform many of the basic services of local government. Those services include road maintenance and repair; police and fire protection; emergency response; solid waste disposal; maintaining parks and cemeteries; zoning; and more.

UTILITY SCALE RENEWABLE ENERGY GENERATION FACILITY: A Utility Scale Energy Facility is defined as an energy generation facility or area of land principally used to convert solar and/or wind energy to electricity for resale at a profit This shall include all renewable energy facilities, constructed with a capacity of 0.1 Megawatts to 49.99 Megawatts for use with the intent to resell all, and/or the majority, of energy generated from said facility.

WETLANDS: Lands on which water covers the soil or is present either at or near the surface of the soil or within the root zone, all year or for varying periods of time during the year, including during the growing season.

2202 PERMITTED USE

- a. Roof and Ground Mounted Solar Collector Systems are permitted in all Residential, Agricultural, Business, and Industrial Zoning Districts.
- b. A Utility Scale Renewable Energy Generation Facility – **(under 50 megawatts)** shall only be permitted in Industrial Zoned Districts within the unincorporated territory of Shawnee Township and subject to the applicable zoning regulations. A Utility Scale Renewable Energy Generation Facility shall conform to all application & site plan requirements as well as all related regulations for utility scale renewable energy generation facilities, to include but not limited to a decommissioning plan when the system is no longer deemed to be in operation.
- c. A Community Solar and/or Wind Facility - **(under 50 megawatts)** shall only be permitted in Industrial Zoned Districts within Shawnee Township and subject to the applicable zoning regulations. A Community Solar and/or Wind Facility shall conform to all application & site plan requirements as well as all related regulations for utility scale renewable energy generation facilities, to include but not limited to a decommissioning plan when the system is no longer deemed to be in operation.

2202.1 Prohibited Uses:

- a. Roof Mounted Solar Collector Systems on Mobile homes (as defined in Ohio Revised Code, Section 4501.01 (O)). Prohibited uses does not include "Manufactured Homes", as defined in Ohio Revised Code, Section 3781.06(C)(4) or "Industrialized Unit" as defined in Ohio Revised Code, Section 3871.06(C)(3).

2203 GENERAL REQUIREMENTS

2203.1 General Requirements of Roof and Ground Mounted Solar Collector System:

- a. Solar collector systems are considered accessory uses, and subject to permitting requirements by the Township Zoning Inspector. Residential, Agricultural, Business, and Industrial Zoned Districts the solar energy systems and utility grid solar energy systems are subject to permitting by the Township Zoning Inspector, Township Fire Department, Township Zoning Commission, and the Township Board of Trustees.
- b. Solar collector systems may be installed on any surface of an existing structure, provided such installation does not result in violation of the permitted height requirements.
- c. Within all zoning districts, solar collector systems shall be repaired, replaced, or removed within thirty (30) days of becoming non-functional.
- d. All Solar Collector/Panels/Modules shall have tempered, non-reflective surfaces and shall comply with all Local, State, Federal regulations, and the most current edition of the National Electrical Code.
- e. Solar Collector/Panels/Modules (and building mount specifications), battery storage systems, and all equipment/devices ancillary to such energy generating/storage equipment shall be installed per manufacturer's specifications. This information shall be provided and kept on record by the City of Lima Building Department, Township Zoning Inspector, and the Township Fire Department.

2203.2 A Solar Collector/Panel/Module ground mounted systems may be installed as free-standing. Construction shall not be installed within a roadway right-of-way or any utility easements (of any kind, recorded or otherwise).

2203.3 Solar Collector/Panels/Modules or Systems shall be installed so there is minimum glare, optimally no glare, onto/into adjacent properties or towards the road right-of-way. Solar mounting systems and solar panel frames shall be black in color and maintained in a manner to prohibit view of metal (this does not include the mounting substructure for ground mounted installations).

2203.4 Installation of any electrical power inverters, related to a renewable energy generation facility, and/or solar tracking mounting systems shall not increase the ambient noise level, as measured at the property line, of adjacent property owners.

2204 REGULATIONS FOR ROOF MOUNTED & GROUND MOUNTED SOLAR COLLECTOR SYSTEMS

Solar Collector/Panels/Modules, either roof mounted, ground mounted, or building mounted, shall be permitted in all districts with zoning requirements met, related to visual appearance and appropriate safeguards.

2204.1 Application and Site Plan Requirements:

In all districts, the applicant shall submit to the Township Zoning Inspector a zoning permit application with current permit application fees, and detailed site plan containing the following information:

- a. Property lines, and utility easements identified, of the applicant's property. The property lines shall be established by a State of Ohio registered land surveyor or State of Ohio County/State Judge.
- b. Location, dimensions, and types of all existing major structures on the property, or structures that may prohibit full/free passage in, on, and/or through the property by the Township Police Department, and the Township Fire Department staff or equipment. All ground-mounted Solar Collector/Panel/Module Systems must be installed forty (40) feet away from any structure located on the property.
- c. Location of the proposed solar collector panel/module system, foundations, inverters, metering/switching devices, guide wires and associated equipment.
- d. Location of all easements, setbacks from property lines, obstructions, and the total square foot the solar collector system will consume of the property, and dimensions to/from the solar collector system.
- e. The right of way, of any public/private road that is contiguous with the applicant's property. To include limited access, railways, utility, transportation easements and/or any other private or publicly recorded easement for the means of public use (such as bike, hiking or walking trails).
- f. Solar Collector/Panel/Module System specifications, including manufacturer, model, and installation/maintenance requirements.
- g. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms with the most current edition of the National Electrical Code.
- h. The final design and site plan (studies, calculations, foundation design, etc.) must be stamped by a professional engineer/surveyor registered/licensed to practice in the State of Ohio.

2204.2 Ground Mounted Solar Collector System Requirements:

a. Permitted Location:

- i. In all instances, ground-mounted solar energy systems shall only be permitted behind the rear building line of the principal dwelling building and or structure.
- ii. On corner lots ground mounted solar energy systems shall be permitted within the side yard, behind rear principle building or structure line, and corner lot set-back distance requirements for the street or roadway where construction site is located.
- iii. Placement at roadway intersections shall be done so in a manner which provides adequate sighting distances for motorists to observe on-coming traffic and comply with the Ohio Department of Transportation's requirements for sight triangle easement.

b. Height Limitation:

- i. In Residential Zoned Districts Ground-mounted solar collector system structures shall not exceed eight (8) feet, in Business Zoned Districts Ground-mounted solar collector system structures shall not exceed fifteen (15) feet, and in Industrial Zoned Districts Ground-mounted solar collector system structures shall not exceed fifteen (15) feet, in all districts the height shall be measured from the average ground level (elevation of adjacent and undisturbed ground) at the base of such equipment to the highest point of the solar collector system structure.

c. Placement:

- i. In Residential Zoned Districts, a ground-mounted solar collector system shall have a minimum set back distance of thirty-five (35) feet from all property lines and structures.
- ii. In Agriculture, Business, and Industrial Zoned Districts, a ground-mounted solar collector system shall have a minimum set back distance of one hundred (100) feet from all property lines and structures.

- iii. In Residential Zoned Districts, there shall be a minimum of thirty-five (35) feet foot distance from all-natural features including water courses (as measure from top of bank), streams (as measure from top of bank), rural sanitary sewage treatment systems (and replacement fields), woodlands, wetlands, roads, and 100-year floodplain locations. If located in a FEMA Identified Special Flood Hazard Area or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation
- iv. In Agriculture, Business, and Industrial Zoned Districts there shall be a minimum of one-hundred (100) foot distance from all-natural features including water courses (as measure from top of bank), streams (as measure from top of bank), rural sanitary sewage treatment systems (and replacement fields), woodlands, wetlands, roads, and 100-year floodplain locations. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.
- v. In all Zoning Districts ground-mounted solar collector systems shall not be located over a septic system, leach field area or identified reserve area unless approved by the Allen County Health Department.
- vi. In all Zoning Districts ground-mounted solar collector/panel/module systems shall be placed so that concentrated solar radiation or glare does not project onto adjacent properties and or roadways.
- vii. In all Zoning Districts ground-mounted solar collector/panel/module systems shall have, to the extent required by the Township Zoning Inspector, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that minimizes impacts of the solar energy system on the visual character to adjoining property owners.
- viii. Maximum area coverage for a solar collector system shall not exceed fifty (50) percent of the footprint of the rear yard, as measured within all applicable setbacks, area being served.
- ix. In all zoning districts a township zoning permit is required for ground-mounted solar collector/panel/module systems, and for the installation of any solar generation system.
- x. A Site plan is required along with the zoning permit application per Article 2204.1 (a through h).

2204.3 Roof and Building Mounted Solar Collector System Requirements:

a. Permitted Location:

In residential, agriculture, business, and industrial zoning districts a roof or building mounted solar energy system may be located on the roof of the principal or accessory structure. Building mounted solar energy systems may be located on the side or rear of the structure. Said side/rear ground mounted panels must receive approval of the Township Fire Department, so as not to adversely impact access to the primary structure (or the safety and/or well-being of fire/rescue personnel) as it relates to emergency fire/rescue response.

b. Height Limitation: Solar collectors shall not project above highest point of roof.

c. Placement:

- i. In residential zoned locations, the placement of the roof or building mounted solar energy system shall not be located on the front slope of a pitched roof and shall not be visible from the street front or side street of the residence. Solar energy collectors shall not be located within three (3) feet of any peak, eave, or valley to maintain adequate accessibility.
- ii. In agricultural, business, and industrial zoned districts, the placement of the roof or building mounted solar collector system shall not be located on the front slope of a pitched roof and shall not be visible from the street front or side street of the property. Solar collectors/panels/modules shall be a minimum of six (6) feet from any peak, eave, or valley to allow for accessibility per the 2017 Ohio Fire Code # 605.11.1.3.1 or the most current addition. Additionally, solar collector/panel/module placement shall be done to allow for compliance to any/all applicable OSHA regulations for access/movement across said rooftop.
- iii. Roof and Building Mounted Solar Collectors Systems shall be such a weight to be safely supported by the building. A solar energy system shall not exceed fifty (50) percent of the footprint of the principal building served. In addition, the property owner shall be required to provide written proof that the panels proposed to be constructed can/will be able to be supported either by the existing buildings current structural construction, additional structural elements installed to account for the additional panel and mounting weight, and additional weight added by snow events.
- iv. No solar collector/panel/module system shall be mounted or affixed to any freestanding wall or fence.

- d. Maximum area coverage. A solar collector system shall not exceed 50 percent of the footprint of the principal building served.
- e. Permitting. A township zoning permit is required for any roof and building mounted solar collector/panel/module systems, and for the installation of any solar generation system.
- f. Site Plan. Site plan is required along with application per Article 2204.1 (a through h). The City of Lima Building Department must review and approve site plans for located within Business and Industrial Zoned Districts.

2205 REGULATIONS FOR UTILITY SCALE RENEWABLE ENERGY GENERATION FACILITY, COMMUNITY SOLAR FACILITY.

A utility scale renewable energy generation facility (0.1MW-49.99MW) is designed and built to commercially provide electricity to the electric utility grid. Such a facility shall only be permitted in Industrial Zoned Districts. The applicant shall submit to the Township Zoning Inspector a zoning permit application with current permit application fees, and a detailed site plan.

2205.1 Utility Scale Renewable Energy Generation Facility Permit Application Requirements:
The applicant shall:

- a. A minimum of sixty (60) days prior to the submission any township zoning permit applications, shall meet with the Township Zoning Inspector and/or the Township Board of Trustees, so to make all present well aware of any potential facility, it's size, location, capacity, and anticipated construction schedule.
- b. Submit a township zoning permit application to the Township Zoning Inspector, and a site plan drawn in sufficient detail (developed by a State of Ohio registered engineer, signed/stamped) containing the following information:
 - i. Physical dimensions of the property, existing structures, site topography, and proposed structures. (Property lines shall have been determined by a State of Ohio registered land surveyor).
 - ii. Location of all proposed solar energy generation facility's equipment, turbines, panels, racking systems, foundations, inverters, guide wires and associated equipment.
 - iii. Location of existing/proposed easements, setbacks, obstructions, and square footage of the solar/turbine array area.
 - iv. The right of way, of any public/private road that is contiguous with the property.
 - v. Existing topography, including 1' & 5' contours as determined by a State of Ohio registered land surveyor. (information obtained from local, state, or county GIS i.e. LiDAR obtained topography, property line/wetland shape files, etc. will not be accepted.)

- vi. Existing FEMA wetlands, as obtained as a result of a site visit as determined by a State of Ohio registered engineer. (information obtained from local, state, or county GIS i.e. LiDAR obtained topography, property line/wetland shape files, etc. will not be accepted.)
- vii. An Ohio EPA Phase One Environmental Site Assessment. Further assessments may be warranted upon review of the Phase One assessment.
- viii. Proposed grading, removal of natural vegetations and relocation of wetlands (if applicable).
- ix. Industrial Zoning District setbacks must be met.
- x. Proposed ingress and egress roadways, entrances / exits, interior roads, etc. All ingress and egress shall be designed at a minimum, to accommodate any public vehicles that would enter onto the site, and all appropriate approved permitted applications.
- xi. Provide manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems, inverters, weather stations and foundations.
- xii. Provide the number of solar collectors/panels/modules to be installed.
- xiii. Waterlines, fire hydrant locations, storm/sanitary sewer lines, and all other utility lines identified. Proof of coordination and marking by the Ohio Utilities Protection Services must be submitted.
- xiv. A description of the method of connecting the renewable energy generation facility to a building or substation. To include PJM feasibility and impact studies accompanied by date & proof of fees paid to PJM.
- xv. Utility interconnection data and a copy of written notification to the utility of the proposed connection. To include PJM feasibility and impact studies accompanied by date & proof of fees paid to PJM.
- xvi. Detailed & specific information of the type, size, height, rated power output of each proposed unit, performance, safety, and glare characteristics of all primary and ancillary equipment.
- xvii. A geotechnical soil boring report in adequate detail/coverage to determine subsurface geological information. (Performed by a State of Ohio registered geotechnical engineer).
- xviii. Storm Water Prevention Plan (SWP3) application submitted and approved by the Allen County Drainage Engineer.

- xix. A water use plan shall be submitted to the Township Zoning Inspector and Township Board of Trustees that outlines where water is to be drawn from, for what purpose(s) (dust control, panel/turbine washing, etc.). Said plan shall reflect existing public water system pressure rating, and anticipated water draw amount and effect on public water system. If a non-potable water well(s) are to be drilled, a detailed plan of said well locations, pumping capacity, depth, and effect to surrounding businesses and/or residential homes that draw from the same aquifer shall be explained.

2205.2 Utility Scale Renewable Energy Generation Facility Permit Additional Documentation Requirements:

In addition to requirements for information to be provided during the project site plan review, and development permitting process, the Utility Scale Renewable Energy Generation Facility shall not be approved for operation until the following additional documentation is submitted:

- a. Copy of all land options, lease agreements, and access easements have been provided to the Township Zoning Inspector and the Township Board of Trustees.
- b. A list of all adjoining property owners of the proposed facility. Said list shall include, property owner name, deed reference, parcel number, and addresses. A copy of the project notification must be sent to the Township Zoning Inspector and the Township Board of Trustees.
- c. A copy of any/all Ohio and/or US EPA testing documentation for equipment (i.e. TCLP/BPA reporting) as well as MSDS documentation for all materials on site submitted to the Township Fire Department.
- d. A copy of a title commitment reflecting any/all conditions related to the parcel(s) of land on which the facility is to be located.
- e. Transference of Ownership Letter shall be submitted by the current utility scale renewable energy generation facility owner indicating that should the facility be sold, or transferred, to another party all specifications, requirements and terms and conditions applied by the Township Zoning Commission and or Township Board of Trustees shall transfer with the new owner(s) and shall remain in force and effect.
- f. The applicant shall submit, based on the most current and accurate information reasonably available, a topography drawing of the property that indicates how stormwater drains from the property, identifies the location of discharge points or areas, details the size/location of all existing subsurface drainage facilities (as located via ground penetrating radar and/or televising all lines), and identifies conditions present on the property that may contribute to significant soil erosion and/or impedance of the existing flow of stormwater.

- g. List of protected wildlife that maybe on the property (if any). If protected wildlife is on the property, then a Wildlife Impact Statement from Ohio Department of Natural Resources shall be submitted; comprising of the potential impact to neighboring wildlife and any protected animals or endangered wildlife is in the area.
- h. Where interconnection to an electric utility grid is proposed, the applicant shall submit evidence that the electrical utility provider has been informed of the customer's intent to install an interconnection with the local electric utility grid. A copy of the approval from the local utility must also be provided before operation of an interconnected facility will be authorized.
- i. All expenses incurred by the Township Zoning Inspector, Township Zoning Commission, Township Fire Department, and the Township Board of Trustees to review and certify the utility scale renewable energy generation facility's project plan shall be paid for by the applicant or owner. A sum of \$35,000.00 shall be provided to the Township, to be held in escrow, and the unused balanced returned at the time a zoning permit application is approved by the Township Zoning Inspector, Township Zoning Commission, Township Fire Department, and the Township Board of Trustees.
- j. Any project shall abide by all applicable fees, charges and expenses as stated in the Township Zoning Resolution most current fee schedule. This shall include but not limited to the Township Zoning Commission and or Township Board of Trustees fees, fees for site plan review, fees for total building square footage, fees for a fence permit, and any other fees required to be paid for development of this project.
- k. A Performance Security Bond, a Maintenance Bond, as well as a separate Construction Bond shall be secured and provided by the applicant or owner of the utility scale renewable energy generation facility for assurance against work yet to be performed, to guarantee work for a set period of time, and to ensure project competition.
- l. The utility scale renewable energy generation facility engineer, must be registered in the State of Ohio. The engineer shall certify that the foundation and design of the solar collector system, is within accepted professional standards, given local soil and climate conditions and in compliance with manufacturer's specifications and safety criteria.
- m. Decommissioning Bond shall be required, in the amount determined by the Owner and Township Board of Trustees, to offset costs for removing all site materials, such as solar collectors, mountings, hardware, buildings, fencing, and all other infrastructures. Salvage value of any/all facilities will not be included, or considered, when determining bond amount.
- n. The Township Board of Trustees may require other studies, reports, certifications, and/or approvals be submitted by the applicant to ensure compliance with this section.

2205.3 Utility Grid Solar Energy System – General Requirements:

- a. Upon submitting a zoning permit application for the Utility Grid Solar Energy System, the applicant or owner must hold two (2) public meetings in order to assist with educating the public on the project details. Said meeting shall be a public forum style discussion as opposed to a round-robin Q/A event.
 - i. Said meeting shall be held within Shawnee Township, unless otherwise approved by the Township Board of Trustees. One meeting to be held during the week after 6 pm, the other on a weekend between the hours of 2 pm and 7pm.
 - i. Meetings shall not be held on any Federal recognized holiday.
 - ii. Meetings should be conducted in a manner that is sensitive to those with hearing and/or other disabilities that may make attendance otherwise undesirable.
 - iii. The meeting will be conducted, presented, and advertised by the applicant or owner, at the applicants or owners' cost, and shall be recorded via video and/or audio recording. An unedited copy of said recording shall be provided to the Township within 10 days of the meeting.
 - iv. The applicant or owner shall advertise the project details and scheduled meetings on their own website.

b. Mounting System:

Solar panels or solar arrays shall be mounted onto a pole, rack, or suitable foundation, in accordance with manufacturer specifications, to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components, in accordance with applicable building permit requirements. Electrical components of the facility shall meet applicable electrical code requirements, and all electrical wires and lines less than one hundred (100) KV that are used in conjunction with the solar energy facility shall be installed underground. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.

c. Setbacks:

- i. All facility equipment, devices, fencing, lights, and/or gates, and its appurtenant components and structures shall be so maintained and situated to provide that no portion thereof shall be closer than:

- One-hundred (100) feet from right-of-way and/or easement.
- One-hundred (100) feet from top of bank of streams.
- One-hundred (100) feet from all property lines.

d. Height Limitation:

- i. In Residential Zoned Districts Ground-mounted solar collector system structures shall not exceed eight (8) feet, in Business Zoned Districts Ground-mounted solar collector system structures shall not exceed fifteen (15) feet, and in Industrial Zoned Districts Ground-mounted solar collector system structures shall not exceed fifteen (15) feet, in all districts the height shall be measured from the average ground level (elevation of adjacent and undisturbed ground) at the base of such equipment to the highest point of the solar collector system.

e. Placement:

- i. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.
- ii. Components of the facility shall not be located over a septic system, leach field area or identified reserve area unless approved by the Allen County Health Department. (If grading activities occur in flood plain areas, all grading (cut/fill) shall be performed within the same sub-drainage area.
- iii. No cut may be taken and disposed of outside of the sub-drainage area and no fill may be brought in from outside of the sub-drainage area of said flood plain).

f. Screening

- i. The facility shall be fully screened from adjoining properties and adjacent roads using the natural topography, or by installation of an evergreen buffers capable of minimally reaching a height of ten (10) feet within three years of planting (minimum height at planting shall be five (5) feet, measured from grade to tip of tree) , with at least 75 percent opacity at the time of planting to an extent that is reasonably practical. Minimally, vegetative screening shall consist of two (2) rows of screening spaced ten (10) feet apart. Each row of planting shall have plantings to be no greater than ten (10) feet (measured from center of trunk to center of trunk). Each row planting location shall be constructed so that each planting lands half-way between the spacing of plantings in the adjacent row. (Plantings shall be offset by 10'-0" in all directions.)

Vegetative screening "pre-approved" by the Township is as follows:

Green Giant Thuja Arborvitae

Norway Spruce

Other vegetative screening may be considered/approved upon review by Township.

- ii. A vegetative maintenance plan, beginning prior to construction through decommissioning, shall be provided outlining how all vegetation will be cared for and/or replaced if no longer living.
- iii. Security Fencing is required for the safety and security of the area as stated in the Shawnee Township Zoning Resolution Article XX - Section # 2011 "REQUIREMENTS FOR FENCES AND WALLS IN BUSINESS AND INDUSTRIAL AREAS".
- iv. Applicant shall make reasonable efforts to ensure that no noxious or invasive species of plants in Ohio Admin Code Sections 901:5-30-01 or 901:5-37-01 (or successive versions of these rules) are allowed to grow in or to produce seeds for noxious or invasive plants and shall promptly eliminate them upon discovery. All giant ragweed, common ragweed, mares' tail, Johnson grass, foxtail, cress leaf groundsel, and other weeds on the facility shall be removed, killed or mowed to prevent them from producing seeds.

Applicant shall not apply herbicides, defoliant, insecticides or other pesticides onto, or allow them to drift onto neighboring properties. No spraying shall be conducted by airplane, helicopter, or other means of aviation. These applications must be conducted by certified applicators and must comply with applicable laws and the label instructions.

g. Noise:

- i. Inverter and mounting system noise shall not exceed the existing ambient noise level, measured at the property line. Inverters shall be off and silent after dark.
- ii. Facility construction and decommissioning activities shall be strictly limited to the hours of 7:00am and 5:00pm unless otherwise requested and written permission obtained by the Township Zoning Inspector and immediately adjacent property owners.
- iii. Facility construction and decommissioning activities shall not occur on Sundays or state or federal holidays unless otherwise requested and written permission obtained by Township Zoning Inspector and immediately adjacent property owners.
- iv. Facility construction and decommissioning activities shall not occur on more than two Saturdays per month in June, July, and/or August unless otherwise requested and written permission obtained by Township and immediately adjacent property owners.
- v. Hoe ram operations, if required, shall be limited to the hours between 10:00am and 4:00pm, Monday through Friday, unless otherwise requested and written permission obtained by Township and immediately adjacent property owners.
- vi. Horizontal directional drilling ("HDD") operations if started on a specific conduit during general construction activities hours, may continue until the completion of the HDD activity on the conduit (i.e., from boring pit to receiving pit on the conduit).

h. Glare and Lighting:

- i. A solar energy system component shall be designed with an antireflective coating or at least shall not produce glare that would constitute a nuisance to occupants of neighboring properties, aircraft, or persons traveling adjacent or nearby roads.
- ii. All permanent facility lighting within one hundred 100 feet of any neighboring property shall be downlit and shielded, be motion activated, use the lowest effective intensity, and result in a maximum horizontal illuminance level of 1 foot-candle, as measured at property line.
- iii. Light shall not be cast onto properties beyond the facility.
- iv. Lighting shall be illuminated only during the time necessary to conduct maintenance activities or when triggered by motion.

i. Dust Control:

Applicant / owner / operator shall utilize commercially responsible best management practices to minimize dust from the construction, operation, and decommissioning, within the facility, from reaching the neighboring properties. Applicant shall implement dust control through prevention and control procedures that shall include the following:

- i. Prevention shall include the improvement of facility roads and encouraging project traffic to use the improved roads to the extent possible. These roads shall be engineered and shall be improved with gravel/aggregate to provide a stronger foundation for construction traffic and reduce dust from driving on loose soil.
- ii. Speed limits shall be minimized to avoid creation of dust on the site.
- iii. Where the aforementioned prevention measures are not sufficient, dust control shall be provided by water distributed by water truck to the project site. Water shall be used to control dust as necessary on roads, excavations, grading and other activities.
- iv. At no time shall water be obtained from local waterways without the expressed written consent of the Township Zoning Inspector and Allen Soil and Water Conservation District. Such documentation shall be submitted to the Township Zoning Inspector and Allen Soil and Water Conservation District seven (7) days prior to drawing of water from such a source.

j. Vehicular and Equipment Conduct:

Applicant shall use commercially reasonable efforts to prevent its construction and decommissioning employees, contractors, subcontractors and delivery truck drivers from engaging in the following activities:

- i. Exceed the speed limits on the public roads adjacent to the facility or neighboring properties.
- ii. Parking vehicles on any neighboring property or on the pavement rights-of-way of public roads adjacent to the facility or neighboring properties.
- iii. Driving or idling vehicles on the parcels of land adjacent to neighboring properties during the times in which construction and decommissioning activities are prohibited as described herein.
- iv. Leaving lights illuminated on parked vehicles during the times in which construction and decommissioning activities are prohibited as described herein.
- v. Making unnecessary vehicular or equipment noise during the times in which construction and decommissioning activities are prohibited as described herein.
- vi. Using Jake Brakes inside or within 2,500 linear feet of the facility.
- vii. Depositing litter, garbage, and other waste on neighboring properties or on the pavement or rights-of-way of public roads adjacent to the neighboring properties.
- viii. Loitering in the area within 1,500 feet of a neighboring property after working hours and after a reasonable amount of time for workers to collect materials and depart for the workday.

k. Traffic:

- i. Applicant shall repair any public roads, traffic signs, storm sewer conduits, culverts, and underdrain damaged by the construction or construction traffic within a reasonable time after the damage occurs. All repairs shall comply and conform with the Ohio Department of Transportation's Location and Design Manual, Construction Inspection Manual, Construction Materials and Specifications Manual, Drainage Manual, and Traffic Control Manual.

- ii. Applicant shall implement traffic maintenance measures during construction and decommissioning activities in accordance with the Ohio Department of Transportation's Traffic Control Manual, standards, and any Drainage and Road Use Agreements. Applicant also shall provide procedures to protect the ability of farm implements and other local traffic to use narrow roads traveled by construction equipment/machinery and delivery vehicles with oversize loads. No oversized loads shall be transported between 6am and 9am and between 2:45pm to 4:15pm on days in which school is in session.
 - iii. Entrances and exits from the facility during construction, operation, and decommissioning shall be located at least 500 feet from neighboring properties. Access roads shall be located at least 500 feet from neighboring properties unless said roads are inside of a fence.
- l. Signals:
- i. Facility shall not interfere with signals from neighboring properties cellular or cordless landline phones, internet, radio, television, global positioning systems, or real-time kinematic devices.
 - ii. No electromagnetic fields (EMF's) from the facility shall be present at any location on neighboring properties above the EMF background level at that location.
- m. Maintenance and Upkeep Standards:
- i. All systems shall be maintained in accordance with manufacturer's specifications. The owner and operator of the facility shall maintain the facility, including all buffer screening, in compliance with the approved plans and shall keep the facility free from overgrown vegetation, weeds, trash and debris.
 - ii. Applicant must provide the Township Board of Trustees with a copy of a maintenance plan and a point of contact of the personnel/company who is providing maintenance for said facility.
 - iii. Upon notification of damage(s), owner/operator shall submit a mitigation/remediation/correction plan to the Township Board of Trustees along with a repair schedule. Unless otherwise directed, in writing, all repairs to renewable energy generation facility, and as an example after storm damage, shall be completed in a timely and reasonable fashion, but no later than fourteen (14) days after the event or another time frame mutually agreed upon by the Township Board of Trustees and the applicant.
 - iv. In addition, the renewable energy generation facility shall be maintained in good condition and free of hazards, including but not limited to faulty wiring, loose fastenings, painting, structural repairs, and integrity of security measures.

- v. Fence lines shall be maintained, mowed, and repaired in a timely fashion. Fence lines shall be kept free of overgrown weeds, trash, refuse or other debris.
- vi. The owner or operator of the renewable energy generation facility shall be responsible for the cost of maintaining any access road(s), throughout the complex, unless accepted as a public way by the Township Board of Trustees. The Shawnee Township Fire/EMS, Police, and Zoning departments shall have and maintain complete and unfettered access to the entirety of the property on which the project is constructed upon.
- vii. The owner or operator of the renewable energy generation facility shall have a weed prevention plan submitted to the Township to ensure the area remains free and clear of overgrown vegetation, noxious weeds, briars, and other forms of uncontrolled vegetation.
- viii. Dirt and Gravel on Roads during periods of construction and decommissioning, applicant shall implement a street sweeping plan to daily sweep the public roads within 500 feet on each of ingress and egress points to active construction and decommissioning areas, and to sweep the rest of public roads adjacent to the active construction and decommissioning area at least twice per week.

n. Waste Disposal:

- i. Applicant shall keep the facility free of litter, garbage, and other waste during construction and operation. No waste shall be buried or disposed of with the facility.
- ii. In the event that solid waste or other objects from the facility is suspected to have blown onto or been deposited on any neighboring property, applicant shall remove within 48 hours of notification by the affected property owner, provided the affected property owner grants reasonable access to the neighboring property for such removal activities.
- iii. If any solid waste or other objects from the facility cause damage to a neighboring property, applicant shall reimburse that neighboring property owner for the actual cost of repairing damage.

o. Signage:

- i. A sign of no less than four square feet must be displayed in an easily noticed area from a public roadway indicating an address and toll-free telephone number, answered by a person twenty-four hours per day, seven days per week, for emergency calls and information inquires.
- ii. No panel or any part thereof, no fence surrounding the site, or any building or structure located upon the site may include or display any advertising sign, banner, insignia, graphics, or lettering.

p. Township and Rural Fire Departments:

- i. The applicant / owner / operator shall submit to the Township Fire Department a copy of the site plan. Upon request of the Township Fire Department, the owner or operator shall cooperate to develop an emergency response plan. The applicant / owner / operator shall provide training on its facilities and equipment to all rural fire departments (including volunteer or staffed full time) that serve territory within or abutting the facility.

q. Climb Protection:

All facility platforms must be unclimbable by design or protected by anti-climbing devices.

r. Drainage and Water Quality:

- i. Facility shall be constructed and operated in a manner that does not increase surface or subsurface (tiled) runoff rates or volumes from the facility onto neighboring properties or waterways or decrease the drainage from neighboring properties or waterways.
- ii. Applicant agrees to comply with the Allen County Stormwater Management & Sediment Control Regulations ("SMSCR") and shall be used to determine whether an infraction of the immediately foregoing sentence has occurred.
Any such increase/decrease shall be corrected as soon as practical after detection.
The applicant shall use storm water detention/retention basins and other structures as necessary to prevent eroded soil and increases in water drainage from reaching neighboring properties or waterways.
- iii. Stormwater management control, including stormwater detention/retention basins, swales, and other stormwater controls shall be designed and implement in accordance with the substantive standards in the SMSCR (for industrial facilities).
- iv. Stormwater detention/retention basins and swales shall have a single point discharges sized in accordance with those regulations.
- v. Stormwater controls shall be designed and supervised by a civil engineer registered as a professional engineer in the State of Ohio. A signed/stamped, from the engineer of record, copy of all pre-post construction stormwater calculations, plans, exhibits (delineating watersheds) as well as Ohio EPA approved stormwater pollution prevention plans (including a copy of the Notice of Intent) specific to the facility shall be provided to the Township a minimum of 30 days prior to commencement of any construction related activities.

- vi. Applicant shall provide written proof of review and acceptance of all stormwater management and stormwater pollution prevention plans/calculations as received from the Allen County Engineer's Office.
- vii. Facility shall be constructed and operated in full accordance with the NPDES Permit for stormwater discharge for construction activities. Applicant shall prepare, maintain, and implement a stormwater pollution prevention plan and inspection manual to guide applicant in accomplishing this objective.
- viii. To protect and ensure positive drainage throughout the facility, the applicant shall work with a local consultant to prepare and maintain a comprehensive and detailed map identifying, using the best available information, the locations of all field tiles and aboveground waterways that convey water between the neighboring properties and the facility.
- ix. Prior to facility construction, applicant shall solicit for adjacent properties any available information regarding such drainage tiles and aboveground waterways and shall incorporate that information into the facility's construction drawings provided that such information is received within thirty (30) days after the applicant's request.
- x. The locations of field tiles and aboveground waterways installed by the applicant or adjacent properties during construction shall be added to this map as that information becomes available to the applicant.
- xi. Applicant shall provide the Township and neighboring properties with a copy of this map upon completion.
- xii. Applicant shall maintain all drainage tiles and aboveground waterways conveying water between neighboring properties and the facility, and all later drainage tiles at the facility that is upgradient from neighboring properties in good working order at all times.
- xiii. Applicant shall keep the drainage tiles described in the immediately foregoing sentence free of plant roots.
- xiv. Upon the discover that any such drainage tile or waterway within the facility has been damaged or is malfunctioning, applicant shall promptly consult in good faith with affected neighboring properties about repairs or replacement of the tile or waterway and then shall promptly repair or replace the tile or waterway to at least its original condition or modern equivalent. Tile repairs shall be made with a silt-tight material that are equivalent to or better in quality than the field tiles being replaced. No clay tile shall be installed.
- xv. Any perforated tiles installed in new installations or repairs in the future shall be enclosed with a sock.

- xvi. Tiles or aboveground waterways at the facility area may be rerouted provided that they stay connected to the tiles and aboveground waterways on neighboring properties without any loss of flow capacity or velocity.
- xvii. Applicant shall record the location of and shall photograph all damaged tile (horizontally and vertically using survey grade equipment) and shall take photographs of the repaired tiles.
- xviii. Applicant shall inspect the field tiles within the facility using televised conduit inspection equipment prior to and after finishing the facility construction in order to identify any tiles that have been damaged. Thereafter, the facility's field tiles and aboveground waterways shall be inspected every five years to detect damage and deterioration. A copy of the checklists for the inspections described shall be made to the Township within thirty (30) days of inspection completion.
- xix. Applicant shall reimburse neighboring properties for any crop damage or other actual damage to the neighboring property caused by applicants' failure to maintain the facilities drainage tiles and waterways in good working order.

Whether an infraction of drain tile or waterway design or management has occurred shall be determined by consulting the substantive standards of the SMSCR and any other requirement outlined within this zoning language.

With respect to crop damage from flooding, Crop Damages shall be calculated by the following formula: Price x Yield x Percentage of Damage x Acreage = Crop Damages. Prices for damaged or destroyed crops shall be based on the current fair market price on the day damage reported.

Yield shall be the USDA County average of the same crop as the damaged crop.

s. Groundwater Protection:

- i. The applicant / owner / operator shall provide Township with copies of all Toxic Characteristic Leaching Procedure (TCLP) testing results for all solar panels prior to installation of the panels, including any replacement panels installed throughout the life to the facility.
- ii. The applicant / owner / operator shall implement a surface water testing plan that samples discharges at stormwater outfalls located on the land leased/owned by applicant to detect Contaminants potentially released from the facility.
- iii. The applicant / owner / operator shall use the methodologies in the Ohio EPS's Industrial Stormwater General Permitting to collect/test samples.

- iv. Samples shall be obtained prior to construction activities, so to create a baseline. Testing thereafter shall then take place every five years, beginning on the or before the fifth anniversary after the construction of the facility is complete.
 - v. US EPA-approved testing procedures shall be utilized to test for the RCRA-8 metals, which are arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver (collectively, the "Contaminants"). Upon request by Township, applicant shall provide the results of the most recent surface water sampling event along with a map showing the locations of each sample, time/date taken, and name/position/company of person(s) who obtained the sample.
 - vi. The applicant / owner / operator shall provide the Shawnee Township and Mutual Aid Fire Departments with a phone number at which a facility employee can be reached for emergency communications, including addressing flooding that necessitates immediate action to prevent damage to person or property. For the same purposes, the applicant / owner / operator shall provide such a phone number to the Township Board of Trustees that can be utilized where necessary to address emergencies.
- t. Battery Energy Storage Systems (BESS):
- i. Battery Energy Storage Systems, as a component of a utility scale renewable energy generation facility and/or community solar facility, shall not be permitted for any reason within the limits of Shawnee Township.
- u. Liability Insurance:
- The applicant / owner / operator of each renewable energy generation facility shall maintain a current general liability policy covering bodily injury and property damage with limits of at least five (5) million dollars per occurrence.
- v. Compliance with Other Standards:
- All power and communication lines running between banks of Solar Collector/Panel/Module and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Shawnee Township Zoning Commission, and the Shawnee Township Board of Trustees in instances where shallow bedrock, water courses, or other elements of the natural landscape interferes with the ability to bury lines.
- w. Applicant Company Liaison; Notices:
- i. The applicant / owner / operator shall at all times have an individual designated to act as a liaison ("Facility Liaison") with the neighboring property owners regarding the facility's construction, operation, and decommissioning.

- ii. The applicant / owner / operator shall provide the name, telephone number, postal address, and email address of the Facility Liaison (no personal contacts) to the neighboring property owners in writing within ten (10) business days of the applicant /owner / operator approved zoning permit.
- iii. The applicant / owner / operator may change the designated Facility Liaison at its sole discretion provided the applicant provides neighboring property owners, the Township Zoning Inspector and the Township Board of Trustees in writing with the new Facility Liaison's (no personal contacts) name, telephone number, postal address, and email address.
- iv. Notwithstanding the foregoing, however, the Facility Liaison shall not be the point of contact for the neighboring property owners and the Township Zoning Inspector with the respect to formal notices given pursuant to this zoning regulation.
- v. All notices, consents, approvals or disapprovals given under this zoning resolution language shall be in writing and shall be:
 - Delivered personally or,
 - Mailed by certified or registered mail or,
 - Sent by email transmission, deliver receipt requested or,
 - Delivered by a professional carrier.

2205.4 Decommissioning Plan:

- a. Decommissioning plan shall be provided to the Shawnee Township Board of Trustees for approval, review, and updated as necessary every five (5) years with the Owners / Operators, Township Board of Trustees, and other stakeholders associated with this project.
- b. The owner / operator of a utility scale renewable generation facility electrical system must notify in writing to the Shawnee Township Board of Trustees within 90 days prior to discontinuation of the operation. The facility's electrical system shall be perceived to be discontinued or abandoned if no electricity is generated by such system for a period of 3 continuous months.
- c. The generation facility's electrical system owner / operator shall be notified in writing that they have twelve-(12) months in which to dismantle and remove the system including all related equipment or apparatuses related thereto included but not limited to buildings, cabling, electrical components, roads, foundations, and other facilities from the property. If the owner / operator fails to dismantle and/or remove the facility's electrical system within the established time frames, the Shawnee Township Board of Trustees may complete the decommissioning at the owners / operators' expense.

2206 PROPERTY VALUATIONS

The purpose of this section is to inform adjacent property owners, within Shawnee Township, of anticipated property loss values, or injuries, associated with the construction, operation, and maintenance of the proposed project. As there is current ongoing debate regarding property rights, as it pertains to renewable energy generation facilities, Shawnee Township shall continue to place first the health, safety, and welfare of its residents, businesses, and/or visitors. In doing so, as it relates to renewable energy generation facilities, realizing that given the ongoing debate on reported negative valuation effect of such projects, the reduction in value of properties may give rise to a claim of these property owners against the government of a partial taking under the Fifth Amendment to the United States Constitution.

2206.1 Property Appraisals:

- a. Standards: Appraisal of adjacent properties, conducted as a part of this section, shall be performed in conformance with the "Uniform Standards of Professional Appraisal Practice" (most current addition) as published by the Appraisal Standards Board of The Appraisal Foundation (authorized by Congress as the Source of Appraisal Standards and Appraiser Qualifications).
 - i. Entity performing appraisal shall a federally regulated appraisal management company for which the appraiser of record maintains employment.
 - ii. The appraiser of record's history within the appraisal management company shall be included with their report which will be submitted with the project's permit application.
 - iii. Both the appraisal management company, as well as appraiser of record, shall also submit a sworn and notarized statement along with the project application attesting to prior work performed/history with the permit application, including parent or subsidiary companies, as well as any other personal and/or professional relationship(s) which would imply bias.
 - iv. Valuations determination shall be strictly be made based on facilities of similar type, size, location and/or capacity.
- b. Reporting:
 - i. The permit applicant shall determine and provide a list of all property owners adjacent to the property, or properties, the proposed project is to be constructed on.
 - ii. Information of all adjacent property owners shall include, but is not limited to;
 - A. Name(s) of owner of recorded.
 - B. Deed Reference as filed with Allen County Auditor.
 - C. Parcel ID.
 - D. Parcel acreage.

- E. Current appraised and assessed values for land, CAUV and improvements.
 - F. Land type & valuation of total appraised value upon construction of applicant's project.
- iii. A heat map, reflecting any gain or loss in value, shall be provided for adjacent parcels of study shall be provided with the permit application. Said heat map shall reflect an adequate number of graduations and colors so as to quickly ascertain the information thereon.
 - iv. A table reflecting the appraiser's determination of any loss or gain shall be provided in the permit application. Said table shall be created to reflect the low, average, median, and high change in property value for the groups defined in (a) above.
 - v. References shall be given as to criteria used in determining property values and said references be made available upon request, if not included in study.
 - vi. Submission of adjacent property valuations is a required with application and will be evaluated by Township Board of Trustees and/or individuals appointed to determine if results of study so as to determine if any conflict to the local, state or federal law, in regards to property devaluations, and would cause increased exposure to liability of Shawnee Township.

**ARTICLE XXIII
(OPEN – WHEN EFFECTIVE)**

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**ARTICLE XXIV
(OPEN – WHEN EFFECTIVE)**

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**ARTICLE XXV
EXTERIOR PROPERTY MAINTENANCE CODE**

2500 PURPOSE

The purpose of this Exterior Property Maintenance Code is to protect the public health, safety, morals, and general welfare as it pertains to areas, premises and buildings used for residential, commercial, industrial, travel, and public purposes. This protection is hereinafter provided by:

- 2500.1 Establishing minimum standards for maintaining residential, commercial, and industrial environmental quality to preserve and achieve the presentable appearance of existing structures and premises; avoiding blighting effects of the substandard maintenance of structures and premises and their negative impact on the value of surrounding properties, eliminating hazardous conditions; and
- 2500.2 Fixing the responsibilities of owners, operators and occupants of structures and their premises; and
- 2500.3 Providing for administration, enforcement, and penalties.
- 2500.4 To supplement the most recent version of the Shawnee Township Zoning Resolution. The Resolution cannot address every exterior property issue. This maintenance code addresses those exterior property issues not specifically found in the zoning resolution.
- 2500.5 It is the intent of Shawnee Township to work with all citizens to further the best interests of the community, through the fair and consistent administration of this Exterior Property Maintenance Code.

2501 TITLE

This Code shall be known as "The Shawnee Township Exterior Property Maintenance Code," and is herein referred to as above, or as the "Exterior Property Maintenance Code" or, in context, as "this Maintenance Code."

2502 SOURCE

The Board of Trustees for Shawnee Township has adopted by RESOLUTION # 107-18 on September 10, 2018, this Exterior Property Maintenance Code. This code follows the Model Exterior Property Maintenance Code for Townships prepared by the Miami Valley Regional Planning Commission in January of 1993, which is the most current edition as of March 1, 2015.

2503 CONSTRUCTION OF LANGUAGE

For the purpose of this Exterior Property Maintenance Code certain terms or words shall be interpreted as follows:

- a. Words used in the singular shall include the plural, and the plural the singular.
- b. Words used in the present tense shall include the future tense.
- c. Words in the masculine gender shall include the feminine and neuter.

- d. The word "shall" be mandatory and not discretionary.
- e. The word "may" be permissive.
- f. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"
- g. The work "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- h. The word "dwelling" includes the word "residence."

2504 DEFINITIONS

All words used in this Code shall have their customary meanings, except those specifically defined in this Section.

Accessory Buildings or Structures: A structure on the same property as a primary dwelling structure, and of nature customarily incidental and subordinate to the primary dwelling structure. Examples of accessory buildings or structures include: Detached garages, Storage sheds, Gazebos, Picnic pavilions, Pole barns, Animal enclosures, Playhouses, Greenhouses, Car Ports, and Equipment enclosures.

Area, Accessory: Supplementary; additional; subordinate to the ground on which a building stands, or the ground surrounding a building.

Approved: Approved, as applied to a material, device, or method of construction, shall mean approved by the Code Enforcement Officer under the provisions of the Code, or approved by other authority designated by law to give approval in the matter in question.

Basement: That portion of a building which is partly or completely below grade (below ground level).

Building Code: The building code officially adopted by the legislative body of this jurisdiction, or such other Code as may be officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of buildings and structures.

Building Exterior or Exterior: A part, surface, or region that is on the outside of a structure.

Cellar: That portion of a building which is completely below grade.

Code Enforcement Officer: The official designated herein or otherwise charged with responsibilities of administering this Code, or the official's authorized representative.

Commercial Zoning District(s)" or "Commercial District(s): One or more of the following conventional zoning districts identified in this zoning resolution: B-I, B-II, B-III, or B-IV.

Condemn: To adjudge unfit for use or occupancy.

Condemnation: The act of judicially condemning.

Dwelling: Any building or structure (except a house trailer or mobile home, as defined in Ohio Revised Code § 4501.01) which is wholly or partly used, or intended to be used, for living or sleeping by one or more human occupant.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Exterior Property Areas: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination: The control and elimination of insects, rats, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Graffiti: Writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface in a public place, or which can be viewed by the public.

Imminent Danger: A condition which could cause serious or life-threatening injury or death at any time.

Infestation: The presence, within or contiguous to a structure or premises of insects, rats, vermin, or other pests.

Inoperable Motor / Vehicle: Any motor propelled vehicle or accessory to same, which is, or is in the process of being, wrecked, or dismantled such that the engine, wheels, or other parts have been removed or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. A vehicle, including but not limited to cars, trucks, buses, motorcycles, trailers, and boats, shall be deemed a junk or inoperable vehicle when it has remained in same / similar location for more than forty-five-(45) days and whenever any of the following occur:

- a. The vehicle is without a valid current registration and/or license plate.
- b. The vehicle is apparently inoperable.
- c. The vehicle has failed its e-check or otherwise does not comply with state regulations.
- d. The vehicle is without fully inflated tires and/or has any type of support under it.
- e. The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission, tires, or other similar major parts.
- f. The vehicle is left on private property without the permission of the person who has the right of the property.

Junk Motor Vehicle: As used in this section, "junk motor vehicle" means a motor vehicle that meets all the following criteria:

- a. Three model years old, or older.
- b. Apparently inoperable.
- c. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

Junk/Rubbish: Bones, litter, and manufactured goods including, but not limited to scrap iron, scrap tin, scrap glass, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, rags, used cloth, used rubber, used rope, used aluminum foil, used bottles, old and used machinery, used tools, used appliances, used fixtures, used utensils, used building materials, used boxes or crates; including both combustible and non-combustible waste materials, vehicle parts, motors, and abandoned appliances.

The term rubbish shall also include but not limited to used and unused rags, cartons, boxes, wood, packing material, rubber, leather, tin cans, metals, mineral matter, glass, crockery, dust, pipe or pipe fittings, and used tires that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled or recycled, and similar materials, as well as residue from the burning of wood, coal, and other combustible materials.

Let or Lease: To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner of record thereof, pursuant to a written or unwritten lease, agreement, or license, or pursuant to a recorded or unrecorded agreement or contract for the occupancy of/or sale of land.

Livestock: Domesticated animals raised in an agricultural setting to produce commodities such as meat, milk, leather, and wool. The term is often used to refer solely to those raised for food, and sometimes only farmed ruminants, such as cattle, swine, and goats.

Maintenance: Conformance of real estate to this Code.

Motor Vehicle: Shall be as defined in Section 4501(B) of the Ohio Revised Code.

Notice of Violation: First document issued to property owner indicating non-compliance of an article within the Exterior Property Maintenance Code.

Nuisance: Any offensive, annoying, unpleasant, or obnoxious activity or omission which results in such condition(s), that endangers life, health, gives offense to the senses, violates the laws of decency, or unreasonably obstructs, annoys, or disturbs the reasonable and comfortable use by another of his property, and includes, but is not limited to, the following:

- a. A physical condition, or use of any building, structure or premises regarded as public nuisance at common law.
- b. Any physical condition, use or occupancy of any building, structure premises or its appurtenances considered an attractive nuisance to children, including but not limited to junk motor vehicles, abandoned wells, basements, excavations, abandoned refrigerators and unsafe fences or structures.
- c. Any building, structure or premises which have unsanitary sewerage or plumbing facilities.
- d. Any building, structure, or premises which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or the public.
- e. Any building, structure or premises which are manifestly capable of being a fire hazard or are manifestly unsafe or insecure as to endanger life, limb, or property.
- f. Any building, structure or premises on which offal, filth, or noisome substances are collected or remain in any place to the damage or prejudice of others or of the public.
- g. Any building, structure or premises which are unsanitary, or which are littered with rubbish, litter, junk, or garbage.

- h. Any structure or building that is in a state of dilapidation, deterioration, decay, or general neglect; faulty construction; overcrowded, open, vacant, or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.
- i. The unlawful obstruction or impediment of the passage of any watercourse, stream or water, or the unlawful diversion of such watercourse from its natural course or state to the injury or prejudice of others.
- j. The collection of stagnant water or putrid substances on any premises or allowing any condition or obstruction that allows stagnant water to collect on the property.
- k. The maintaining of a junk motor vehicle and / or inoperable motor vehicle(s) on the property.
- l. Vegetation exceeding acceptable and permitted height limits as described in this Code or Resolution.

Occupant: Any person (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

Operator: Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

Owner: Any person, agent, firm, or corporation having a legal or equitable interest in the property.

Person: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Plumbing: The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, and appurtenances within the scope of the plumbing code.

Plumbing Fixtures: A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both water supply connection and a discharge to the drainage system of the premises.

Premises: A lot, plot or parcel of land including the buildings or structures thereon.

Real Estate: A lot, plot or parcel of land including the buildings or structures thereon.

Renovation or Remodeling: A building and its facilities made to conform to present day minimum standards of applicable building codes.

Repair: The reconstruction of any part of an existing building for purpose of maintenance. Repair shall not apply to any change of construction.

Rubbish: Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials.

Story: The portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it.

Structure: A walled and roofed building, manufactured home, storage building, barn, pod, or gas or liquid storage tank that is partially above ground.

Supplied: Installed, furnished, or provided by the owner or operator.

Tents or other temporary structures shall include but not be limited to tents, canopies, platforms, bandstands, reviewing stands, and moving and storage pods.

Unlawful Structure: An unlawful structure is one found in whole or in part to be altered or occupied contrary to law.

Weeds: Shall be defined as those plants designated as noxious weeds by the state of Ohio pursuant to Ohio Administrative Code Chapter 901:5-37.

Workmanlike: Whenever the words “workmanlike, state of maintenance and repair” are used in this Code, they shall mean that such maintenance and repair shall be made in a reasonably skilled manner.

Yard: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward. However, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. Yards may be classified as follows:

- a. Front yard: A yard extending between lot lines across the front of a lot and from the front line to the front of the principle building or structure.
- b. Rear yard: a yard extending between side lines across the rear of a lot and from the lot line to the rear of the principle building or structure.
- c. Side yard: A yard extending from the principal building to the side lot line of both sides of the principal building between the lines establishing the front and rear yards.

2505 APPLICATION OF PROPERTY MAINTENANCE CODE

The provisions of the Exterior Property Maintenance Code shall apply to all premises and structures within Shawnee Township used for human habitation, commercial purposes, or industrial purposes which are now or may become in the future substandard with respect to structure, maintenance, proper drainage and sanitary conditions, or other similar conditions which otherwise constitute a public nuisance. This Exterior Property Maintenance Code shall apply to all zoning districts, planned unit developments, and mobile home parks within Shawnee Township, in Allen County, Ohio.

The existence of such conditions, factors or characteristics adversely affects public health, safety, morals, and general welfare and leads to the continuation, extension and aggravation of blight and its attendant negative effect on surrounding property values. Therefore, adequate protection of the public requires the establishment and enforcement of these properly maintenance standards.

2505.1 COMPLIANCE REQUIRED

Every portion of a structure or premises used or intended to be used for residential, commercial, or industrial purposes, shall comply with the provisions of this Exterior Property Maintenance Code, irrespective of when such building has been constructed, altered, or repaired, or premises occupied, except as hereinafter provided.

2505.2 CONFLICT OF LAWS

In any case where a provision of this Exterior Property Maintenance Code is found to conflict with a provision of any zoning, building, fire, safety, health, or other regulation, the provision of which establishes a higher standard for the promotion and protection of the safety and health, the conflicting provision shall prevail.

2505.3 EXISTING REMEDIES

Nothing in this Exterior Property Maintenance Code shall be interpreted to abolish, impair, or prevent the execution of any existing remedies of Shawnee Township, or its officers or agents, related to the abatement of a public nuisance.

2505.4 SEPARABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Exterior Property Maintenance Code is declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Exterior Property Maintenance Code, which portions shall continue in full force and effect, and to this end the provisions of this Exterior Property Maintenance Code are hereby declared to be severable.

2505.5 SAVING CAUSE

This Exterior Property Maintenance Code shall not affect violations of any other resolution, ordinance, code, or regulation existing prior to the effective date of this Exterior Property Maintenance Code, and any violation of such shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

2506 CODE ENFORCEMENT OFFICER

2506.1 Code Enforcement Officer.

The Township Trustees shall assign the duties of administering and enforcing this Exterior Maintenance Property Code to a Code Enforcement Officer. The Township Zoning Inspector shall fulfil the duties as the Code Enforcement Officer as outlined in this Exterior Maintenance Property Code.

2506.2 Liability.

No officer, agent or employee of Shawnee Township shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties under this Code.

2506.3 Interpretation Authority.

The Code Enforcement Officer shall have authority to interpret and implement the provisions of this Code, to secure the intent thereof, and to designate requirements applicable because of local climate or other conditions.

2507 ENFORCEMENT ACTION

Any resident, business, township staff member or public official can file a complaint alleging a violation of the Exterior Property Maintenance Code. Complaints of code violations may be received in any form, such as written, telephone, e-mail or observed by the Township Zoning Inspector during rounds within the Township. Additionally, the Township Zoning Inspector may proactively initiate code enforcement actions based on observations or reports from the community.

Any complaining or reporting person may choose to remain anonymous. The names of persons making a complaint are maintained in confidence by the Township unless there is a compelling reason to disclose the complainant's identity at the instruction of the Township Attorney.

2507.1 Inspections.

The Township Zoning Inspector is authorized to make inspections of building exteriors and premises located within Shawnee Township for purposes of enforcing the provisions of this Exterior Property Maintenance Code. For the purpose of making such inspections, and upon showing identification, the Township Zoning Inspector is hereby authorized to examine and survey at any reasonable hour all residential, commercial, and industrial structures or other premises.

The Township Zoning Inspector shall keep official records of all activities which relates to this Code. Such records shall be retained in the official records in such manner and for so long as is required by Shawnee Townships record retention policy.

2507.2 Warning Notice of Violation

It is the policy of Shawnee Township to use fair and reasonable judgement in the administration of its enforcement actions. To this end, a Warning Notice may be issued for the first occurrence of a violation of this Code. The Warning Notice shall be worded to sufficiently identify the premises and the nature of the violation. The

Warning Notice shall be sent by U.S. Regular Mail to the owner of the property as identified by Allen County Auditor's Office.

If the premises owner or person being cited fails to correct the violation in the time allotted by an Enforcement Officer, then a Notice of Violation shall be issued. In his/her discretion, an Enforcement Officer shall have the right to forego issuing a Warning Notice and may proceed to issue a Notice of Violation. The issuance of a Warning Notice shall not be a prerequisite to the issuance of a Notice of Violation. There shall be no right of appeal from the issuance of a Warning Notice.

2507.3 Notice of Zoning Violation

- a. CONTENT: Whenever the Enforcement Officer determines that there is a violation of the provisions of this Code, he may give notice of such violation to the person or persons responsible therefore and order compliance, as hereinafter provided. Such notice and order shall:
 - i. Be in writing.
 - ii. Include a description of the real estate sufficient for identification.
 - iii. Include a statement of the reason or reasons why it is being issued.
 - iv. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the property into compliance with the provisions of this code; and,
 - v. State the right of the violator to file an appeal of the notice with the Code Enforcement Appeals Board / Zoning Board of Appeals within ten (10) business days of receipt of the notice, and the Appeal Hearing fee shall apply.
- b. SERVICE: A Notice of Violation shall be deemed properly served if one-(1) or more of the following methods are used:
 - i. By personal delivery to the owner or occupant(s) of the premises, or by leaving the notice at the premises with a person of suitable age and discretion; or
 - ii. By certified mail, deposited in a United States Post Office, addressed to the person or persons responsible at his/their last known address according to Allen County Auditor's Office, with return receipt requested; or 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 Enforcement Officer. 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
 - iii. By posting a copy of the notice form in a conspicuous place on the premises found in violation and publishing a legal notice in a newspaper of general circulation in the Township. The legal notice shall identify the owners of the premises, the last address, if known, of the owners, the parcel identification, location and nature of the violation, and correction order. Service is complete upon said posting (camera documented) and publication; or

- iv. By posting a notice concerning the violation on a stake and affixing it into the ground upon any vacant parcel of land where no structure is present as well as no mailbox is available to facilitate mail delivery (camera documented); or
- v. For a junk or inoperable motor vehicle(s) as an addition to providing service as described above, Enforcement Officer may serve the notice by attaching it to the window on the exterior of the motor vehicle in a conspicuous place (camera documented).

c. EXTENSION OF COMPLAINE GUIDELINES:

A property owner who has received a Notice of Violation with a corrective action compliance date may request a time extension due to documented extenuating circumstances. Formal requests shall be in writing to preserve the historical documentation of the case file. All requests shall be made to Shawnee Township Board of Trustees, 2530 Ft. Amanda Rd, Lima, Ohio 45804. The Board of Trustees have the discretion to grant or deny time extensions. If the extension is granted, the owner shall be notified in writing of the amended compliance date.

d. LOCAL APPEAL PROCESS:

Persons, firms, or corporations wishing to appeal an adverse determination by the Township Zoning Inspector, or Official Designee may file an appeal with the Code Enforcement Appeals Board within (10) days after the notice of violation. The Township Zoning Inspector will schedule a hearing on the matter, and its decision will determine further progression of the violation process.

2508 CODE ENFORCEMENT APPEALS BOARD

2508.1 APPEALS BOARD

To implement the purposes and requirements of this Exterior Property Maintenance Code, there is hereby created the Code Enforcement Appeals Board, hereinafter referred to as the Appeals Board. For the purposes of this Code, the Shawnee Township Zoning Board of Appeals shall function as the Code Enforcement Appeals Board.

- a. Membership of Board: The Appeals Board shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the Township. The Township Zoning Inspector shall be an ex-officio member but shall have no vote on any matter before the board. The Zoning Board of Appeals shall be appointed by the Shawnee Township Board of Trustees.
- b. Alternate Members: The Shawnee Township Board of Trustees shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

- c. Chairman: The Appeals Board shall annually select one of its members to serve as chairman.
- d. Secretary: The Appeals Board shall designate a qualified person to serve as secretary to the Appeals Board. The secretary shall file a detailed record of all proceedings in the office of the Township Zoning Inspector.
- e. Disqualification of Member: A member shall not hear an appeal in which that member has a personal, professional, or financial interest.
- f. Procedure: The Appeals Board may adopt rules of procedure not inconsistent with this Code. No member of the Appeals Board shall take part in any hearing or determination in which he or she has a personal, professional, or financial interest. Three (3) members of the Appeals Board in attendance at any meeting shall constitute a quorum.
- g. Authority: The Appeals Board shall hear all appeals relative to the enforcement of this Code. By a majority vote, the Appeals Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure a majority vote shall be deemed a confirmation of the decision of the Township Zoning Inspector.

2508.2 HEARINGS

Any Recipient of a Notice of Violation which has been issued in connection with the enforcement of any provision of this Exterior Property Maintenance Code may request and shall be granted a hearing on the matter before the Code Enforcement Appeals Board.

The notice of appeal shall be filed in the office of the Enforcement Officer on forms provided by the Township. The appeal shall be filed within ten-(10) calendar days after the date of the notice and order. Upon receipt of such a petition and payment of the appeal application fee, the Appeals Board shall set a time and place for the hearing.

The Appeals Board shall give the appellant written notice thereof by first class mail postmarked at least ten-(10) days prior to such hearing. The hearing shall be held no less than ten-(10) days and no more than thirty (30) days from the date the appeal was filed. At such hearing, the appellant shall be given an opportunity to be heard and to show cause, why any item appearing on the notice and order should be modified or withdrawn. The failure of the appellant or his representative to appear and state his case at such hearing shall have the same effect as if no appeal was filed.

2508.3 FINDINGS

Prior to sustaining any violation notice and compliance order, the Appeals Board shall make the following findings:

- a. That a violation exists on the property; and
- b. That appellant was served with a Notice of Violation and / or Zoning Violation Citation provided for in Section 2507.3 (A) & (B); and

- c. That the Notice of Violation and / or Zoning Violation Citation that was served stated the specific nature of the violation, the corrective action needed to be taken to abate the violation, and a specific time within which to abate the violation; and
- d. That within the period stipulated in the Notice of Violation, the violator failed to comply with the Notice of Violation and / or Zoning Violation Citation by not abating the violation, and/or by not bringing the use into compliance with the STEPNC; and
- e. That upon expiration of the date required for compliance in the Notice of Violation and / or Zoning Violation Citation, the property owner violated specific provisions of the Shawnee Township Exterior Property Maintenance Code and/or conditions imposed by the Appeals Board.

2508.4 AUTHORITY OF APPEALS BOARD

Within thirty (30) days of the close of the public hearing, the Zoning Board of Appeals Board shall sustain, modify, or withdraw any item appearing on the Notice and Order. The appellant shall be notified in writing of such action.

2508.5 ADMINISTRATIVE ACTION

The "Code Enforcement Officer" shall take immediate action in accordance with the decision of the Code Enforcement Appeals Board.

2508.6 REVIEW

Any person adversely affected by a ruling or order of the Code Enforcement Appeals Board, shall have the right to appeal to the appropriate court (Court of Common Pleas for Allen County) in the manner and time required by law following the filing of the decision of the Code Enforcement Appeals Board.

2509 ZONING VIOLATION CITATION

The Enforcement Officer is authorized and directed to provide Zoning Violation Citations also known as an Administrative Citation which shall be used for the purposes of giving due notice and summons to the person or persons responsible for violations of this Code. Administrative Citations are a legal civil action in an attempt to bring compliance to a violation of this code, when prior notice(s) has shown to be no deterrent effect, and the violation still exists on the property.

2509.1 CONTENTS

The Enforcement Officer is authorized and directed to provide citation tags which shall be used for the purposes of giving due notice and summons to the person or persons responsible for violations of this Exterior Property Maintenance Code. Such citation tags shall be put in writing on an appropriate form, state the nature of the violation, refer to the section or sections of this resolution violated, and state the appropriate civil penalty assessment or civil penalty.

2509.2 PAYMENT OF ASSESSMENT

Such person or persons, when a citation tag as herein provided is served to him, shall appear at the place or places designated upon such tag and shall pay the assessment for the violation noted on the citation. Upon payment of the assessment as provided within the time limit provided herein, no further action will be taken to prosecute the violation noted on the citation, provided remedial action, if necessary, is taken.

2509.3 NOTICE AND FUTURE VIOLATIONS

The citation tag, as herein provided, shall be sufficient notice, summons, and legal service thereof for the purpose specified thereon provided, however, that the use of such tags shall not prohibit the issuance of either additional citation tags or a legal notice of violation as provided herein, in the event such violation is continued or repeated.

2509.4 ESTABLISHMENT OF FEE SCHEDULE

Prior to the issuance of any citation tag, the Township Trustees shall adopt by resolution a citation tag fee schedule assessment. From time to time and upon its own motion, Township Trustees may modify the citation tag fee schedule assessment.

2509.5 CIVIL PENALTY ASSESSMENT

When an Administrative Citation has been issued pursuant to this section, an amount established by the Township Trustees is hereby assessed on the violator. If the assessment is paid within ten (10) calendar days immediately following the issuance of the citation tag, all assessments are reduced by fifty percent (50%) subject to the violation also being corrected within ten-10 days, and payment is made within the ten-10 days.

Failure to pay the penalty within a period of thirty-(30) calendar days after the date of service of the Citation shall constitute a minor misdemeanor, punishable as provided in Section 4.99 of the Shawnee Township Zoning Resolution, assessments may also be attached to the property taxes for the property in question, by Resolution and Board of Trustee action.

2510 PROSECUTION

When it has been determined that Zoning Violation Citations / Administrative Citations and penalties provided have shown no deterrent effect, and the violation continues to exist on the owner's property, the Enforcement Officer may present the case to the Lima City Prosecutor's Office for criminal charges to be filed against the owner to facilitate compliance with this Code. The filing of criminal charges shall be in consultation and approval by the Board of Trustees and the Township Attorney.

In case any Citation is not promptly complied with, the Enforcement Officer may additionally request the Township Attorney to institute an appropriate action or proceeding to recover the penalty provided in Section 4.99 of the Shawnee Township Zoning Resolution. The Enforcement Officer may ask the Township Attorney to sue the person(s) responsible for the violation for the purpose of ordering him/her to abate such nuisance or other civil action to bring compliance.

2511 ABATEMENT OF VIOLATION BY TOWNSHIP AND COST RECOVERY

2511.1 The imposition of the penalties herein prescribed shall not preclude the Shawnee Township Attorney from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business or utilization of the building, structure, or premises.

2511.2 Should the nuisance not be abated by the expiration of the time stated in the notice or order of the Enforcement Officer or any extensions granted or such additional time as the Exterior Property Maintenance Code Appeals Board may grant, the Enforcement Officer may call on any department, division, or contractor of the Township for whatever assistance may be necessary to abate the aforesaid nuisance or may, by private contract, abate such nuisance and the cost of the contract will be paid for from Township funds. All costs for abating such nuisance shall be recovered in the following manner:

- a. The owner(s) shall be billed directly by certified mail deposited with the United States Post Office. If the 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 Township Zoning Inspector.
- b. If the costs are not so recovered within thirty (30) days of receipt of the mailing, the Township may collect the cost in accordance with the Ohio Revised Code and/or assess the cost to the owner via liens approved by the Township Trustees.

2512 EMERGENCY MEASURES

Nothing in the provisions of this code shall prohibit the Township Zoning Inspector from taking any action authorized by law, without regard to the provisions of this code and regardless of whether the legal procedures herein described have been instituted, when, in his/her opinion, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has failed and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment.

2513 RULE MAKING AUTHORITY

The Township Zoning Inspector shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to implement the provisions of this Code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this Code or violating approved practice involving public safety.

2514 ADDITIONAL CIVIL REMEDIES

If the recipient of a Notice of Violation fails to comply with said Notice of Violation within the stated period, the Township Board of Trustees may further institute an action for injunction, mandamus, or abatement or any other appropriate action or proceeding to enjoin, correct or abate such violation in conjunction with the violation citation and civil penalty assessments.

2515 VIOLATION PENALTIES

2515.1 No person shall violate any provision or fail to conform to any of the requirements of this Exterior Property Maintenance Code or fail to comply with any order made thereunder.

2515.2 Whoever violates any section of this Code shall be guilty of a minor misdemeanor and be fined not more than five hundred dollars (\$500.00) in accordance with Ohio Revised Code §519.99 within the court of jurisdiction. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

2515.3 The application of the penalty provided in subsection (B) hereof shall not be held to prevent the enforced removal of prohibited conditions.

2516 ANNUAL REVIEW

Annually the Township Zoning Inspector shall review the Exterior Property Maintenance Code for any amendments or deletions needed to this Code, based on any issues or concerns from the previous year activities. This shall be shared with the Zoning Commission members for additional feedback and recommendations. The Zoning Inspector shall file a report with the Board of Trustees of Shawnee Township of any proposed amendments or deletions to the Code. If these recommendations are approved, the Board of Trustees shall adopt these changes through Resolution, with adoption as soon as legally permitted.

2517 RESPONSIBILITY OF OWNER

Unless otherwise specifically stated in this Code, the owner of a premises is ultimately responsible for any violation of this Code.

2518 TRANSFER OF OWNERSHIP

It shall be unlawful for the owner of any building or structure who has received a Notice of Violation to sell, transfer, mortgage, lease or otherwise dispose of the property to another until the provisions of the Notice of Violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any Notice of Violation issued by the Township Zoning Inspector.

The owner shall also furnish to the Township Zoning Inspector a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such Notice of Violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such Notice of Violation.

2519 VIOLATION AND PENALTIES

- 2519.1 No person shall violate any provision or fail to conform to any of the requirements of this Exterior Property Maintenance Code or fail to comply with any order made thereunder.
- 2519.2 Any person, firm, or corporation who is issued a Zoning Violation Citation shall be penalized in the following amounts:
- a. In the amount of one hundred dollars (\$100.00) for the first offense; and
 - b. In the amount of two hundred fifth dollars (\$250.00) for the second offense (within a 12-month period); and
 - c. In the amount of five hundred dollars (\$500.00) for the third offense (within a 12-month period); and
 - d. After the Zoning Violation Citation has been issued for a third offense, and compliance has not been obtained within the time frame provided, then the case shall be referred to the Lima City Prosecutor's Office for filing of criminal charges and any other legal action.
- 2519.3 **For Junk or Inoperable Motor Vehicle Violations.** First offense, a civil penalty assessment of \$50.00 per motor vehicle determined to be in violation of this Code shall be assessed to the owner of the property.
- On the second offense, a civil penalty assessment of one hundred dollars (\$100.00) per motor vehicle determined to be in violation of this Code shall be assessed to the owner of the property and on the third and subsequent offenses, a civil penalty assessment of \$500.00 per motor vehicle shall be imposed for each motor vehicle found in violation of this Code and assessed upon the owner of the property.
- After the Zoning Violation Citation has been issued for a third offense, and compliance has not been obtained within the time frame provided, then the case shall be referred to the Lima City Prosecutor's Office for filing of criminal charges and any other legal action.
- 2519.4 From time to time and upon its own motion, the Township Trustees may modify the Violation Citation penalty schedule.
- 2519.5 In addition to the penalty imposed by this Section, Shawnee Township will charge an administrative fee for the processing of all Violation Citations paid out to the Shawnee Township Fiscal Officer. The administrative fee shall be one- dollars (\$100.00) for each Violation Citation.
- 2519.6 Each time a Violation Citation is issued for the same violation, it shall be deemed a separate offense and each day the offense continues it shall be a separate offense.
- 2519.7 In addition to other remedies provided for in this Code, upon expiration of the Notice of Violation the Township Zoning Inspector may cause the noxious weeds, rank vegetation, trees, or bushes to be cut and destroyed and all costs billed to the property owner. If the costs are not so recovered within thirty (30) days of receipt of the mailing, the Township may collect the cost in accordance with the Ohio Revised Code and/or assess the cost to the owner via liens approved by the Township Trustees.

2519.8 Upon failure of the owner, lessee, occupant, or person or legal entity having charge of a property to cut and destroy weeds after service of a Notice of Violation, he/she shall be subject to the filing of a Zoning Violation Citation in accordance with the provisions of this Code. Nothing in this section shall prevent the Township from utilizing the nuisance provisions pertaining to noxious weeds outlines in the Ohio Revised Code as an alternative to, or in conjunction with, the enforcement provisions outlined in this Code.

2519.9 The application of the penalty provided in this section shall not prevent the enforced removal of prohibited conditions.

2520 CONTINUING VIOLATIONS

Each day that a violation continues after due notice has been served shall be deemed a separate offense.

2521 THE PROHIBITED STORAGE AND ACCUMULATION OF JUNK MATERIALS ON PRIVATE PROPERTY; NOTICE TO REMOVE

2521.1 No person shall cause or permit garbage, rubbish, garbage, refuse, tree or bush branches or trimmings, brush, cast-off or discarded articles, litter, junk, materials which are ready for destruction, or which have been collected for salvage or conversion to some other use, to be stored, kept, or placed outside any structure, or on any premises, except were permitted by zoning regulations.

2521.2 Upon receipt of information that subsection (a) hereof is being violated, the Code Enforcement Officer shall cause a written notice to be served upon the owner, lessee, agent, or tenant having charge of such land, notifying him that the offending articles and/or materials must be removed within seven-(7) days after service of such notice. Additional time may be provided to bring the violation into compliance based on size and nature of the violation and shall be discretionary.

2521.3 The form of such notice shall comply with the provisions of Section 4.11(A) and shall be served in accordance with Section 4.11(B).

2521.4 If the person to whom a notice is directed fails to comply with the requirements of the notice, the Code Enforcement Officer shall refer the case to the Board of Trustees for hearing to determine if a public nuisance exists upon the land or property. In addition, the Code Enforcement Officer is permitted to issue any and all necessary Zoning Violation Citation(s) to the owner, occupant and / or tenant for non-compliance to the directives of the violation notice in an attempt to achieve voluntary compliance with this Code.

2521.5 Prior to determining if such conditions exist and constitutes a nuisance a preliminary investigation shall be conducted by the Code Enforcement Officer. An investigative report shall document what actions led to the investigation, information from complainant or observations by the Code Enforcement Officer, any warnings or notices of violation, citation tag(s) issued, photographs, reinspection notes and any other investigative information obtained.

2521.6 Notice of the hearing should be sent to the owner and/or occupier or tenant of the property upon which the nuisance exists, so that they can be afforded the opportunity to be heard. The Board of Trustees shall contact the complainant with regards to hearing date, so that they are able to receive evidence of the nuisance from him or her.

2521.7 At the hearing, the Board should allow any interested parties to be heard, as well as allow a review of pictures, film, or other photographic evidence or documentation of the existence of a nuisance exists or lack thereof. At the conclusion of the hearing, the Board will vote on whether to formally declare or determine that a nuisance exists or determines that a nuisance does not exist.

2521.8 If a nuisance is found to exist on the property, a Resolution shall be passed which should so declare, that the procedural steps as outline in ORC 505.87 should be promptly followed to eliminate, control, abate, or remove the nuisance that the Board of Trustees has found to exist.

2521.9 If the owner of the property involved is known, then a certified letter shall be sent to the owner, with a copy going to all lienholders of record by certified mail, notifying the owner that the Board of Trustees has found a nuisance to exist, and that the recorded owner has seven-(7) days to take corrective action, or thereafter the Board of Trustees will act and place any incurred expenses on the tax duplicate as a lien on the real property involved.

If for some reason the address of the record owner is unknown or cannot be reasonably ascertained, then the Board of Trustees shall publish the notice in the newspaper of general circulation in the township only one-(1) time as well as posting notice on principal structure or vacant land.

2521.10 If no action is taken by the owner within seven-(7) days of his/her receipt of the notice or publication of the notice in the newspaper, and the owner or the lienholder has not contacted the Board of Trustees to make separate arrangements with regard to abatement, removal, or control of the nuisance the Board of Trustees is free to correct the nuisance on its own.

In so acting, the Board of Trustees may employ all necessary labor and obtain all necessary machinery or materials. The expense of which are to be paid out of the township's general fund. The Board is also specifically authorized by statute to borrow money if the anticipated expenses exceed \$500.00.

2521.11 After the nuisance has been abated, controlled, or removed by the Board of Trustees and then all bills have been received and totaled, the Board of Trustees is thereafter required to make a written report of the incident to the Allen County Auditor with the following required information.

- a. Name and address of record owner.
- b. Legal Description of the real property and street involved to include parcel number.
- c. A report of all expenses incurred, including publication expenses, and interest expenses on dollars borrowed.

- d. Thereafter, the County Auditor is required to enter the incurred expenses upon the tax duplicate, which entry creates a lien upon the property involved from the date of entry. Once monies collected with regard to this lien, the money must be returned by the Auditor to the township for placement in the general fund.

2521.12 If the nuisance still exists within twelve-(12) consecutive months after a prior nuisance determination, at least four (4) days before providing for the abatement of the nuisance, the Trustees must give notice of the subsequence nuisance determination to the owner of the land and any lienholders of record on the land. The process shall follow the steps as outlined in 4.25 (A) through (L). The required compliance time is reduced under (M) to four-(4) days for corrective action to be taken by the owner of the property. In addition, posting the notice on the structure is permitted for four-(4) days, prior to abatement, removal, or control of the nuisance.

2522 JUNK MOTOR VEHICLES PROHIBITED IN ALL ZONING DISTRICTS

2522.1 For purposes of this section, the following definitions shall apply:

- a. "Junk motor vehicle" means any motor vehicle meeting any three of the following criteria:
 - i. The motor vehicle is at least three-(3) model years old; AND
 - ii. Apparently inoperable condition; AND
 - iii. Extensively damaged, such as missing wheels, tires, engine, or transmission.
- b. "Inoperable" means any motor vehicle incapable to being propelled under its own power. Any motor vehicle that has not been moved for forty-five-(45) consecutive days shall be presumed to be inoperable.
- c. "Collector's vehicle" means any motor vehicle or agricultural tractor or traction engine of special interest having a fair market value of one hundred dollars (\$100.00) or more, whether operable or not, that is owned, operated, collected, preserved, stored, maintained, or used essentially as a collector's item, leisure pursuit or investment, but not as the owner's principal means of transportation.

2522.2 If the owner, or the person having the right of possession of the property, or any other person who is authorized to give such permission is a person who is engaged in a bona fide commercial business operation **or** if the vehicle is a historical vehicle, then the vehicle may be stored upon the following condition:

- a. The vehicle shall be concealed from the general public by means of buildings, screening fence, shrub, or other appropriate obstruction.
- b. Tarpaulins, tents, vehicle socks or other items intended to cover a vehicle made from cloth or plastic will not constitute an appropriate obstruction.

2522.3 If such "junk motor vehicle" exists in a public unincorporated area of the township, the Board of Trustees may immediately act by Resolution, to cause the removal of any such vehicle.

- 2522.4 If such “junk motor vehicle” exists in a private unincorporated area of the township, then the following procedures shall be followed:
- a. No vehicle owner or person in charge or control of any premises within the Township, whether as owner, tenant, lessee, occupant or otherwise, shall allow any junk motor vehicle to remain upon any premises longer than fourteen-(14) days after receipt of a written notice to remove the junk motor vehicle from such premises.
 - b. The written notice shall be issued to the property owner and/or the owner of such vehicle by the Township Zoning Inspector. Such written notice shall contain:
 - i. The name of the property owner and the property address at which the junk motor vehicle is located.
 - ii. The make and model of the vehicle and the license plate number, if any.
 - iii. The vehicle identification number (VIN), if available and a description of the condition of said vehicle.
 - iv. A statement to the effect that the person in charge or in control of the private property upon which such vehicle is located and the titled owner of such vehicle are jointly and severally liable for all costs incurred by the Township for the removal, storage, and disposal of such vehicle, plus an administrative fee in the amount set forth by the Board of Trustees.
 - v. A notice of any right to appeal.
 - c. Such written notice shall be served in the manner prescribed by Section 4.11(B).
 - d. Any person who has received notice to remove a junk vehicle may appeal to the “Code Enforcement Appeals Board”. An appeal must be filed within ten-(10) days after service of the notice, together with a fee of one hundred dollars (\$100.00) for the cost of the appeal.
 - i. The scope of the appeal shall be limited to determining whether the person requesting such appeal is in charge or control of the private property involved, or is the titled owner of said vehicle, and whether such vehicle is a junk motor vehicle as allegedly charged.
 - ii. At such appeal, the appellant must appear in person, at the Township and the appellant may introduce such witnesses and evidence as each party deems necessary.
 - e. In addition, the Township Zoning Inspector is permitted to issue any and all necessary Violation Citation(s) to the owner, occupant and / or tenant having said junk motor vehicle for non-compliance to the directives of the violation notice in an attempt to achieve voluntary compliance with this Code.
 - f. If the owner, lessee, agent, or person having charge of the land, or the title owner of the motor vehicle, served with the notice, fails to remove such junk motor vehicle, then
 - i. The Board of Trustees shall by resolution determine that the specific vehicle identified in the complaint is in fact a junk motor vehicle.

- ii. The Board of Trustees shall serve written notice upon the owner of land upon which the vehicle is located AND upon any lienholders of record on the land. The notice shall state prior to the Board's prior determination that the specific junk motor vehicle exists upon the land, and of not removed within fourteen-(14) days after service of the notice the Board will act to remove the vehicle and place the expenses of such action as a lien upon the land.
- iii. The notice is required to be served certified mail if the recorded owner's address is known or ascertainable through an exercise of reasonable diligence. If the notice comes back "Refused" or "Unclaimed", or if the owner's address is unknown, then a one-time publication notice in the newspaper in the general circulation of the township is required, as well as posting the "Notice of Nuisance Determination – Junk Motor Vehicle" shall be posted upon the principal structure on the land. Camera shall document the date, and time of posting of said notice.
- iv. A certified letter is considered served on the date received, and a publication notice is effective from date of publication.
- g. If service is completed, and fourteen-(14) days have elapsed without the removal of the junk motor vehicle, the Ohio Revised Code allows for the Board of Trustees to act on its own or through hired contractor to remove the junk motor vehicle and place the expenses of the same on the tax duplicate, once such expenses are certified to the county Auditor by the township Fiscal Officer.
- h. The Board of Trustees are prohibited from enacting any resolution or regulation prohibiting junk motor vehicles with regard to licensed or legally existing or operating scrap metal facilities, salvage motor vehicle dealers, or towing recovery and storage businesses.
- i. The Board of Trustees may pursue a contract with a motor vehicle salvage dealer or scrap metal facility for the removal or disposal of junk motor vehicles. A motor vehicle salvage dealer must be a person (or business) who engages in business primarily for the purpose of selling salvage motor vehicle parts and secondary for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal.
A scrap metal processing facility means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and sell or nonferrous scrap for sale for re-melting purposes.
- j. If the Board of Trustees contract with a motor vehicle salvage dealer, or scrap metal facility, a salvage title for a junk motor vehicle may be issued by the Allen County Clerk of Courts if the following conditions are met:
 - i. Trustees have entered into a contract with a motor vehicle salvage dealer or scrap metal processing facility for the disposal or removal of junk motor vehicles.
 - ii. The Fiscal Officer for the Trustees executes a junk motor vehicle affidavit from the Ohio BMV. This affidavit must be executed in triplicate.
 - iii. One copy is retained by the Board of Trustees, and the two remaining copies are provided to the motor vehicle salvage dealer or scrap metal processing facility.

- iv. The motor vehicle salvage dealer or scrap metal processing facility must then present one copy of the affidavit to the Clerk of Courts, who will then issue a salvage certificate of Title, free and clear of all encumbrances.
- k. All expenses related to the removal and impoundment of such junk motor vehicle by the Township shall be paid out of funds appropriated by the Fiscal Officer with approval by the Board of Trustees. The expenses shall consist of the following:
 - i. All direct costs for the removal and impoundment of the vehicle; plus
 - ii. The costs for preparing and serving all notices; plus
 - iii. An administrative fee as set forth in this Code.
- l. In the event that the owner or other person in charge or control of such property, and/or the title owner of said vehicle, fails to pay such expenses within thirty days after being notified in writing, by regular mail then the expenses set forth may be collected using one or more of the following methods, provided, however, that the expenses may only be collected once:
 - i. Such expenses may be certified by Board of Trustees to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or
 - ii. The Township Attorney is authorized to bring suit and take other necessary legal action to collect all such expenses.
- m. The owner, lessee, agent, tenant, or person otherwise having charge or control of such premises, and the titled owner of such vehicle, are jointly and severally liable for all expenses incurred by the Township.
- n. The movement of a vehicle in violation of this section to any other location within the Township that does not abate the violation under this section shall not constitute compliance with this section.
- o. The provisions of this section shall not apply to the deposit, parking, storage, maintenance, or collection of junk motor vehicles in an enclosed building in a regularly established junk yard in any area of the Township in which the same is permitted under the Zoning Code, or a collector's vehicle as described hereof.
- p. Any person in charge or in control of any premises within the Township, whether as owner, tenant, lessee, occupant or otherwise, shall completely conceal any collector's vehicle stored on the property by means of storage inside buildings or fences which comply with all building and zoning ordinances and all building codes.
- q. Except in subsection (M) the deposit, parking, storage, maintenance, or collection of junk motor vehicles on private property is hereby declared to be a public nuisance and offensive to the public health, welfare, and safety of the residents of the Township.

2523 VEGETATION AND WEED CUTTING REQUIRED

2523.1 No person owning or being in possession of agricultural, residential, commercial, or industrial parcels within the Township shall fail to keep such property free and clear of uncontrolled vegetation, noxious weeds, or allowed to have a lawn grass height in excess of the permitted height limit of eight-(8) inches or more.

- a. These areas are required to be mowed and trimmed on a regular basis within the growing season of April 1st to November 1st of any given year. Mowing and trimming shall be conducted within the front, side, and rear yard areas within the parcel.

2523.2 Exception:

- a. Residential vacant parcels (without a principal structure) within a platted subdivision shall be required to be mowed and trimmed on a regular basis within the growing season of April 1st to November 1st of any given year. Lawn / Grass height shall not exceed the permitted limit of eight-(8) inches in height. Mowing and trimming shall be conducted within the front, side, and rear yard areas within the parcel. Noxious weeds, and overgrown vegetation shall also be controlled during the growing season.
- b. Commercial vacant parcels, and industrial vacant parcels are required to be mowed only three times a year during within the growing season from April 1 to November 1st of any given year. Mowing shall be conducted in May, July, and September. Large commercial or industrial sites (20+ acres) are permitted to have areas designated as natural wildlife areas. Signage may be posted designating these open, undisturbed areas.
- c. Undeveloped woodland areas, wooded areas, natural wildlife habitats, and nature trails areas are to remain in their natural condition, leaving understory growth to retard storm water run-off and prevent erosion.
- d. Agricultural land greater than one acre, owned or possessed by any person or entity that is not agriculturally exempt or utilizing land for agricultural reasons must be kept free and clear of all weeds and rank vegetation, all such weeds and vegetation must be cut whenever such weeds or vegetation have grown to a height of eight-(8) inches or more for the one acre of land surrounding any and all building improvements. Agricultural land greater than five-(5) acres is exempt from mowing requirements.

2523.3 Drainage swales are to be maintained by owners of the parcels on which they are located. At no time shall shrubs and/or trees be planted; nor shall any material, fill or waste be discharged, emptied, or placed into any swale to divert or impede drainage flow. Small swales can be mowed as part of the yard. Larger swales as well as pond banks in meadow situations, should be mowed less frequently in order to allow taller grasses to grow in order to retard runoff and prevent erosion. Swales in woodland areas shall be left in their natural condition, leaving understory growth to retard runoff and prevent erosion.

2523.4 No person shall permit any grass or weeds to grow to a height of eight-(8) inches or more on any section of public right of way, including any easement areas contiguous to their property and on their property side of any pavement traveled by motor vehicles.

2523.5 No person shall permit trees, bushes, shrubs, or other growth to overhang or block any part of a sidewalk for a height of seven (7) feet above said surface; or to overhang or block any part of a paved street or unpaved, but traveled, portion of a street or traffic/safety sign for a height of fifteen (15) feet above the surface.

2524 MAINTENANCE OF PLANTINGS

2324.1 All plant materials, trees, and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material or pose a potential fall hazard to adjoining property owners shall be trimmed, removed, or appropriately treated to reduce or prevent said hazard.

2324.2 No person owning, leasing, operating, occupying, or having charge of land within the Township shall permit trees, bushes, shrubs, or other growth to overhang or block any part of a sidewalk, roadway, or fall within the roadway. The Township shall have the authority to remove said vegetation within the road right of way should it constitute a hazard to persons walking or vehicular traffic utilizing said roadway.

2525 NOTIFICATION FOR VEGETATION & WEED CUTTING

2325.1 Annually before March 30th, the Township may post in the newspaper of the general circulation in the township, a notification to the residents within the unincorporated areas of the Township of required grass / lawn mowing requirements and removal of noxious weeds and vines upon occupied and vacant lands.

2325.2 Whenever a Code Enforcement Officer determines there is a violation of Sections 4.27(A), (B), (C), (D), notice shall be given as provided in Section 4.11(A)&(B), except that it shall be permissible for the Code Enforcement Officer to provide such notice to the person in charge of the property **once annually**, thereby permitting all subsequent enforcement actions in a given year to be undertaken without any additional notice provided to the property owner.

2526 FAILURE TO COMPLY WITH NOTICE TO CUT WEEDS, TREES, OR BUSHES

In addition to other remedies provided for in this Code, upon expiration of the Notice of Violation, and re-inspection has determined that the owner has failed to comply with the corrective action needed, the Code Enforcement Officer may cause weeds, rank vegetation, trees, or bushes to be cut and destroyed, with all costs to include administrative fees, thereof to be billed to the property owner. If billed costs are not recovered within thirty (30) days of receipt of the mailing described in Section 4.11, the Township may collect the cost in accordance with the Ohio Revised Code or assessing said fees onto the property owner's Allen County tax duplicate as a lien upon the property.

2527 PROCEDURES FOR WEED AND GRASS CUTTING

2527.1 Whenever a Code Enforcement Officer determines there is a violation of Sections 4.28(A), (B), (C), (D) - Notice of such violation shall be provided to the person or persons responsible for the property, as identified by the Allen County Auditor's Office. Notice shall be sent by Certified U. S. Mail with return receipt requested. Owner shall be provided seven-(7) days from date of receipt of the Notice of Violation to abate and correct the violation.

If the Notice of Violation is returned as undeliverable, or refused by the owner of property, then the Notice of Violation shall be sent by Regular U.S. Mail to the owner of the property as identified by Allen County Auditor's Office as owner of the parcel. The violation shall be corrected with (7)-seven days of the post mark date on the envelope containing the Notice of Violation.

2527.2 In cases of abandoned property or vacant lands whereas the identity of the owner(s), owner(s) address cannot be determined, or mailing cannot be accomplished due to no mailbox on the property, it shall be permissible for the Code Enforcement Officer to post notice of violation upon the vacant land or abandoned property on a stake or pole. Notice shall be posted on the street facing side of the parcel. Posting of said Notice of Violation shall be documented by camera.

2527.3 In addition to the notice of violation being posted on vacant lands or abandoned property, notice shall also be provided by posting notice of violation in the general circulation of the newspaper within the township in the legal section only one-(1) time. Notice shall give the last know name and address of the owner of the property, provide the nature of violation, violation statute, corrective action that is required, violation correction date and opportunity to appeal.

2527.4 In cases of Grass and Weed Cutting Violations, such Notice of Violation shall contain the following information:

- b. Must be in writing.
- b. Shall be sent to the person or persons responsible for the violation as well as the person, firm, or corporation listed by the Allen County Auditor's Office as any additional mailing address for the property.
- c. Must include a description of the property sufficient for identification purposes.
- d. Must include a statement of the violation or violations determined to exist on the property with specific references to the section or sections of this Code alleged to have been violated.
- e. Must include statement of the reason(s) why this is being issued.
- f. Include a correction order allowing reasonable time, (7-days) for the abatement and control of overgrown vegetation, grass and noxious weeds located on the property and to bring the violations into compliance with this code.
- g. Must include statement that if the violation is not corrected by the date provided in the Notice of Violation, that the Enforcement Officer may cause the noxious weeds, overgrown vegetation, excessive grass height as well as feral trees, brush, thistles, briers, etc. to be cut and/or destroyed.

- h. Must include a statement that upon completion of the grass cutting and weed abatement, that an invoice detailing employees utilized, time utilized for abatement, mobilization of equipment, mileage, fuel, surveying area for hazards, lawn and trimming equipment utilized and administrative fee will be provided to the landowner.
- i. Landowner shall be required to pay all fees indicated on the invoice to include an administrative fee within thirty-(30) calendar days of receipt of this notice. If fees are not paid within the thirty-(30) days, all costs will then be assessed upon the property owners tax duplicate via liens approved by the Board of Township Trustees.
- j. Must state the right of the violator to file an appeal of the Notice with the Code Enforcement Appeals Board within ten-(10) calendar days of receiving this Notice.

2528 SPECIFIED PARCELS

2528.1 Definition

- a. A specified parcel is a land parcel, with or without a structure upon the land, in which **ALL** the following are applicable:
 - i. The parcel has been the subject of zoning violations and Township Zoning Inspector has caused the weeds that are more than the maximum allowable height to be cut and destroyed on at least two occasions in a twelve-month period;
 - ii. The owner and/or person responsible for the premises has failed to remedy the violations consistent with the requirements of this Code;
 - iii. The parcel is found by the Township Zoning Inspector to be unoccupied and vacant for a period of at least 90 days.

2529 SPECIFIED PARCEL MAINTENANCE STANDARDS

- a. Upon finding a parcel having a principal structure or having vacant land to be a specified parcel, said parcel will be placed upon the Township's Specified Parcel List and subject to seasonal cutting until such time as the property is transferred to a new owner and/or responsible person who then shall maintain said parcel in a manner consistent with the requirements in this chapter.
- b. Annually the Code Enforcement Officer shall be assigned to make a review of the specified parcel list to make any necessary additions or deletions. The Specified Parcel List is subject to final approval by the Shawnee Township Board of Trustees.
- c. Notwithstanding other notice provisions contained within this code, owners and/or persons responsible for parcels classified as specified parcels will be given notice by posting and publication as herein described. Additionally, each parcel shall be posted, by stake or placarding on structure, as a specified parcel, at least five days prior to any cutting services being performed.

- d. Postings and publications shall include a description of the real estate sufficient for identification, description of the code violation, an order of correction setting forth the requirements for cutting weeds, grass, and/or other vegetation, notice that the parcel has been placed on the specified parcel list, notice of assessment of cutting costs and administrative fees, the time period for cutting services being provided by the Township and rights to appeal.
- e. Any owner and/or person responsible for the specified parcel may file an appeal with the Code Enforcement Appeals Board concerning the property's placement on the specified parcel list, no later than ten (10) days following the first billing for cutting costs and administrative fees in any given year. The appeal shall be in writing, shall state the reasons for the appeal and shall be filed with the Code Enforcement Officer. The Code Enforcement Appeals Board shall hear the appeal in the manner prescribed in these Code.

2530 EXTERIOR PROPERTY MAINTENANCE STANDARDS

2530.1 SCOPE

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment, and exterior property within all zoning districts of Shawnee Township.

2530.2 RESPONSIBILITY

The "owner" of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition, and which do not comply with the requirements of this chapter. The following standards are applicable to all residential structures, dwelling units, residential portions of mixed-use structures, and all dwelling units located in commercial buildings.

2531 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS

2531.1 GENERAL MAINTENANCE.

All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner, lessee, occupant, or person or entity having charge of the property shall keep all parts of the exterior property in a clean and sanitary condition. No premises shall be in a condition that constitutes a health hazard, safety hazard, or general nuisance.

2531.2 PROTECTIVE TREATMENT.

All exterior surfaces including, but not limited to roofs, siding, cement board, exterior wall treatment, doors, window frames, cornices, porches, trim, balconies, chimneys, decks, and fences shall be maintained in good condition. Exterior wood, vinyl, brick, stucco, or other outer surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.

Peeling, flaking and chipped paint shall be eliminated and surfaces re-painted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

2531.3 FOUNDATIONS.

Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water, or dampness to the interior of the building or reduce the capability of the foundation to support the building.

2531.4 EXTERIOR WALLS AND SURFACES.

Exterior walls and other exterior surface materials shall be free of holes, cracks, loose, or rotting boards and timbers or any other condition which might admit rodents, rain, or dampness to the interior of the dwelling. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose, or peeling paint or covering.

All siding, trim work, wood, brick, stone, masonry, canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration.

2531.5 WINDOWS, SKYLIGHTS, DOORS AND FRAMES.

Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, be capable of being easily opened and held in position by hardware, and maintained so as to exclude adverse weather elements from entering the structure. Skylights, doors, and frames shall be kept in sound condition, good repair, and weather tight.

2531.6 EXTERIOR DOORS.

Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and waterproof and be provided with door hinges and door latches which are in good working condition.

2531.7 ROOF.

Roof members, covering, and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing, or other suitable means.

2531.8 GUTTERS AND ROOF DRAINS.

Rain gutters, downspouts, leaders, or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

2531.9 CHIMNEYS AND TOWERS.

All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

2531.10 PORCHES AND DECKS.

Every porch or deck shall be so constructed and maintained so as to be free of missing, defective, rotting, or deteriorated foundations, supports, floors, other members, and steps thereto, and kept in sound condition and in good repair.

2531.11 BASEMENT.

Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage into the dwelling.

2531.12 DECORATIVE FEATURES.

All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

2531.13 STRUCTURAL MEMBER.

Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.

2531.14 OVERHANG EXTENSIONS.

All overhang extensions including, but not limited to, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

2531.15 SIDEWALKS AND DRIVEWAYS.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

2531.16 BUILDING SECURITY.

Doors, windows, or hatchways for dwelling units shall be provided with devices designed to provide security for the occupants and property within.

2531.17 PAINT AND COATING

Within all zoning districts, all paint and other coating materials shall be free of dangerous substances banned from general use by authorized federal, state, county, or local regulatory agencies for health and safety reasons.

2532 EXTERIOR PROPERTY AND STRUCTURAL EXTERIORS

2532.1 Within all zoning districts, all buildings, and the exterior of all premises, shall be properly maintained as to achieve a presentable appearance and avoid blighting effects and hazardous conditions.

a. Exterior Space. The exterior open space around every dwelling shall be improved and maintained so as to provide for:

- i. The immediate diversion of water away from buildings, and proper drainage of the lot.
- ii. Grass, plantings, or other suitable ground cover to prevent soil erosion which is, or may become, detrimental to the structures, lot use, or adjacent lots and structures.
- iii. Walks, parking areas, and driveways of either concrete, asphalt, pavers, or a similar surface, all of which are of sound construction and properly maintained; and
- iv. Exterior steps which are of sound construction and properly maintained, free of hazardous conditions.

b. Maintenance. The exterior of all premises and every structure thereon, including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, stairs, signs, windows, doors, awnings, swimming pools, fences, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties, and shall be painted or protected where necessary for purposes of preservation.

All canopies, signs, awnings, exterior stairways, exhaust ducts, porches, all swimming pools, fences, decks, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition, and shall not show evidence of ripping, tearing, or deterioration. Prohibited and obsolete signs shall be removed or replaced pursuant to the applicable sections of the Shawnee Township Zoning Resolution.

- c. Yards. All yards, courts, and lots shall be kept free of overgrown grasses, debris, and other materials which may cause a fire, health, safety hazard, or general unsightliness.
- d. Hazards. Hazards and unsanitary conditions shall be eliminated.
- e. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, garages, barns, or similar abodes shall be used either temporarily or permanently as a residence or a principle dwelling structure.
- f. Grading. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water thereon, or within any structure located thereon.
- g. Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except when such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
- h. Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant shrubs and/or trees, or discharge, empty, or place any material, fill, or waste into any swale so as to divert or impede drainage flow.
- i. Commercial Vehicle. No commercial vehicles, including commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premise where labor using such tools, materials, and equipment is to be performed during the actual time of parking.
- k. Furniture. No furniture intended for indoor use may be stored outside unless it is in a completely enclosed porch or patio room.
- l. Off Street Parking. Parking and/or storing of any vehicle on a lawn or dirt surface shall be prohibited. Tracts with nonconforming gravel driveways may have gravel parking areas, but in no case shall a landscaped area (i.e., neither paved nor graveled) be used as an open off-street parking area.
- m. Trailers, Boats, and Recreational Vehicles. If a licensed and operable trailer, utility trailer, watercraft, camping, or recreational equipment is parked or stored outside a garage, it shall be parked or stored along the side or rear of the residence. Trailers, Boats, and RV's may be parked in the driveway for a period of seventy-two (72) hours for routine maintenance.

All such recreation vehicles, campers and equipment shall be free of fixed connections to power, water, gas, or sanitary sewer facilities, and at no time be used for living, or habitation purposes.

Trailers, Boats and Recreational Vehicles shall not be parked on the street or in a road right-of-way.

- n. Street Numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be at least four (4) inches in height.
- o. Sanitation. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner, lessee, occupant, or person or entity having charge of the premises shall keep that part of the exterior property which such person or entity occupies or controls in a clean and sanitary condition of construction on a site or for any other reason.

2533 STAIRWAYS AND RAMPS

2533.1 Exterior stairways on all premises shall be kept in accordance with the following provisions:

- a. Free of holes, grooves, and cracks which constitute a safety hazard.
- b. Free of rotted or deteriorated supports.
- c. Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings creates a hazardous condition, a Code Enforcement Officer may require installation in accordance with the provisions of the applicable building code.
- d. Wheelchair ramps must also be maintained according to the Americans with Disabilities Act requirements.

2534 POULTRY AND ANIMAL HUSBANDRY

2534.1 The keeping and rearing of poultry, waterfowl, farm, and other forms of farm type of livestock shall be prohibited in all Residential Zoned Districts on lots less than one (1) acre in size.

2534.2 The keeping and rearing of poultry, waterfowl, farm, and other forms of farm type of livestock may be approved in Residential Zoned Districts subject to the following conditions:

- a. The lot area is more than (1) acre and less than (5) acres and zoned as Agricultural or Residential use.
- b. Poultry and/or livestock shall be reasonable in quantity, and shall be kept in the rear yard only. The front yard and side yard areas are prohibited, unless on corner lot, then animals may be kept in the side yard areas.
- c. All poultry and livestock shall be contained by means of fencing. Chickens, geese, ducks, turkeys, or other small livestock shall not roam as "free range" about the other owners' properties. Animals such as rabbits treated and sold as "pets" maybe allowed to roam supervised within the owner's property.
- d. Containment fencing shall be open metal farm type and shall be set a minimum of (15) fifteen feet from side and rear property lines as well as not exceed a height of (4) four feet. Fencing shall be subject to Shawnee Township fence permit requirements.
- e. Poultry and livestock shall be kept at a minimum of (50) fifty feet from any neighboring structure.
- f. Any loud, offensive, or objectionable noises, calls or other disturbing actions shall be controlled and be maintained by the owner and the animals' actions shall not constitute a nuisance to adjacent property owners or owners within area proximity.
- g. Roosters shall be prohibited on lots less than 2.5 acres in size (Agricultural lot designation), nor permitted within a platted residential subdivision.

2534.3 Keeping and rearing of poultry and livestock may be permitted in a residential zoned location, as part of a school or 4H project and subject to an annual conditional use certificate being issued, by the Zoning Inspector/ Code Enforcement Officer, with co-approval by the Board of Trustees. This certificate is valid for one-(1) year subject to annual review and approval.

- a. The conditional use certificate shall list all necessary conditions in granting said request. This includes but not limited to type of poultry or livestock permitted within the zoned location, breed, quantity, shelter, or accessory building needed, distances from adjoining neighbors, fencing, waste disposal and any other conditions applicable. Each case will be based on individual merits and non-precedent setting nature.
- b. The persons responsible for the animals shall be registered with the local 4H or Fair Office, with documentation submitted validating project entry, duration, and expiration of project.

2535 INSECT AND RAT CONTROL

An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin, or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner. Prior to renting or leasing a dwelling unit the owner of the structure shall be responsible for extermination within said dwelling unit.

2536 STORM WATER DRAINAGE

2536.1 An approved system of storm water disposal shall be provided by the owner and maintained for the safe and efficient drainage of roofs and paved areas, yards and courts, and other open areas on the premises to prevent areas of standing water and structural deterioration. All storm water disposal systems shall be kept free of obstruction and leaks and be capable of handling normal storm run-off.

2536.2 Lots shall be developed with due consideration to storm run-off drainage. Lot drainage onto adjoining property shall not be diverted, channeled, or increased so as to cause damage, decrease property values or increase liability to adjoining properties.

2537 FENCE USES AND MAINTENANCE

2537.1 Fences shall require a permit issued by the Shawnee Township Zoning Office, after application, site plan, and permit fees have been paid. Any false, inaccurate, or misleading information submitted in the application will be cause for permit denial.

2537.2 Fences in all zoned locations shall be maintained in good condition, repaired as needed in timely fashion, and kept free of debris, weeds, and overgrown vegetation. A working gate and lock shall be required to allow access to/from.

2537.3 Fences in residential zoned locations shall not exceed the height of 6 feet in height. Fences shall be painted, treated, or other suitable form of preventative maintenance measure utilized to maintain its up kept condition.

2537.4 Fences shall be permitted in rear and side yard only, except for Estate Fences as described within the Resolution. Fences may not exceed the front line of the principal structure. Chain link fences may not exceed four feet in height in residential areas and permitted in the rear and side yard only.

2537.5 Fences shall be uniform in overall construction with the same / similar building materials. Fences may be constructed in either a horizontal or vertical pattern with the flat or finished side facing outwards to adjoining properties.

2537.6 Fences shall not be constructed as to block, divert, or channelize storm water runoff to adjacent property owners. Ample spacing on the bottom of the fence shall always be maintained to allow for unimpeded storm water drainage.

2537.7 Visibility Triangles. All fences shall be located outside of all visible triangles at intersections and ingress and egress points and shall not be located in such a manner as to constitute a traffic or safety hazard.

2537.8 Fences shall not be electrified or topped with barb wire in residential zoned districts. Low wattage agricultural fences and stun fences may be approved in Agricultural or Industrial zoned locations after site plan review and written permit approval.

2537.9 Fences shall additionally conform to the regulations as outlined in Article 1711 of the Shawnee Township Zoning Resolution.

2538 SWIMMING POOLS, SPAS, AND HOT TUBS

2538.1 Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

2538.2 Required In-Ground Swimming Pool Safety Protocols.

- a. All required fencing at a height of no less than four-(4) feet in height and no greater than six-(6) feet in height as measured from average ground or a walled area of no less than four-(4) feet shall be required for all in-ground swimming pools as a safety protocol. The owner or contractor shall be required to contact the Zoning Inspector for final sit review when the pool installation is completed.
- b. A separate swimming pool application and fence application shall be required to be completed and submitted for review and approval. The property owner shall be responsible for contacting his / her insurance company if the required fence or wall installation is delayed due to material shortage or scheduling issues. The owner shall be responsible for providing to the Township all necessary insurance information to include a declaration page providing proof that the owner's pool is insured.
- c. If the wall or fencing is delayed beyond the project completion date, Shawnee Township Zoning Inspector will approve the in-ground pool installation as long as a copy of the fence installation contract is attached to the fence permit application and installation date is indicated on the contract from the fence installer and verified to be correct. If the owner is self-installing the fence, then a copy of the receipt showing purchased materials list, date of delivery or anticipated delivery date to residence and statement from the owner on the anticipated installation date.
- d. Temporary fencing such as snow fencing, soccer fencing, farm wire fencing or another medium is not an acceptable barrier. Electronic pool covers do not fulfill the fence or wall requirements and may not be used exclusively as a barrier to prevent pool intrusion.
- e. The property owner is responsible and liable for any injuries as a result of not having the required wall or fencing around the in-ground swimming pool. The property owner is additionally responsible for ensuring adequate safety measures are in place to prevent falls, injuries, or accidental drowning during the time the area is void of the required fence or walled areas. The owner shall further and hold harmless, Shawnee Township with respect to any claim filed against the owner in reference to the absence of any appropriate barrier surrounding the swimming pool.

2538.3 In Ground Swimming Pool Enclosures:

Private in-ground swimming pools shall be completely surrounded by a fence or walled barrier a minimum of 48 inches in height above the finished ground level measured on the side of the barrier away from the pool.

- a. Gates and doors in such barriers shall be self-closing and self-latching.
- b. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost.

2538.4 Above Ground Swimming Pool Controlled Access:

Private above ground swimming pools in excess of 52 inches in height do not require fencing or walled barrier at least 48 inches in height above the finished ground level.

- a. Above Ground Swimming Pools do require a means of controlling unauthorized access or unintentional falling into the pool.
- b. Private above ground swimming pools shall have controlled access such as a locking or removable swim ladder, or if connected to a deck or swim platform a self-closing and self-latching gate or barrier.
- c. If the swimming pool is not in use the ladder shall be retracted or removed to prevent intrusion or fall into the pool.
- d. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost.
- e. No existing pool enclosures shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier. Private swimming pools, spas, and hot tubs must also have a cover over the surface of the water when the swimming pool, spa, or hot tub is not being used.

2539 ABANDONMENT OF CONSTRUCTION PROJECT

- 2539.1 All construction work shall be diligently pursued to completion on any building or structure for which a zoning and/or building permit has been issued, unless forestalled by circumstances beyond the property owner's control (including but not limited to, labor issues, inclement weather).
- 2539.2 Any construction project upon which no substantial work has been undertaken for a period of **12 months** and which has not provided notification in writing to the Code Enforcement Officer as to lapse in construction, shall be deemed abandoned. Such notification shall be filed every ninety (90) days with the Code Enforcement Officer with any project experiencing a lapse in construction.
- 2539.3 Upon any construction project being deemed abandoned, the Code Enforcement Officer may cause all buildings or structures not completed to the degree such buildings or structures have been indicated on the plans submitted in support of a building permit, as well as all building materials and construction equipment, to be removed from the site within sixty (60) days.
- 2539.4 Upon approval from the Code Enforcement Officer the building structures shall be secured; any and all building material, equipment, and/or construction related items shall be secured and stored; and the property otherwise maintained in accordance with the characteristics of the surrounding neighborhood. The costs of removal and storage of any building, building materials, equipment, or construction related items will be billed to the property owner. If billed costs are not recovered within thirty (30) days of receipt of the mailing described in 4.11, the Township may collect the cost in accordance with the Ohio Revised Code.

2540 MAINTENANCE OF ACCESSORY STRUCTURES

- 2540.1 Structures accessory to dwellings, including detached garages, storage and utility sheds shall be structurally sound, neatly maintained, in good repair, and properly affixed to the ground containing a sound concrete foundation, block, paver or stoned base. Accessory structures shall not be situated on bare earth and level in appearance.
- 2540.2 Shipping containers, cargo boxes, railroad box cars, or similar type of structure shall be prohibited in residential, and commercial zoned districts. Any accessory structure in blighted, deteriorated, structurally unsound, disrepair, or apparently unsafe to ordinary observer shall be razed and removed from the property as directed by the Code Enforcement Officer.

2541 UPKEEP OF VACANT STRUCTURES AND LAND

All vacant structures and their premises or vacant land shall be maintained in a clean, safe, and secure condition including:

2541.1 Vacant structures on residential, and commercial lots shall be secured and maintained in good condition.

2541.2 Vacant residential, commercial, and industrial lots shall be maintained free of debris, junk, refuse and litter. This shall include but not limited to the prohibited dumping of disabled motor vehicles, abandoned motor vehicles, junk motor vehicles, abandoned all purpose vehicles, machinery, junk, tires, motor parts, tanks, lumber, drywall, roof materials, shingles, wiring, pipes, hoses, garbage, refuse, and any other discarded debris or objects.

2542 BURNING OF RUBBISH, TRASH, OR NOXIOUS DEBRIS PROHIBITED

The outside burning of trash, rubbish or other objectionable debris is not permissible within a residential zoned district. This does not include small residential fire pits, campfires, or other wood burning receptacle use.

2543 BLIGHT CONDITIONS

2543.1 If the Township Zoning Inspector finds that any building, structure or lot within the unincorporated areas of the Township, by reason of deterioration of materials, lack of repair or the maintenance of any condition therein or thereon which results in a blighting or deteriorating factor, is or will become a hazard to the health, safety or welfare of its occupants or the public, or is or will become a blighting or deteriorating factor in the neighborhood or will impair or adversely affect the value of neighboring property, the Township Zoning Inspector shall report such facts to the Board of Township Trustees, which may thereupon declare such building, structure or condition to be a public nuisance.

2543.2 The Board of Township Trustees may specify, upon the advice of the Township Zoning Inspector what reasonable repairs, maintenance or corrective measures are necessary to abate such a nuisance. Upon the finding by the Board of Trustees that a nuisance exists, the Township Zoning Inspector shall order the owner of such building, structure, or lot to make such repairs or take such maintenance or corrective measures within a reasonable time.

2544 ACCUMULATION OF JUNK, JUNK PARTS, INOPERABLE MACHINERY, DISCARDED OBJECTS, AND DEBRIS PROHIBITED IN ALL ZONING DISTRICTS

Within all zoning districts of Shawnee Township, the accumulation or storage of junk, junk parts, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk 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.

2545 PERMITTED NUMBER OF DISABLED OR JUNK MOTOR VEHICLES ON RESIDENTIAL LOTS

- 2545.1 The intent of this section, it to limit the amount of junk, disabled or abandoned motor vehicles that can be stored concealed within residential lots in the Township.
- 2545.2 Storage and concealment of any junk or inoperable motor vehicle shall be within the designated rear yard only. On corner lots, this designated area shall be the side yard only. On dual front or two front street lots, i.e., street to front and street to rear of the property the storage of junk or inoperable motor vehicle behind shall be in the side yard only.
- 2545.3 Within a residential district, the owner of the property may be allowed to store one-(1) Junk or Inoperable Motor Vehicle concealed by fencing outside of the completely enclosed structure requirement. The vehicle shall be completely concealed by means of hard fencing. Fencing shall be subject to Shawnee Township fence permitting requirements.

2546 SIGNAGE

- 2546.1 If any sign is determined to be unmaintained, abandoned, or defective in any manner defined herein, such signs are hereby declared to be a public nuisance by reason that continued lack of use and maintenance results in a blighting influence on nearby properties and is considered to be an overall detriment to the Township. An abandoned or defective sign is any sign or billboard that meets any of the following criteria:
- a. A sign associated with an abandoned non-conforming use.
 - b. Any sign that remains after a business has ceased operations or is closed to the public for one hundred eighty (180) consecutive days. Seasonal businesses are exempt from this determination.
 - c. Any sign that is not maintained in accordance with this Code.
 - d. Any sign that is structurally defective, in need of repair, or is otherwise a hazard to public safety or aesthetically incompatible with the surrounding property as permitted by law.
- 2546.2 When the Code Enforcement Officer finds, upon investigation, that a sign has been abandoned or defective, the Enforcement Officer shall notify the owner of said sign, together with the owner of the land on which the sign is located, of his/her findings. Such notice shall advise the owners that the sign and its supporting structure has been declared abandoned or needs repair and must be removed or repaired within thirty (30) days from the date of the said notice at the owner's expense.
- 2546.3 Sign Maintenance. All signage and incidental landscaping and/ or lighting shall be maintained in good condition and shall not show evidence of deterioration. Neither lighting nor signage shall be permitted to be posted on trees or utility poles.
- 2546.4 Visibility Triangles. All signage shall be located outside of all visible triangles at intersections and ingress and egress points and shall not be located in such a manner as to constitute a traffic or safety hazard.

2546.5 Any sign found to be a safety or traffic hazard may be immediately removed by the Code Enforcement Officer for good cause.

2547 INOPERABLE MOTOR VEHICLES

2547.1 For the purpose of this Code, an Inoperable Motor Vehicle shall not meet the same definition as a "junk motor vehicle" however shall mean any motor vehicle that is incapable to being started and propelled under its own power or cannot be legally driven upon a roadway.

Any motor vehicle that has not been moved for a period of forty-five (45) consecutive days or more shall be presumed to be in an "inoperable condition".

2547.2 In addition, to the above, the inoperable motor vehicle may be identified as also having missing or expired license plates, grass/weeds ground about wheel wells and tires, under inflated or flat tire(s), motor vehicle parts missing, cracked windshield, broken windows, missing required MV mirrors, debris laying on vehicle, or any other obvious signs the vehicle appears to be in inoperable condition.

2547.3 No inoperable motor vehicle shall be parked upon a roadway or road right-of-way in excess of (45) days. If the vehicle is being utilized for street or off-street parking, the motor vehicle is required to be periodically started and moved from its original position.

2547.4 No inoperable motor vehicle shall be parked in public view within any zoned district within the Township for more than forty-five-(45) consecutive days. The inoperable motor vehicle shall be concealed from public view by means of storage within a completely enclosed structure, or completely concealed by fencing.

2547.5 The Code Enforcement Officer is permitted to issue Zoning Violation Citations to the owner of the property where junk or inoperable motor vehicles are present, when the owner has failed to comply to the Notice of Violation and corrective action needed.

- a. On the first offense, a civil penalty assessment of \$50.00 per motor vehicle determined to be in violation of this Code shall be assessed to the owner of the property.
- b. On the second offense, a civil penalty assessment of \$100.00 per motor vehicle determined to be in violation of this Code.
- c. On third and subsequent offenses, a civil penalty assessment of \$500.00 per motor vehicle shall be imposed on each motor vehicle found in violation of this Code.
- d. An additional administrative fee of \$100.00 shall be added to all zoning violation citations issued. This assessment amount is addressed in the Violation Citation Penalty Assessment section of this Code.
- e. If the owner repeatedly fails to correct the violation after a reasonable amount of Zoning Violation Citations have been issues and civil fines assessments have shown no deterrent; the Code Enforcement Officer shall refer the case to the Lima City Prosecutor's Office for additional legal action against the property owner.

2548 MOUNDING, RAISED BEDS AND OTHER EARTH WORKS

- 2548.1 In all zoning districts, 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 property lines.
- 2548.2 Major cuts, excavation, grading, and filling, where the same materially changes the site and its 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 Allen County Drainage Engineer and the Township Zoning Inspector has determined that adequate provision is made to retain runoff and eliminate the negative consequences of standing water.
- 2548.3 No fill material dumping and or moving material activity shall be permitted in a FEMA Identified Special Flood Hazard Area, Flood Plain Area, and or a Riparian Corridor without the expressed written permission of the Ohio EPA, Allen County Drainage Engineer, Lima/Allen County Regional Planning Commission, and the Township Zoning Inspector. A detailed site plan designed by a State of Ohio registered Civil Engineer shall be required. The property owner is responsible for submitting the detailed site plan showing all tentative fill areas, elevations, watercourses, waterbodies, and other pertinent information before any approvals shall be given.

2549 DRAINAGE CONTROL

- 2549.1 Vacant undeveloped lots in the process of development for use shall be graded and developed with due consideration to storm run-off drainage.
- 2549.2 Lot drainage onto adjoining property shall not be diverted, channeled, or increased so as to cause damage, decrease property values or increase liability to adjoining properties.
- c. Examples include but not limited to downspout extensions placed on property lines, sump pump line discharging to adjoining property owner lots and storm run-off from primary or accessory structures diverted to neighboring properties, as to increase to cause damage to adjoining property owners' structure or land.
- 2549.3 Elevation and grade changes are to be accommodated by intercepting the property 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.

2550 REGULATION OF PONDS, LAKES, OR OTHER WATER DETENTION/RETENTION STRUCTURES

- 2550.1 Ponds shall be permitted as an accessory use in all districts, provided the plans, specifications and construction meet the demands of the respective authorized and approving bodies.
- 2550.2 Ponds shall not be located closer than thirty-five (35) feet from any property lines. In addition, ponds shall not be located closer than thirty- five (35) feet from the road right-of-way located on any parcel, nor twenty-five (25) feet from the principal dwelling structure.

2550.3 Ponds shall be maintained as to not allow for excessive and uncontrolled overgrowth of algae, cat tails or develop into a state that the water emits foul, offensive or objectionable odors, and becomes a nuisance to adjoin property owners.

2551 **PROPERTY MAINTENANCE STANDARDS SPECIFIC TO COMMERCIAL AND INDUSTRIAL PROPERTIES**

2551.1 **GENERAL PROVISIONS**

Every commercial structure, commercial unit, industrial structure, and industrial unit shall meet all of the provisions and requirements of the official zoning regulations, building code, fire code and health ordinance applicable to the structure and its' intended and present use. Where these codes require the provision of a particular facility or equipment, or where they set a structural or installation standard, such related parts of every commercial structure, commercial unit, industrial structure, and industrial unit shall be maintained to the minimum standard provided for in the applicable section of this Code or to the minimum standard provided for in the above codes, whichever standard is higher.

In addition to the foregoing standards, the following commercial and industrial property maintenance standards are applicable to all commercial structures, commercial units, portions of mixed use structures which are devoted to commercial use, including all exterior and structural requirements, soundness, and maintenance, industrial structures, industrial units, and portions of mixed use structures which are devoted to industrial use, including all exterior and structural requirements soundness, and maintenance.

2551.2 **PARKING AREA MARKINGS AND SIGNAGE**

All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized.

2551.3 **EXTERIOR LIGHTING**

Exterior lighting fixtures oversteps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition.

2551.4 **STAIRWAYS**

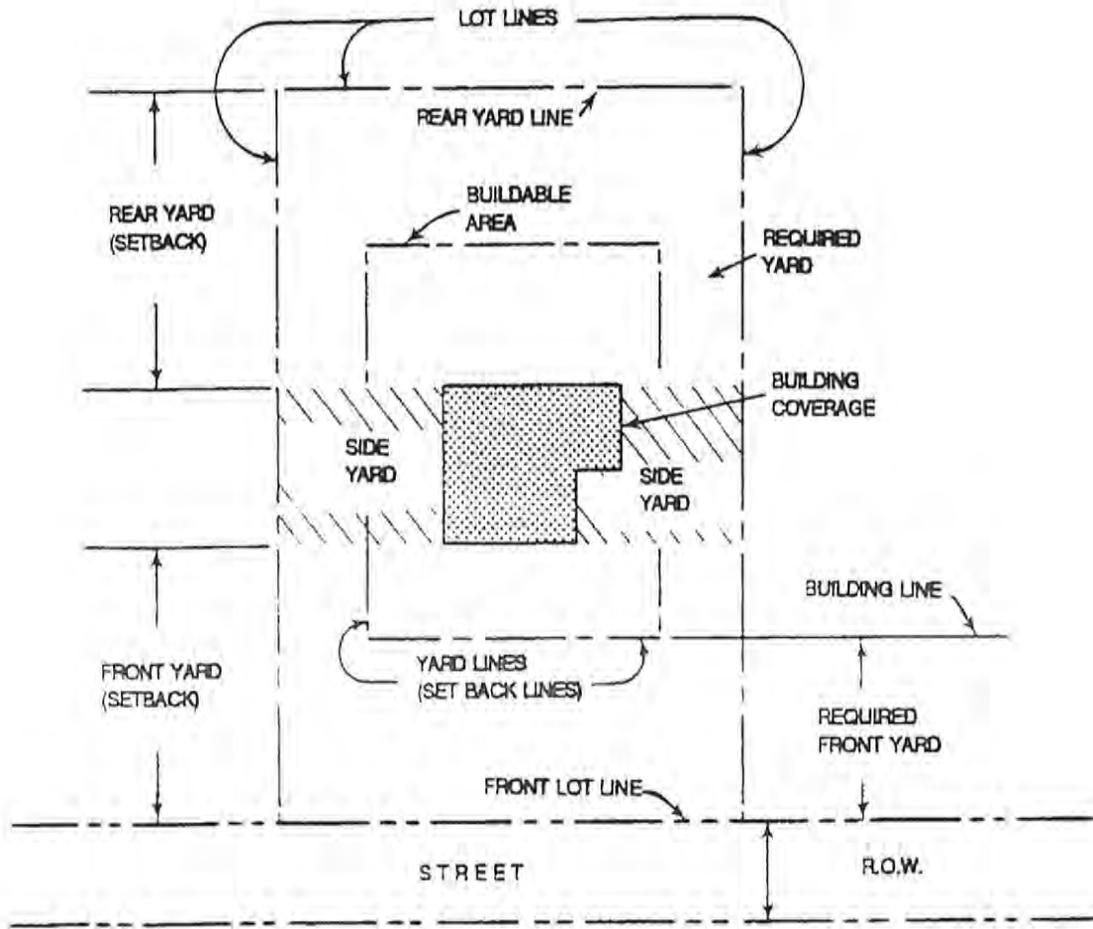
All exterior stairways on all commercial or industrial premises shall be in accordance with the following procedures:

- b. Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard.
- c. Stairways shall be maintained free of rotted or deteriorated supports.
- d. Stairways shall have treads of uniform width and height; and
- e. Stairway handrails and/or railings shall be firmly fastened and maintained in good condition.

**ARTICLE XXVI
(OPEN – WHEN EFFECTIVE)**

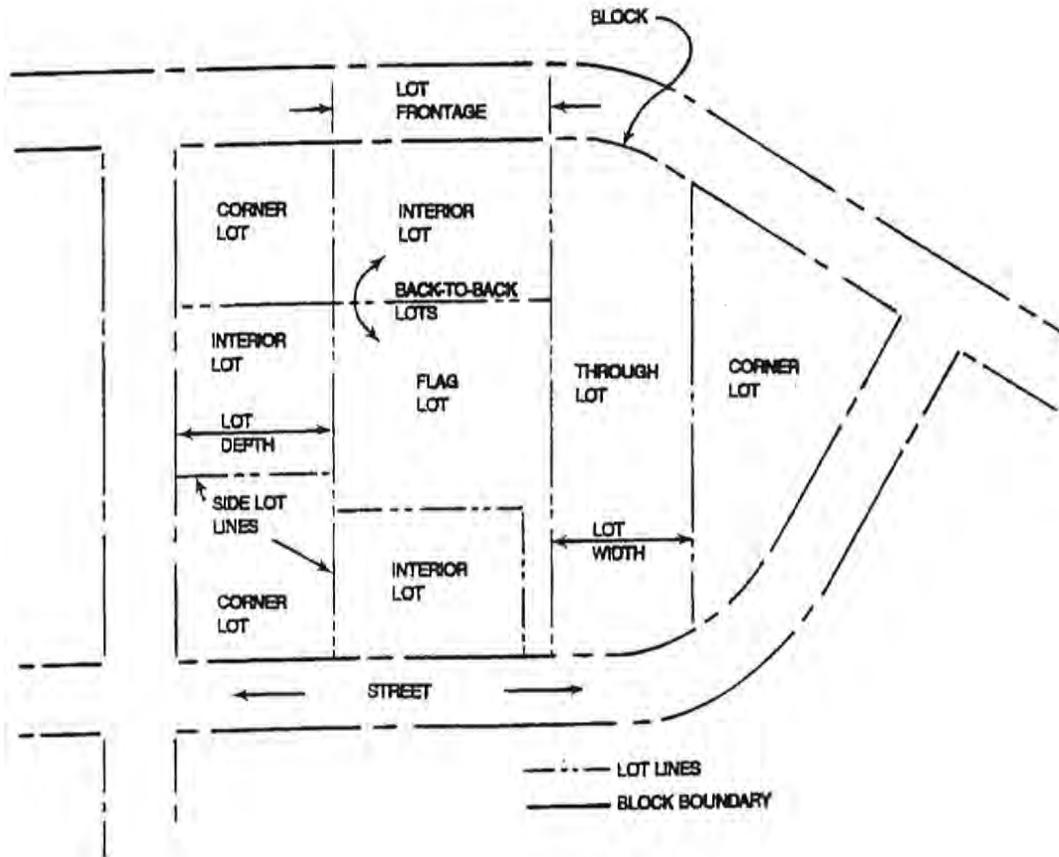
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ILLUSTRATION A: SETBACK DIMENSIONS



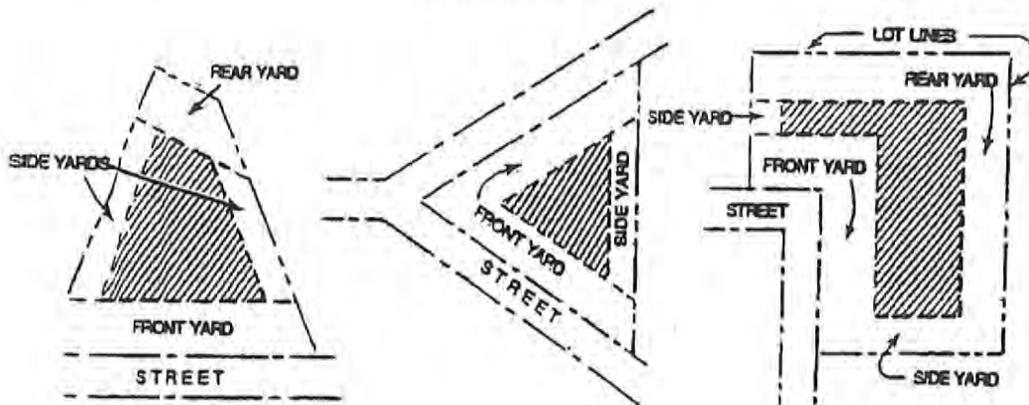
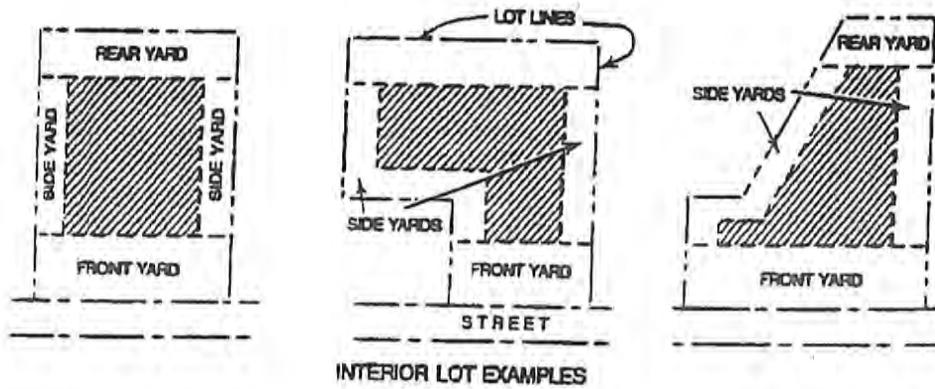
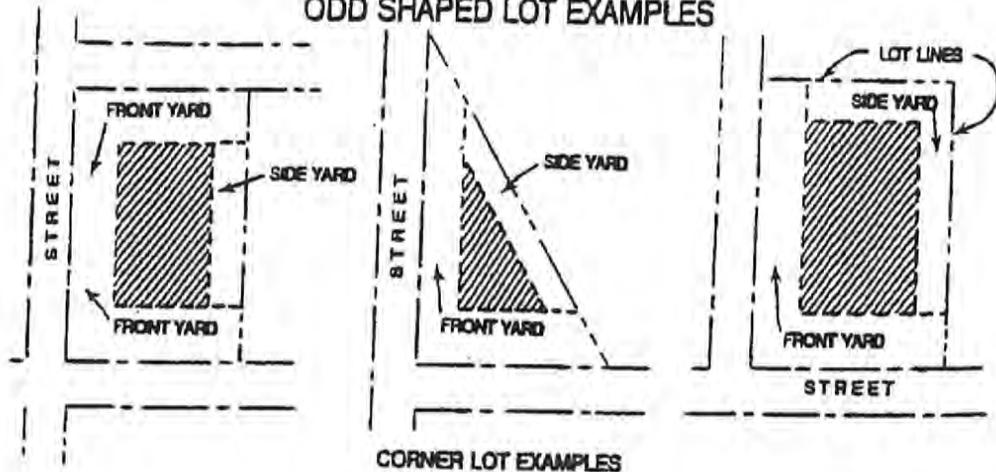
(For informational purposes only.)

ILLUSTRATION B:
LOT TYPES



(For informational purposes only.)

ILLUSTRATION C:
ODD SHAPED LOT EXAMPLES

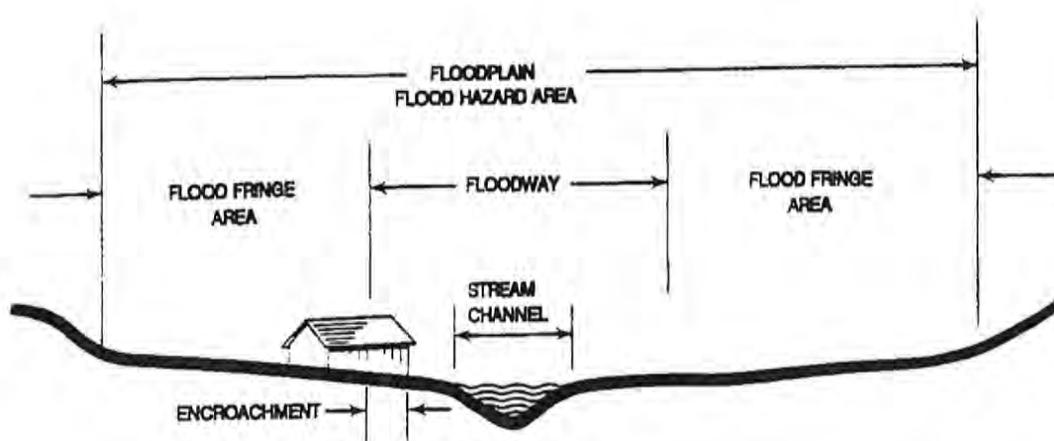


REQUIRED YARDS

 BUILDING (ZONING) ENVELOPE
(TWO DIMENSIONAL)

(For informational purposes only.)

ILLUSTRATION D:
FLOODPLAIN CROSS-SECTION



(For informational purposes only.)

ILLUSTRATION D:

FLOODPLAIN DEFINITION

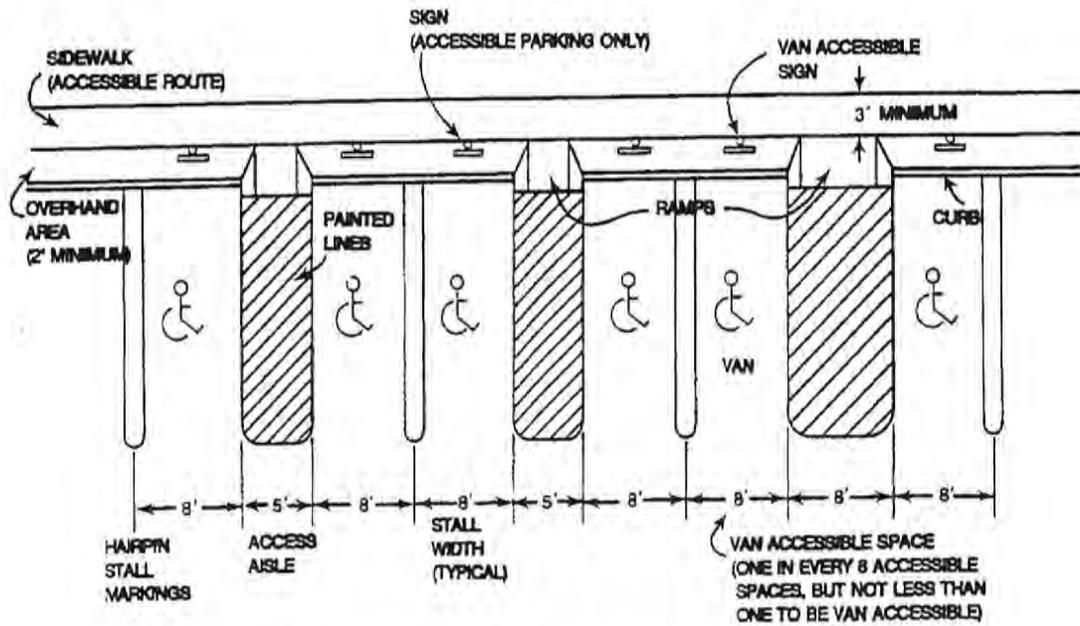
Floodplain definition from FEMA, the Federal Emergency Management Agency. FEMA is an agency of the United States Department of Homeland Security created by Presidential Order on April 1, 1979. The primary purpose of FEMA is to coordinate the response to a disaster (as a flood) that has occurred in the 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-annual-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.

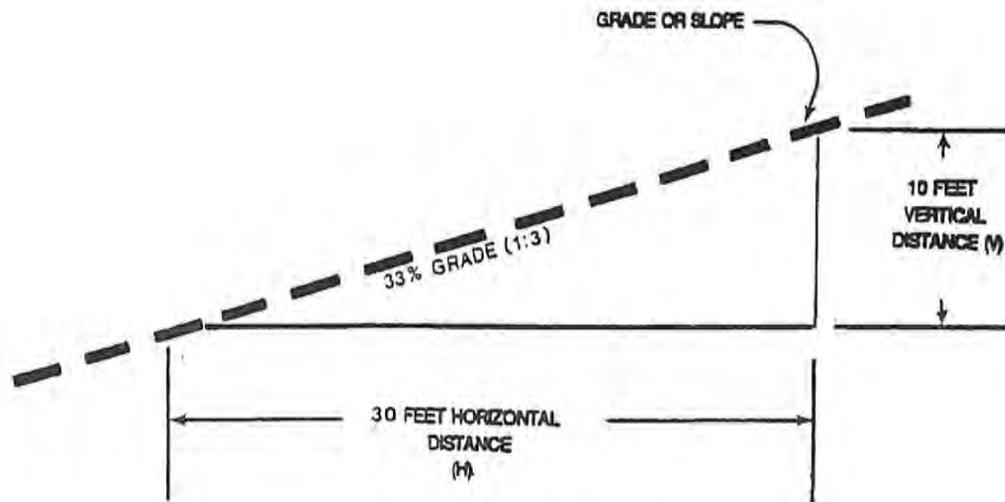
(For Informational Purposes Only. Not A Requirement of This Resolution.)

ILLUSTRATION E:
ACCESSIBLE PARKING SPACE STANDARDS



(For informational purposes only.)

ILLUSTRATION F:
DETERMINATION OF SLOPE

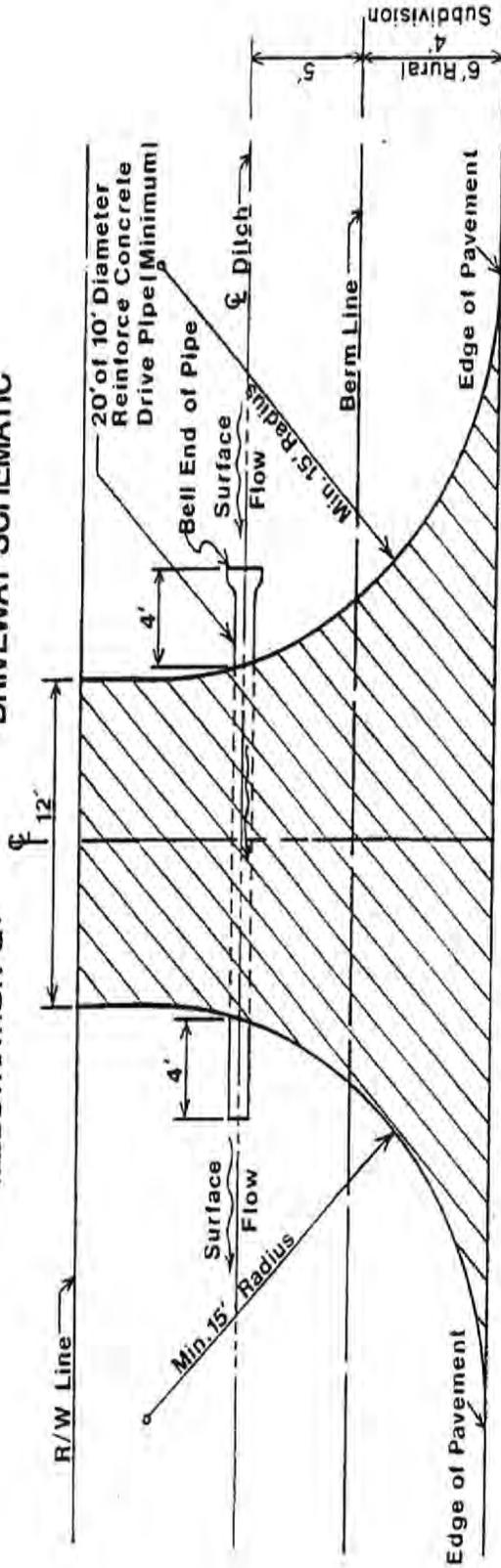


SLOPE CALCULATION = $\frac{V}{H}$
(DEGREE OF SLOPE = TANGENT OF $\frac{V}{H}$)

(For informational purposes only.)

ILLUSTRATION G:

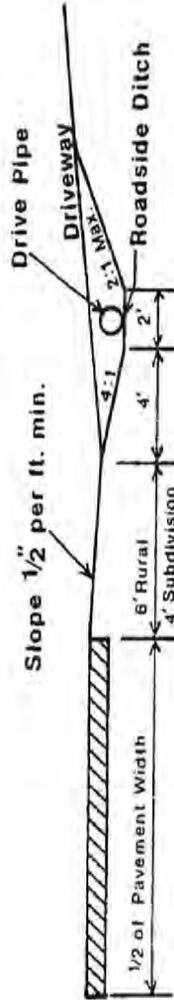
DRIVEWAY SCHEMATIC



Note:

Roadside Ditch Shall Not Be Filled In

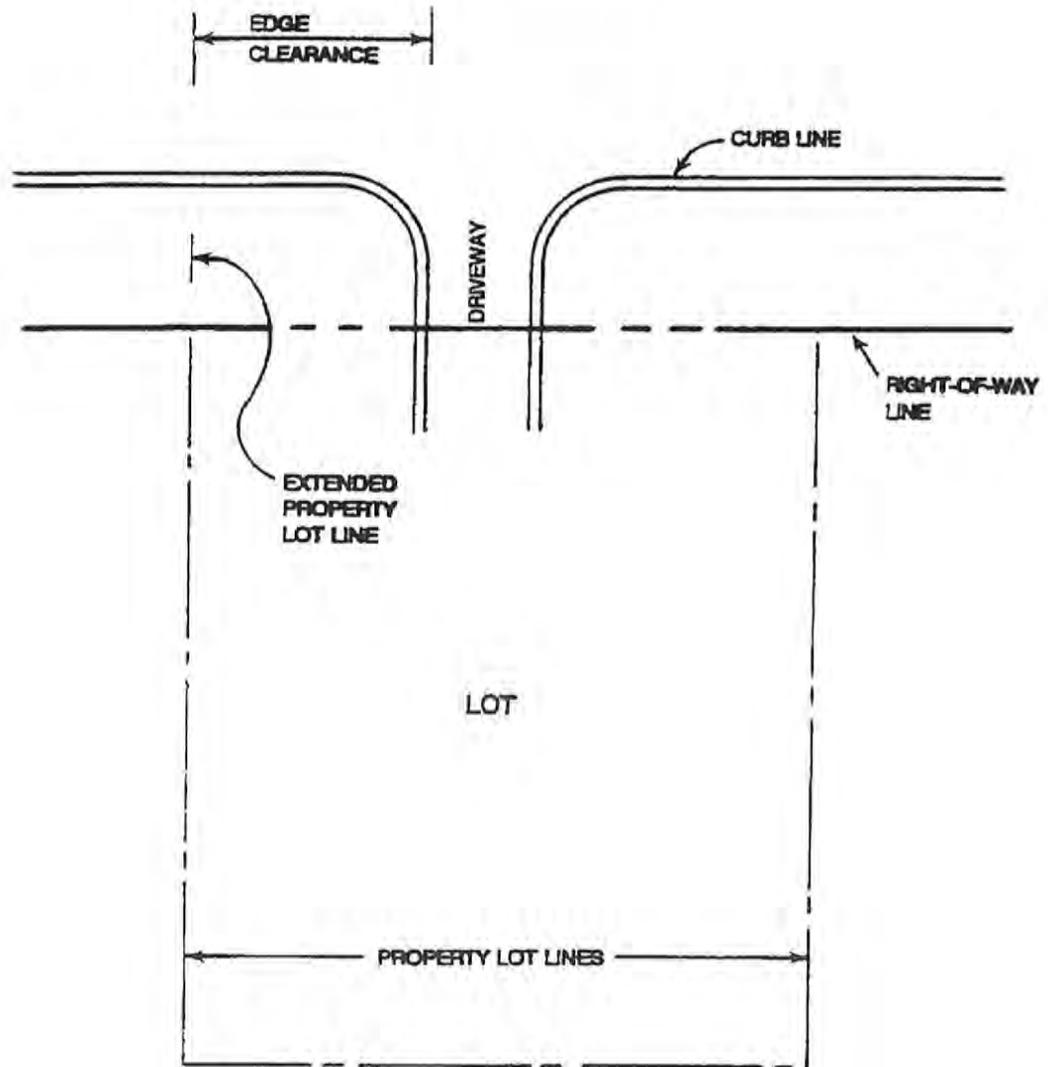
PLAN



ELEVATION

(For informational purposes only.)

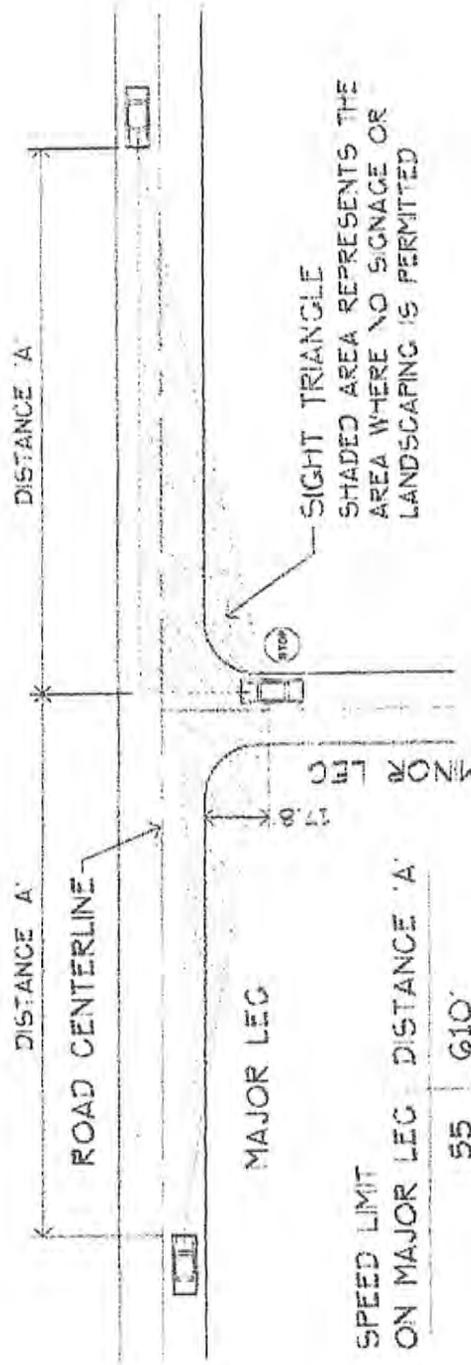
ILLUSTRATION H:
EDGE CLEARANCE



(For informational purposes only.)

ILLUSTRATION I

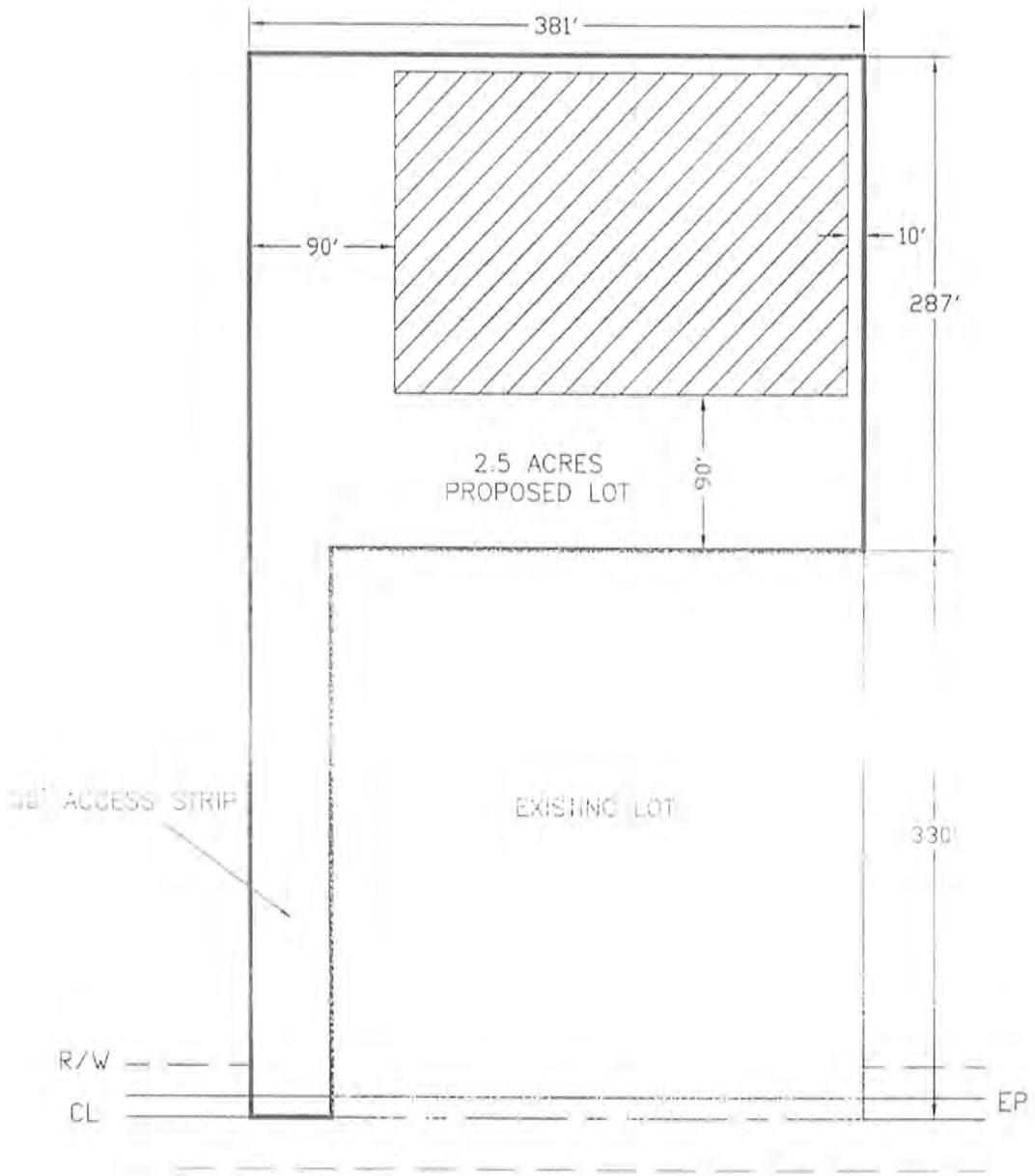
SIGHT TRIANGLE EASEMENT



ACCORDING TO AASHTO POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS

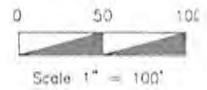
(ILLUSTRATION DISPLAYS RESOLUTION REQUIREMENTS)

ILLUSTRATION J FLAG LOT



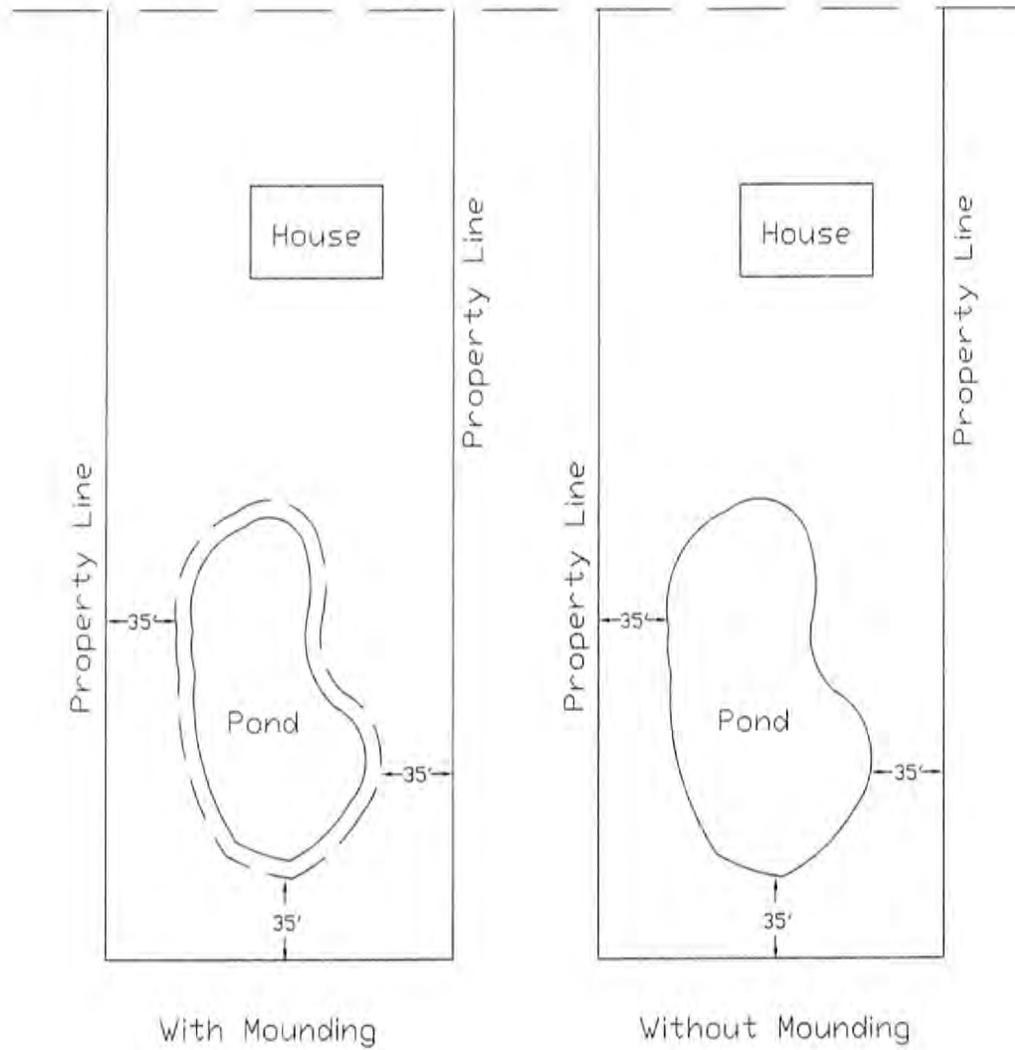
Applicable Setbacks
 Front Yard Setback = 90' Minimum
 Rear Yard Setback = 15' Minimum
 Side Yard Setback = 10' Minimum (100' Total Required)
 2.9 ACRES TOTAL (INCLUDES 50' STEM PORTION)

Building Area



(For informational Purposes Only. Not A Requirement Of This Resolution.)

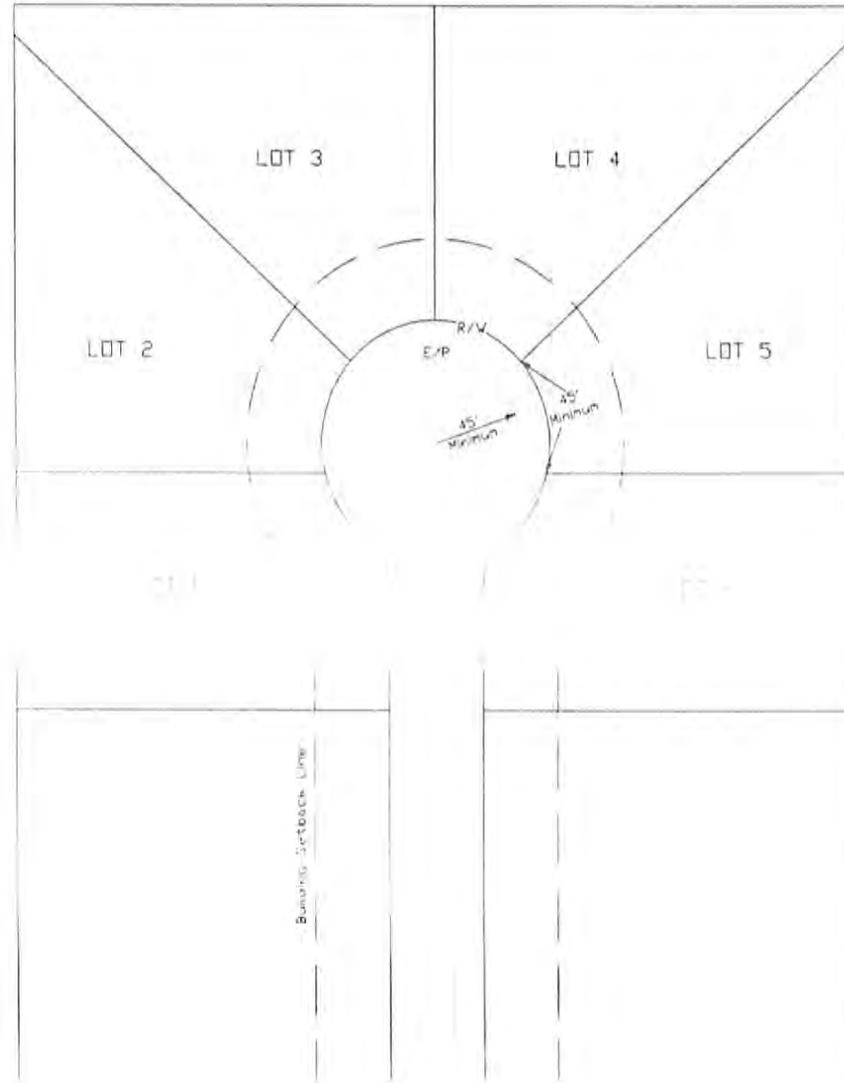
Illustration K: Pond Setback Dimensions



Dashed line indicates base of mounding
Solid line indicates waters edge

(For Information Purposes Only)

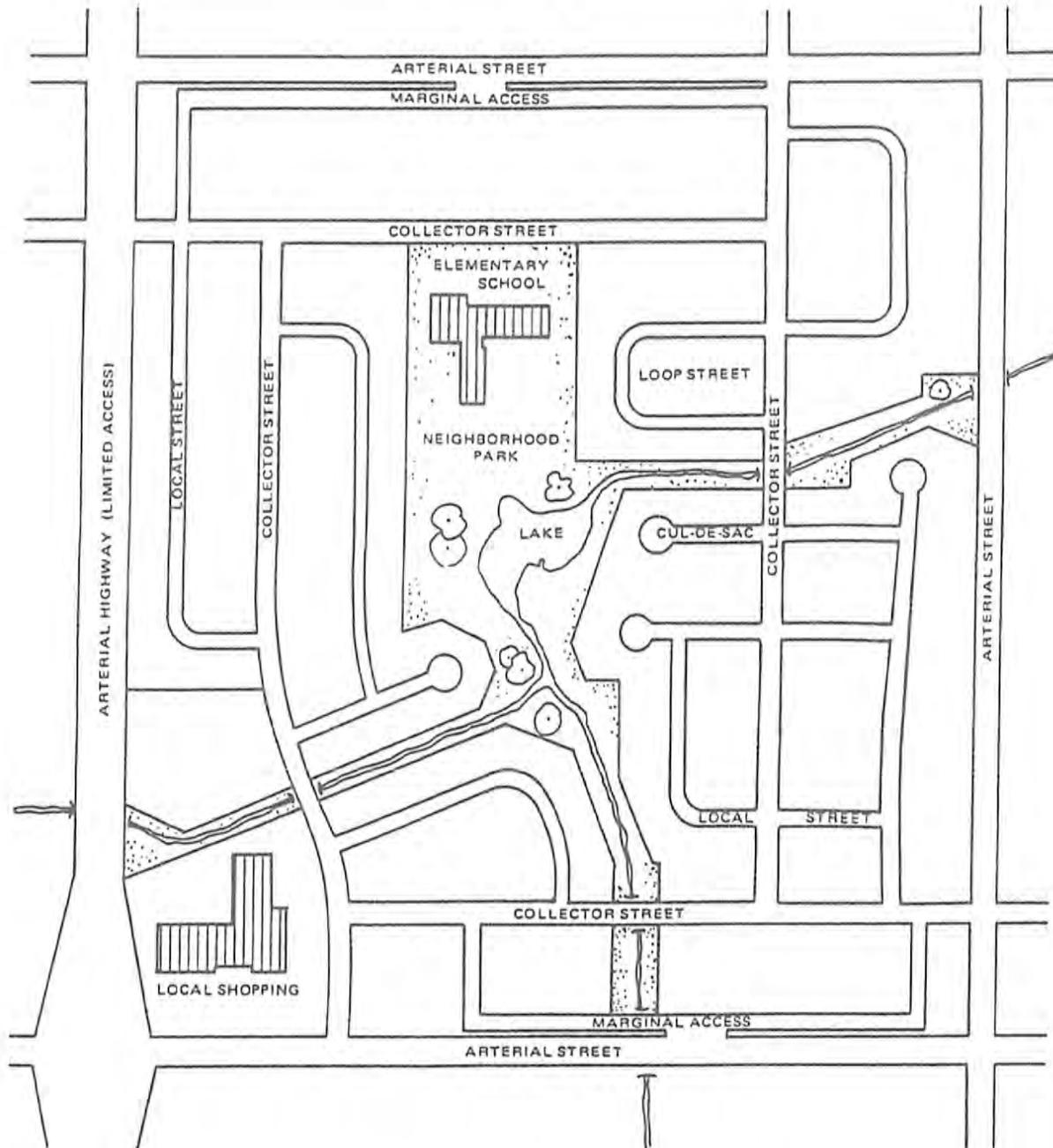
Illustration L: Cul-de-sac Minimum Dimensions



- 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 are 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 have 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>.

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

Reviewing Agencies for Subdivisions, Commercial and Industrial Developments in Allen County

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

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: 419-222-2984

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

