

SHAWNEE TOWNSHIP

ZONING RESOLUTION

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

102 – INTERPRETATION

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

103 – SEPARABILITY

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

104 – REPEAL OF CONFLICTING RESOLUTIONS

All Resolutions in conflict with this Resolution, or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

105 – USES EXCLUDED FROM THIS RESOLUTION

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

106 – EFFECTIVE DATE

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

ARTICLE II

ESTABLISHMENT OF DISTRICTS

200 PURPOSE

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

201 ESTABLISHMENT OF DISTRICTS

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

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

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

202 ZONING DISTRICT MAP

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

203 ZONING MAP LEGEND

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

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

204 INDENTIFICATION OF OFFICIAL ZONING MAP

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

- 204.1 Where districts boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;
- 204.2 Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
- 204.3 Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
- 204.4 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
- 204.5 Whenever the district boundary involves a Flood Plain as defined in Article XIV, said boundary shall be deemed to be located per Section 1401;
- 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 (Board of Commissioners, Board of Township Trustees) 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 thenceforth be subject to all regulations appropriate to the respective extended districts;
- 204.8 All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Shawnee Township Zoning Inspector.

205 ZONING MAP AMENDMENTS

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

ARTICLE III

INTERPRETATION AND DEFINITION OF TERMS & WORDS

300 - PURPOSE

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

301 - INTERPRETATION OF TERMS OR WORDS

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

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

302 - DEFINITIONS

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

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

- a. Residential accommodations for servants and/or caretakers.
- b. Swimming pools for the use of the occupants of a residence, or their guests.
- c. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- d. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- e. Storage of merchandise normally used in or produced in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.

- f. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the lot is located.
- g. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- h. Accessory off-street loading, subject to the off-street loading regulations for the district in which the lot is located.
- i. Accessory signs, subject to the sign regulations for the district in which the lot is located.

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

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

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

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

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

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

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

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

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

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

Building 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.

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.

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.

Common Open Space: A parcel or parcels of land or an area of water, or combination of land and water within the site designated for a Planned Unit Development, and designed and intended for use or enjoyment of residents of the Planned Unit Development. Common Open Space may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of residents of the Planned Unit Development.

Common Use Area: This portion of a building or of a parcel of land in private ownership designed and intended to enable all of the residents of a planned residential development or the residents of designated units within a planned residential development to use and enjoy their respective individual units. 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.

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

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

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.

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

Drive-In Restaurant: A restaurant so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or to permit patrons to eat while

in the motor vehicle, as well as within a building or structure, primarily to provide self-service for patrons and food carry-out.

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

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

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

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

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

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

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

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.

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

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

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

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

Home Occupation: Any use customarily conducted entirely within the dwelling and carried on by the residents thereof, which use is clearly incidental and secondary to the use of the dwelling for living purposes and does not change the character thereof. Provided, that such occupation shall not require external alterations or construction features, equipment, machinery, outdoor storage or signs not customary in residential areas. Further, it will not be hazardous or disturbing to existing or future neighboring uses. Also, it will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, heat, dust, and vibrations. Sufficient off-street parking shall be provided to accommodate visitors resulting from such occupation. Not more than one (1) unlighted sign no larger than four (4) 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.

Kenel, 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.

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.

Lot, Interior: Any lot other than a corner, or through lot.

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.

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

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

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

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on **Corner lots** and

Through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under yards in this section.

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

- a. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of a corner, or through lot, is that line separating said lot from both streets.
- b. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, there is no rear lot line.
- c. **Side Lot Line:** Any lot line other than the front lot line or rear lot line, except in the case of a corner lot when the line opposite a front lot line shall be considered a side lot line.

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

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

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

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

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

- a. the structure is affixed to a permanent foundation and is connected to appropriate utilities;
- b. the structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area, excluding garages, porches or attachments of at least thirteen hundred (1300) square feet;
- c. the structure has a minimum 3:12 residential roof pitch, conventional residential siding, and six (6) inch minimum eave overhang, including appropriate guttering;

- d. the structure was manufactured after January 1, 1995; and,
- e. the structure is not located in a manufactured home park as defined by section 3733.01 of the Ohio Revised Code.

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

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

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

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

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

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

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.

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.

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.

Principal Use: The main use to which the premises are devoted and the principal purpose for which the premises exist.

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 vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreation, and vacation uses and is classed as follows:

- a. **travel trailer:** a nonself-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty (320) square feet of space when erected on site. "Travel Trailer" includes a tent-type fold-out camping trailer;
- b. **motor home:** a self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking, and consuming of food, and for sleeping;
- c. **Truck camper:** a nonself-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.

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

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

Setback: The distance required to obtain minimum front, side or rear yard open space provisions of this resolution.

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.

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.

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.

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

ARTICLE IV

AMENDMENTS TO THE ZONING RESOLUTION AND/OR THE ZONING MAP

400 - GENERAL

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

401 – PURPOSE

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

402 – INITIATION OF ZONING AMENDMENTS

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

402.1 By adoption of a motion by the Zoning Commission;

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

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

403 – CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT

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

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

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

403.3 Present use;

403.4 Present zoning district;

403.5 Proposed use;

- 403.6 Proposed zoning district;
- 403.7 A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
- 403.8 A list of all property owners, their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned if the proposal is to rezone ten (10) or fewer parcels of land as listed on the County Auditor's current tax list;
- 403.9 A statement on the ways in which the proposed amendment relates to the comprehensive plan; and,
- 403.10 A fee as established by resolution of the Board of Township Trustees.

404 – CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT

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

- 404.1 The name, address, and telephone number of the applicant;
- 404.2 The proposed amending resolution;
- 404.3 A statement of the reason(s) for the proposed amendment; and,
- 404.4 A fee as established by resolution of the Board of Township Trustees.

405 – TRANSMITTAL TO ZONING COMMISSION

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

406 – SUBMISSION TO LIMA-ALLEN COUNTY REGIONAL PLANNING COMMISSION

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text

and map pertaining to the case in question, to the Lima-Allen County Regional Planning Commission. The Lima-Allen County Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

407 – PUBLIC HEARING BY ZONING COMMISSION

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

408 – NOTICE OF PUBLIC HEARING IN NEWSPAPER

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

409 - NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION

Pursuant to 519.12 of the Ohio Revised Code or as in such 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 - RECOMMENDATION 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 - ACTION BY BOARD OF TOWNSHIP TRUSTEES

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

413 - EFFECTIVE DATE AND REFERENDUM

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

ARTICLE V

ADMINISTRATION

500 - PURPOSE

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

501 – GENERAL PROVISIONS

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

- 501.1 Zoning Inspector; (See Section 502)
- 501.2 Zoning Commission; (See Section 504)
- 501.3 Board of Zoning Appeals; and, (See Section 506)
- 501.4 Board of Township Trustees. (See Section 509)

502 – ZONING INSPECTOR

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

503 - RESPONSIBILITIES OF ZONING INSPECTOR

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

- 503.1 Enforce the provisions of this Resolution and interpret the meaning and application of its provision;
- 503.2 Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map;
- 503.3 Issue zoning permits as provided by this Resolution, and keep a record of same with a notation of any special conditions involved;
- 503.4 Act on all applications upon which the Inspector is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of the Inspector's refusal or disapproval of such

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

- 503.5 Conduct inspections of buildings and uses of land to determine compliance with this Resolution, and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action;
- 503.6 Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Township office(s);
- 503.7 Maintain permanent and current records required by Resolution, including but not limited to zoning permits, zoning certificates, inspection documents, and records of all variances, amendments and conditional uses;
- 503.8 Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public;
- 503.9 Review and approve site plans pursuant to this Resolution;
- 503.10 Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations; and,
- 503.11 Prepare and submit reports to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such reports shall include recommendations concerning the schedule of fees.

504 – TOWNSHIP ZONING COMMISSION

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

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

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

505 – RESPONSIBILITIES OF THE ZONING COMMISSION

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

- 505.1 Recommend the proposed Zoning Resolution, including text and the Official Zoning District Map representing the recommendations of the Zoning Commission to the Board of Township Trustees for formal adoption;
- 505.2 Initiate advisable Official Zoning District Map changes, or changes in the text of this Resolution;
- 505.3 Site plan review and approval of Planned Unit Development submissions;
- 505.4 Carry on a continuous review of the effectiveness and appropriateness of this Resolution and recommend such changes or amendments as it feels would be appropriate; and,
- 505.5 Duties as set forth in the Ohio Revised Code Section 519.

506 – BOARD OF ZONING APPEALS

The Board of Township Trustees 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 (1) 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 unanimous vote of the Township Trustees;
- 509.6 Establish a schedule of fees; and,
- 509.7 Perform all duties as set forth in Ohio Revised Code Section 519.

510 – SCHEDULE OF FEES

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

ARTICLE VI
ENFORCEMENT

600 – GENERAL

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

601 – ZONING PERMITS REQUIRED

No building or other structure shall 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.

602 – CONTENTS OF APPLICATION FOR ZONING PERMIT

The application for zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the 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 ½) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

- 602.1 Name, address, and phone number of applicant;
- 602.2 Legal description of property;
- 602.3 Existing use;
- 602.4 Proposed use;
- 602.5 Zoning district;
- 602.6 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;
- 602.7 Building heights;

- 602.8 Number of off-street parking spaces or loading berths, and their layout;
- 602.9 Location and design of access drives;
- 602.10 Number of dwelling units;
- 602.11 Drainage;
- 602.12 Health Department permit for septic system, or where sanitary sewer exists the approval of the office of the Allen County Sanitary Engineer; and,
- 602.13 Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Resolution.

603 – APPROVAL OF ZONING PERMIT

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

604 – EXPIRATION OF ZONING PERMIT

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

605 – RECORD OF ZONING PERMITS

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

606 – FAILURE TO OBTAIN A ZONING PERMIT

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

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

Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans

and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

608 – ENTRY AND INSPECTION OF PROPERTY

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

609 – STOP WORK ORDER

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

610 – ZONING PERMIT REVOCATION

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

611 – NOTICE OF VIOLATION

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

- 611.1 Be in writing;
- 611.2 Identify the violation;
- 611.3 Include a statement of the reason or reasons why it is being issued and refer to the Sections of this Resolution being violated;
- 611.4 State the time by which the violation shall be corrected; and,
- 611.5 Service of notice of violation shall be as follows:

- a. By personal delivery to the person or persons responsible, or 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.

612 – PROSECUTION OF VIOLATION

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

613 – PENALTIES AND FINES

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

614 – ADDITIONAL REMEDIES

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

ARTICLE VII

PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

700 – GENERAL

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

701 – APPEALS

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

702 – STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the Notice of Appeal is filed with said Inspector, that by reason of facts stated in the application, a stay would, in the Zoning Inspector's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by 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 519.15 of the Ohio Revised Code or as in such statute as it may hereafter be amended, the Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

706 – NOTICE OF PUBLIC HEARING IN NEWSPAPER

Pursuant to 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 705, notice of such hearing shall be given in a newspaper of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

707 - NOTICE TO PARTIES IN INTEREST

Pursuant to 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 705, written notice of such hearing shall be mailed by first class mail, at least ten (10) days before the day of the hearing to all parties of adjoining properties. The notice shall contain the same information as required of notices published in newspapers as specified in Section 704.

708 – APPROVAL OF VARIANCE

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

- 708.1 That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;
- 708.2 That a literal interpretation of the provisions of the zoning resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning resolution;
- 708.3 That the special conditions and circumstances applicable to applicant's property or facility do not in any fashion result from the actions or operations of the applicant or applicant's agents or assigns;
- 708.4 That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Resolution to other lands or structures in the same zoning district;

708.5 That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, will not be materially detrimental to the public, welfare, nor injurious to private property or public improvements in the vicinity nor will the variance unreasonably threaten the environment, ground water, nor the health, safety, welfare, or morals of the residents or the Township; and,

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

709 – ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 705, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 708.6, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decision shall be made in the manner specified in Section 508.

710 – TERM OF VARIANCE

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

ARTICLE VIII

CONDITIONAL ZONING REQUIREMENTS

800 – GENERAL

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

801 – PURPOSE

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

802 – CONTENTS OF CONDITIONAL USE PERMIT APPLICATION

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

- 802.1 Name, address and phone number of applicant;
- 802.2 Legal description of the property;
- 802.3 Zoning district;
- 802.4 Description of existing use;
- 802.5 Description of proposed conditional use;
- 802.6 A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service area, utilities, signs, yards, landscaping features, and such other information as the Board of Zoning Appeals may require;
- 802.7 A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
- 802.8 A list containing the names, and mailing addresses of all owner of property adjacent to the property in question;

- 802.9 A fee as established by a Resolution of the Shawnee Township Board of Trustees; and,
- 802.10 A narrative addressing each of the applicable criteria contained in Section 803.

803 – GENERAL STANDARDS FOR ALL CONDITIONAL USES

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

- 803.1 Is in fact a conditional use as established under the provisions of Articles IX through XI 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 519.14 of the Ohio Revised Code or as in such statute as it may hereafter be amended, the Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a Conditional Use Permit submitted by an applicant through the Zoning Inspector.

805 – NOTICE OF PUBLIC HEARING

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

806 - NOTICE TO PARTIES OF INTEREST

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

807 - ACTION BY THE BOARD OF ZONING APPEALS

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

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

807.2 Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary; or,

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

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

808 – SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

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

809 – EXPIRATION OF CONDITIONAL USE PERMIT

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

810 - DENIAL OF CONDITIONAL ZONING CERTIFICATE

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

ARTICLE IX

RESIDENTIAL DISTRICTS: RI, RII, RIII, RIV

900 – PURPOSE

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

901 – PERMITTED USES

901.1 Class I – Residential District – “Single Family” – R-I

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

- a. Single family dwellings and buildings accessory thereto but excluding tents, cabins, RVs, mobile/manufactured homes not permanently sited, industrialized homes, and basement dwellings. Except that any structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such excluded use shall not be continued for more than one (1) year. Earth sheltered housing or partial underground structure designed to conserve energy shall not be considered a basement dwelling.
- b. Any person may maintain an office or may carry on a customary home occupation if used by the person as his or her private residence, as described by definition in Article III, Section 302.

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

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

- a. Any use permitted in a Residential R-I District shall be permitted in a R-II District.
- b. Single and double family dwellings and buildings accessory thereto, but excluding tents, cabins, RVs, mobile/manufactured home not permanently sited, industrialized homes, and basement dwellings.

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

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

- a. Double and multiple family dwellings, including condominiums, not exceeding four (4) families and buildings accessory thereto, but

excluding tents, cabins, RVs, mobile/manufactured homes not permanently sited, industrialized homes, and basement dwellings.

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

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

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

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

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

- a. No structure or recreation area shall be placed a distance of less than one hundred (100) feet from any lot line.
- b. The school shall be placed on a lot at least two (2) acres in size.

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

- a. No structure or recreation area shall be placed a distance of less than fifty (50) feet from any lot line.
- b. The Child Day-Care Center shall be placed on a lot at least one (1) acre in size.

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

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

- a. No structure or recreation area shall be placed a distance of less than one hundred (100) feet from any lot line.
- b. The church shall be placed on a lot at least two (2) acres in size.

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

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

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

903 – REQUIREMENTS

903.1 Drainage

Drainage criteria for all construction in Shawnee Township shall conform to the most current criteria of Allen County Subdivision Regulations and the Allen County Storm Water and Sediment Control Regulations that may be in effect.

903.2 Area and Bulk Requirements

See Schedule of Regulations in Article XIX, Section 1900.

ARTICLE X

AGRICULTURAL DISTRICT: A

1000 – PURPOSE

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

1001 – PERMITTED USES

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

- 1001.1 Any use permitted in a Residential “R-I” District shall be permitted in an “A” District.
- 1001.2 Any agricultural use including farming, dairying, pasturage, agriculture, horticulture, aquaculture, hydroponics, foresting, floriculture, viticulture, animal and poultry husbandry, and mineral mining licensed by the State of Ohio.
- 1001.3 Any golf course.
- 1001.4 Farm implement sales and service.

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

- 1002.1 Schools shall be allowed as a conditional use in an “A” District provided:
 - a. No structure or recreation area shall be placed a distance of less than one hundred (100) feet from any lot line.
 - b. The school shall be placed on a lot at least two (2) acres in size.
- 1002.2 Child Day-Care Centers shall be allowed as a conditional use in an “A” District provided:
 - a. No structure or recreation area shall be placed a distance of less than fifty (50) feet from any lot line.
 - b. The Day-Care Center shall be placed on a lot at least one (1) acre in size.
- 1002.3 Type “A” Family Day-Care Homes shall be allowed as a conditional use in an “A” District.

- 1002.4 Cemeteries shall be allowed as a conditional use in an “A” District provided:
- a. No gravesite shall be located nearer than twenty (20) feet from any property line.
 - b. No structure shall be located nearer than one hundred (100) feet from any property line.
- 1002.5 Churches shall be allowed as a conditional use in an “A” District provided:
- a. No structure or recreation area shall be placed a distance of less than one hundred (100) feet from any lot line.
 - b. The church shall be placed on a lot at least two (2) acres in size.
- 1002.6 Public Libraries shall be allowed as a conditional use in an “A” District provided:
- a. No structure shall be placed a distance of less than fifty (50) feet from any property line.
 - b. The public library shall be placed on a lot at least two (2) acres in size.
- 1002.7 Convalescent Homes and Elderly Day-Care Facilities shall be allowed as a conditional use in an “A” District provided:
- a. No structure shall be placed a distance of less than fifty (50) feet from any lot line.
 - b. The facility shall be placed on a lot at least two (2) acres in size.
- 1002.8 Veterinary Hospitals/Commercial Kennels (Large Animal Practices) shall be allowed as a conditional use in an “A” District provided:
- a. No structure or outdoor area used for the treatment, housing or exercise of animals shall be located a distance of less than one hundred (100) feet from any lot line.
 - b. The facility shall be placed on a lot at least five (5) acres in size.
- 1002.9 Veterinary Clinics/Commercial Kennels (Household Pets) shall be allowed as a conditional use in an “A” District provided:
- a. No structure or outdoor area used for the treatment, housing or exercise of animals shall be located a distance of less than one hundred (100) feet from any lot line.

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

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

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

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

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

1003 – REQUIREMENTS

1003.1 Drainage

Drainage Criteria for all construction in Shawnee Township shall conform to the most current criteria of the Allen County Subdivision Regulations and the Allen County Storm Water and Sediment Control Regulations that may be in effect.

1003.2 AREA AND BULK REQUIREMENTS

See Schedule of Regulations in Article XIX, Section 1900.

ARTICLE XI

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

1100 - PURPOSE

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

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

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

- a. 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, secretarial service, contractor office or lodge hall.

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 nudity.
- f. Lottery Arcades.

1102 - CONDITIONAL USE: B-I, B-II, B-III (WITH APPROVAL BY SHAWNEE TOWNSHIP BOARD OF ZONING APPEALS AFTER 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 lot line.
- b. The church shall be placed on a lot at least two (2) acres in size.

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

- a. No structure shall be placed a distance of less than fifty (50) feet from any property line.
- b. The public library shall be placed on a lot at least two (2) acres in size.

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

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

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

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

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

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

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

a. No structure or recreation area shall be placed a distance of less 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.

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

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

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

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

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

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

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

1103 - CONDITIONAL USES B-IV (WITH APPROVAL BY SHAWNEE TOWNSHIP BOARD OF ZONING APPEALS AFTER PUBLIC HEARING)

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

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

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

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

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

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

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

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

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

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

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

“Nude or Nudity” The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less 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:

1. Adult Entertainment Business shall comply with the district regulations applicable to all properties in any district in which they are located.
2. No Adult Entertainment Business shall be permitted in a location which is within one thousand (1,000) feet of another Adult Entertainment Business or massage establishment.

3. No Adult Entertainment Business shall be permitted in a location which is within one thousand (1,000) feet of any church, any public or private school, day-care center or any park, any playground, or any social service facility or neighborhood center, or liquor license establishment.
4. 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.
5. No Adult Entertainment Business shall be permitted in a location which is within one thousand (1,000) feet of any boundary of any residential district in a local unit of government abutting the township.

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

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

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

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

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

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

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

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

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

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

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

a. Exemptions

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

b. Requirements are as follows:

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

1. Massage Establishment shall comply with the district regulations applicable to all properties in any district in which they are located.
2. No Massage Establishment shall be permitted in a location which is within one thousand (1,000) feet of another Massage Establishment or Adult Entertainment Business.
3. No Massage Establishment shall be permitted in a location which is within one-thousand (1,000) feet of any church, any public or private school, day-care center or any park, any playground or social service facility or neighborhood center or liquor license establishment.
4. No Massage Establishment shall be permitted in a location which is within one thousand (1,000) feet of any residence or boundary of any residential district.

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

1104 - REQUIREMENTS

1104.1 Lighting

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

1104.2 Drainage

Drainage criteria for all construction in Shawnee Township shall conform to the most current criteria of Allen County Subdivision Regulations and the Allen County Storm Water Sediment Control Regulations that may be in effect.

ARTICLE XII

INDUSTRIAL AND MANUFACTURING DISTRICT: I

1200 – PURPOSE

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

1201 – PERMITTED USES

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

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

1201.2 Warehouse and Distribution Centers.

1202 - REQUIREMENTS

1202.1 Lighting

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

1202.2 Drainage

Drainage criteria for all construction in Shawnee Township shall conform to the most current criteria of Allen County Subdivision Regulations and the Allen County Storm Water and Sediment Control Regulations that may be in effect.

1202.3 Landscaping and Screening

For any industrial or manufacturing uses abutting a residential district, acceptable landscaping or screening must be provided, as required in buffer screening areas Article XVII Section 1702 and approved by the Zoning Inspector.

Such screening shall include such things as dense plantings, tree rows, or other suitable landscape devices or techniques which are adequate to

visually screen the industrial or manufacturing area from the residential area. Any such screening shall be included in the plans submitted with the application filed pursuant to these regulations. The plans for such screening shall indicate the type of screening to be utilized and a program for maintenance of the screening that will be compatible with the nature and character of the residential district.

ARTICLE XIII

PLANNED UNIT DEVELOPMENT DISTRICT: PUD

1300 – PURPOSE

The purpose of a Planned Unit Development District is to promote the general welfare by encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of a development which integrates residential, commercial, industrial, or any other use. Within a Planned-unit development, the zoning regulations need not be uniform, but may vary in order to accommodate unified development and to promote the public health, safety, morals, and other purposes of this Article. No Planned-unit development shall be approved unless the plan for that development satisfies the standards of approval established under this Article. No approval of a Planned-unit development as being in compliance with the standards of approval under this Article shall be considered to be an amendment or supplement to the Shawnee Township Zoning Resolution.

Plans shall require a variety of building designs, preservation of trees, groves, waterways, scenic and historic points, and natural beauty of the community.

A PUD site shall be not less than ten (10) acres when more than one land use is proposed. When only one land use is proposed, smaller parcels of land may be considered by the Zoning Commission on the basis of the developer's potential to satisfy their intent of this Article. The land proposed must be compatible with surrounding land use.

1301 – APPLICATION REQUIREMENTS

In addition to any other information required by these regulations, applications for a Planned Unit Development shall include the following and shall be submitted to the Zoning Commission for approval:

- 1301.1 An accurate description and survey of the boundaries shall be performed and so signed and sealed by a registered surveyor.
- 1301.2 The names and addresses of all adjacent property owners.
- 1301.3 Site Plans: Showing proposed uses and dimensions (length and width) of area.
- 1301.4 Preliminary Drawings: Showing dimensions (length, width, height, and square feet), design and location of structures.

- 1301.5 A statement as to the estimated extent of increased use of existing public facilities: i.e., water system, sewer system, drainage system, schools, traffic, police and fire protection; and proposed improvement of these facilities.
- 1301.6 A full set of performance standards must be submitted with the application for the PUD to assure protection of the natural features of the area.
- 1301.7 All items concerning a proposed planned unit development shall be submitted to the Zoning Commission who will send them to the appropriate authorities for their recommendations.

1302 – AREA AND BULK REQUIREMENTS

- 1302.1 No building shall exceed thirty-five (35) feet in height or exceed three stories high unless specifically approved by the Zoning Commission.
- 1302.2 A plan for a Planned Unit Development may provide for a greater number of dwelling units per acre than would usually be permitted under these regulations subject to the following restrictions:
- a. The maximum gross residential density for apartment use shall not exceed twelve (12) dwelling units per acre.
 - b. The maximum gross residential density for townhouse use shall not exceed eight (8) dwelling units per acre.
 - c. The maximum gross residential density for semi-detached housing use shall be six (6) dwelling units per acre.
 - d. The maximum gross residential density for detached housing use shall be four and one-half (4.5) dwelling units per acre.
 - e. The maximum gross residential density for the above 1302.2, a-b-c-d may be increased only to preserve and protect special environmental features of the land, which would require more than 20% of the area for green space.

For the purpose of this subparagraph, the acreage set aside under paragraph 1302.3, hereafter as common open space shall be included in the use area for computation of gross density for any residential or commercial land use.

- 1302.3 A minimum of 20% of the site shall be set aside as common open space. The location of common open space shall be consistent with the declared function of the common open space as set forth in the application for a

Planned Unit Development, and where possible, the common open space shall be planned as an integrated area located for the maximum benefit of residents, preserving, and where possible, enhancing natural features.

- 1302.4 Garages with their doors parallel to the street shall be set back at least twenty (20) 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-four (24) 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.
- 1302.5 Yards: To allow design flexibility, no yard requirements or distances between buildings are established in order to enable creativity in design. The applicant shall arrange the building to guarantee adequate provision for all units to open space, air and light. Zero lot line clusters and variations in building setbacks are encouraged. The arrangement and residential units must be approved as a part of the Planned Unit Development review process.
- 1302.6 General Location: The location and arrangement of areas of various densities, in addition to achieving the standards of this Article, shall be arranged and distributed so that the development of higher densities shall be appropriately balanced by open space and/or low density development.
- 1302.7 Minimum Distance to Boundaries and Streets: No building shall be located closer than twenty (20) feet from the boundary of the Planned Unit Development, the outer five (5) feet must be a buffer screening area.
- 1302.8 There shall be one (1) off-street parking space measuring ten (10) feet by twenty (20) feet for each one hundred and fifty (150) square feet of commercial space with the requirements specified generally for parking areas herein.
- 1302.9 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 or increase liability to adjoining properties.
- 1302.10 In a PUD no more than sixteen (16) parking spaces shall be permitted in a continuous row without being interrupted by approved landscaping and no more than sixty (60) parking spaces shall be accommodated in any single parking area.

1303 – OTHER REQUIREMENTS

- 1303.1 There shall be such provision made by the developer for the ownership and maintenance of the common space, through an ownership association or by a sole owner.
- 1303.2 Non-residential uses of a commercial or institutional nature shall be designed or intended primarily for the use of the residents of the Planned Unit Development, and the burden shall be fixed on the applicant to prove this is the case. The commercial establishments shall be provided for the privilege of conducting a convenience-type retail use that will be harmonious with the neighborhood; it shall serve and shall maintain and protect the character of the development and minimize traffic congestion. Authorized commercial uses shall be allowed, provided that the structure occupied for such use shall have a floor area no greater than 4% of the constructed dwelling units' floor area in the planned development. The commercial uses shall be permitted only when performed entirely within an enclosed building.
- 1303.3 The landowner shall designate divisible geographic sections and number and type of dwellings of the entire parcel to be developed as a Planned Unit Development, and shall, in such case, specify the planned time periods within each development of each section. Each section to be developed may deviate from the number of dwelling units per acre established for the entire Planned Unit Development, provided such deviations shall be adjusted for in other sections of the development so that the number and type of dwelling units per acre and other conditions authorized for the entire Planned Unit Development are not affected.

Each proposal for a Planned Unit Development will require that the specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall conform to existing subdivision regulations.

ARTICLE XIV

FLOOD PLAIN DISTRICT: FP

1400 – PURPOSE

The purpose of the FP District is to prevent development in the flood plain areas of any watercourse and to minimize expense and inconvenience to township residents resulting from flooding.

1401 - REQUIREMENTS

No building or fill material shall be placed in FP districts. In areas adjacent to water courses, a potential builder will be required to furnish satisfactory evidence that the potential building lot in question is not in a special flood hazard area as shown on the current official Flood Hazard Boundary Map as maintained 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.

ARTICLE XV

NON-CONFORMING USES

1500 - PURPOSE

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

1501 - REQUIREMENTS

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

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

1502 - EXPANSION AND RECONSTRUCTION

Any lawful non-conforming land and building use may be expanded 50% in area, completed, restored, reconstructed, or substituted for a similar type land and building use providing no additional parcel of land is acquired for such use. All future land and building uses shall hereby conform to 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

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

- 1600.1 Single and Double-family Dwellings: Two (2) spaces shall be required for each dwelling unit.
- 1600.2 Multiple Family Dwellings: Two (2) per dwelling unit.
- 1600.3 Auditoriums, Theaters, Churches, and Temples, Stadiums and Other Similar Places of Assembly: One (1) for every five seats provided therein except as otherwise provided in 1600.5 and 1600.16 hereof.
- 1600.4 Bowling Alleys: Four (4) for each alley.
- 1600.5 Colleges and High Schools: One (1) for each eight (8) seats in the main auditorium or similar place of assembly or three (3) spaces for each classroom, whichever is greater. Schools having a stadium shall meet these requirements or those of 1600.3 above, whichever is greater.
- 1600.6 Dance Halls, Roller Rinks, Assembly or Exhibition Halls Without Fixed Seats: One (1) for each one hundred (100) square feet of floor space.
- 1600.7 Hospitals, Medical and Dental Offices: One (1) for each three (3) hospital beds or for each four hundred (400) square feet of floor space, whichever is greater, plus one (1) for each employee on the maximum working shift.
- 1600.8 Industrial or Wholesale Shops: One and one half (1½) for each two (2) employees on the maximum working shift, one (1) for each motor vehicle maintained on the premises, plus such additional parking facilities as shall be required for the accommodation of visitors and other vehicles incidental to the operation of the business.
- 1600.9 Integrated Shopping Centers: One (1) for each one hundred fifty (150) square feet of floor space.
- 1600.10 Mortuaries or Funeral Homes: Five (5) for each room used as a chapel, slumber room or parlor or one (1) parking space for each fifty (50) square

feet of floor area of assembly rooms used for service, whichever is greater.

- 1600.11 Motels or Hotels: One (1) for each sleeping room or suite.
- 1600.12 Private Clubs or Lodges: One (1) for every five (5) members.
- 1600.13 Rest Homes, Convalescent Homes, Nursing Homes, Homes for the Aged or Similar Institutions: One (1) for each six (6) beds, one (1) for each two (2) employees on the maximum working shift, plus such additional parking facilities as shall be required for the accommodation of visitors and other vehicles incidental to the operation of the business.
- 1600.14 Retail Commercial: One (1) for each two hundred (200) square feet of floor space.
- 1600.15 Restaurants, Night Clubs, Bars, Cafes, or Similar Recreation or Amusement Establishments: One (1) for each three (3) persons of capacity.
- 1600.16 Schools (except High Schools and Colleges) and Public Buildings: Two (2) for each office and classroom and one (1) for each five (5) seats in the auditorium or similar places of assembly. Schools having a stadium shall meet the requirements or those of 1600.3 above, whichever is greater.
- 1600.17 Business or Professional Offices and Banks: One (1) for each three hundred (300) square feet of floor area.
- 1600.18 In computing the number of such parking spaces required, the following rules shall govern:
 - a. In the case of mixed uses, the parking space required shall equal the sum of the requirements of the various uses computed separately.
 - b. Where fractional spaces result, the parking spaces required shall be the nearest whole number.
 - c. The parking space requirement for uses not specifically mentioned herein shall be the same as required for a use of similar nature.
 - d. No building shall be enlarged, rebuilt or structurally altered to the extent of more than twenty-five (25) percent addition in floor area unless there shall be provided the total number of off-street parking spaces required for the original use and its enlargement.

1601 - LOCATION

Parking facilities shall be located as follows:

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

1602 - OFF-STREET TRUCK LOADING SPACES

- 1602.1 Off-street truck loading spaces as defined in Section 302 herein, shall be provided as accessory to retail, wholesale, office, and industrial buildings as prescribed in this Section.
- 1602.2 Each such space shall be easily accessible from a street without substantial interference with traffic.
- 1602.3 The surface of each such space shall be of all weather dustless material.
- 1602.4 Areas allocated to required off-street loading spaces may not be included in required off-street parking area, nor shall the off-street loading space be used for normal vehicle repair or service work.
- 1602.5 All required loading spaces shall be on the same lot as the use served, but if such spaces abut a residential district they shall be suitably screened or fenced.
- 1602.6 No loading space shall be located in a required front yard.
- 1602.7 Every building of the type described below which is hereafter built, relocated or structurally altered to the extent of more than fifty (50) percent addition in floor area, shall provide off-street truck loading spaces in accordance with the following schedule:
- a. A building whose dominant use is handling and selling goods at retail shall provide such spaces in relation to the floor area used for retail purposes as follows:

<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.
- 1603.3 Lighting used to illuminate the parking area shall be arranged as to reflect the light away from any adjoining premises.
- 1603.4 From a public street every parking area shall have access not less than eight (8) feet or more than twenty feet in width in the case of a dwelling. From a public street in all commercial districts every parking area shall have access not less than sixteen (16) feet or more than thirty (30) feet in width.
- 1603.5 No driveway aprons or curb cuts shall exceed thirty (30) feet in width in the case of a dwelling, and forty-five (45) feet in the case of all others unless prior approval for a larger apron or curb cut is obtained from the Zoning Inspector/Road Superintendent.
- 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 are to set specific conditions for various uses or areas wherein problems may occur, to alleviate such problems, and to promote the harmonious experience of property rights without conflict.

1701 – PARKING OF RECREATIONAL VEHICLES / WATERCRAFT / SNOWMOBILES

The parking or storing of any recreational vehicle, watercraft (including trailers), and snowmobiles (including trailers) in any accessory building or in a side or back yard shall be permitted in any district, provided no living quarters shall be maintained nor any business conducted in such vehicle unless otherwise stated by Subdivision Regulations.

1702 – BUFFER SCREENING AREA

Buffer screening will be required in any area where a “BI”, “BII”, “BIII”, “BIV” District, or an “I” District adjoins or abuts, or lies within one hundred (100) feet of any “R” District or if, under the provisions of this resolution, a use permitted in either a “BI”, “BII”, “BIII”, “BIV” District, or an “I” District is located on a parcel abutting or adjacent to a residential lot or parcel. A buffer screening area shall be maintained thereon by the person or persons occupying said premises in such “B” or “I” Districts.

The minimum width of such buffer screening area shall be five (5) feet when located between business and residential uses, and twenty (20) feet between industrial / manufacturing and residential uses.

Such screening shall include such things as dense plantings, tree rows, or other suitable landscape devices or techniques which are adequate to visual screen the industrial or manufacturing area from the residential area. Any such screening shall be included in the plans submitted with the application filed pursuant to these regulations. The plans for such screening shall indicate the type of screening to be utilized and a program for maintenance of the screening is of such a nature that it will be compatible with the nature and character of the residential district.

1703 – MINIMUM BUILDING SETBACK LINES

Any building erected in any district shall be so maintained and situated to provide that no portion thereof shall be closer to the center of the nearest road pavement than fifty-five (55) feet, except state and county roads which shall be ninety (90)

feet, except any building appurtenant to a non-conforming building shall be maintained and situated to provide that no portion thereof shall be closer to the center of the nearest road pavement than the existing non-conforming building erected before the adoption of this zoning resolution, and any dwelling shall also be maintained and situated to provide that no portion thereof shall be closer to the center of the nearest road pavement than the average depth of any existing dwellings within one hundred (100) feet of the proposed dwelling and fronting on the same street.

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.

- 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.
- 1704.3 The dismantling of used vehicles for sale, salvage or storage purposes.
- 1704.4 Slaughter houses and stockyards.
- 1704.5 Distilling of bones, fat, or glue; or glue or gelatin manufacturing.
- 1704.6 Shooting ranges using firearms.
- 1704.7 Wild and 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 of dead animals, except as a result from the normal use of premises, unless such disposal is done at a place and in a manner provided by the Township Trustees for such specific purpose.

1705 – PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS

No commercial vehicle in excess of one (1) ton rating shall be parked or stored on any property within a Residential District except in a completely enclosed building.

The said prohibited use shall include semi-tractors, trucks, buses, house trailers, or semi-trailers, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premise where labor using such tools, materials, and equipment is to be performed during the actual time of parking.

1706 – PONDS OR LAKES

Public or private non-agricultural ponds or lakes containing over three (3) feet of water depth shall conform to all required yard setback lines. A zoning certificate shall be required before construction is started. In no case shall a pond or lake be located closer than twenty-five (25) feet from a dwelling. Ponds or lakes shall meet standards and specifications of the Allen County Soil and Water Conservation District and Chapter 1521 of the Ohio Revised Code. When applying for a zoning certificate the applicant shall be required to submit to the Zoning Inspector a copy of the proposed pond or lake plans which have been reviewed and stamped approved by the Allen County Soil and Water Conservation District.

1707 - SETBACK REQUIREMENTS FOR BUILDING ON CORNER LOTS

The principal building and its accessory structures located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

1708 - REGULATION OF SWIMMING POOLS AS ACCESSORY USES

1708.1 Public or private in-ground or above-ground swimming, wading, or other pools containing more than three (3) feet of water depth shall be considered a structure for the purpose of this Resolution. Pools shall not be located in the front yard and shall conform to all the required yard setback requirements. The construction, plumbing, and electrical requirements, inspection, and other safety facilities shall be regulated by all applicable County and / or State Codes.

1708.2 Every pool, as defined, shall be completely surrounded by a fence or wall not less than four (4) feet in height. Such fence shall be constructed so as to have no openings, holes, or gaps larger than three (3) inches in any dimension. Doors and gates shall be equipped with suitable locking devices to prevent unauthorized intrusion. An accessory building may be used in or as part of such enclosure providing it complies with all provisions of this Resolution. Pools above ground having vertical surfaces of at least four (4) feet in height shall be required to have fences and gates only at locations of access to the pool.

1709 - ARCHITECTURAL PROJECTIONS

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

1710 - OBSTRUCTION TO ROADWAY VISIBILITY

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

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

1711 - SETBACK REQUIREMENTS FOR BUILDINGS ON CORNER LOTS

The principal building and its accessory structures located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

1712 - PRINCIPAL BUILDING PER LOT

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

1713- CONVERSION OF DWELLING TO MORE THAN ONE UNIT

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

- 1713.1 The conversion is in compliance with all other local codes and resolutions, and any applicable State or Federal regulations;
- 1713.2 The district within which the residence is located is so regulated as to allow such an increase in dwelling units;
- 1713.3 The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
- 1713.4 The lot area per family meets the lot area requirements for new structures in that district;

- 1713.5 The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and,
- 1713.6 The conversion is in compliance with all other relevant codes and resolutions.

ARTICLE XVIII

SIGN AND SIGNAGE

1800 - PURPOSE

The purpose of this section 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 direction, 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, 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.

1801 - DEFINITION

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 this section unless specifically exempted in this Article.

1802 – ZONING PERMIT REQUIRED

The erection or location of any sign within Shawnee Township shall require a Permit unless otherwise specified within this Article. Each Application for a Permit to erect a temporary or permanent sign shall be accompanied by a drawing showing the design proposed, the size, style, color, and lettering type, lines and symbols, method of illumination and who is responsible for maintenance. In addition, the details and specifications for construction shall be described including the exact location of the sign in relation to the building and property.

1802.1 Fees: The applicant for a Permit herein shall pay such fees as is prescribed by the Shawnee Township Trustees.

1802.2 Inspection: All signs and billboards erected within the Township are subject to inspection, whether a Permit is required or not, prior to and

after 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 order the removal of any sign or billboard that is not maintained in accordance with the provisions of this Resolution.

- 1802.3 Removal of Signs: The Township Zoning Inspector shall effect removal of any illegally placed sign and its supporting structures within the right-of-way of any road within the Township, or sign for which nor required Permit has been issued. The Zoning Inspector shall reasonably retain said sign and shall attempt to notify the owner thereof of its location. If the owner of any sign fails to claim the same within forty-five (45) days after notice by the Zoning Inspector, said sign may be destroyed.

Any abandoned sign that no longer applies to the property on which it is situated, or a dangerous or materially, electrically or structurally defective sign shall be declared a public nuisance and the procedure for removal of signs shall be applied.

1803 – GENERAL REQUIREMENTS

The following restrictions shall apply to all signs located and erected within the Township regardless of type, style, location, design or other classification:

- 1803.1 Stability: Display 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.
- 1803.2 Location: No sign shall be located nor project into the right-of-way of any public or private road within the Township. Sign shall not prevent free ingress to or free egress for any door, window or fire escape. Said sign or signs shall be located in strict compliance with this Resolution, or in strict compliance with Article 1810 of the Shawnee Township Zoning Resolution.
- 1803.3 Lighting: If illuminated, signs shall be illuminated only by the following means:
- a. By a white steady, stationary light of reasonable intensity, directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

b. By white interior light of reasonable intensity with logos and/or letters lit or silhouetted on a translucent background. No additional lighting shall be permitted.

c. Non-flashing neon.

1803.4 Lettering: There shall be not more than two (2) types nor more than three (3) sizes of lettering used for any sign including characters or trademarks used for identification.

1803.5 Signs: Signs shall not use the words “ STOP”, “LOOK”, “DANGER”, or other similar words that may mislead or confuse traffic.

1803.6 Colors: Any three (3) colors, plus black and white, may be used on any sign.

1803.7 Sight Interference: No sign shall be permitted in Shawnee Township that interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares.

1803.8 Maintenance: All sign surfaces, supports, braces, guys and anchors shall be kept in a proper state of repair and preservation.

1803.9 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.

1803.10 Height: No sign shall be erected to a greater height than permitted by the specific provisions of this Resolution and in compliance with Article 1810. If no maximum height is otherwise set forth, no sign shall be erected at a height greater than fifteen (15) feet.

1803.11 Visibility: Any interior window sign visible from the outside shall be considered an exterior sign and shall be subject to all provisions of the Shawnee Township Zoning Code.

1804 – PERMITTED SIGNS – NO PERMIT REQUIRED

The following signs shall be permitted in the Township subject to the regulations set forth herein. No permit shall be required for any sign constructed or erected under the terms of this article. Under no circumstances shall the signs be located in the road right-of-way nor illuminated in any manner. No sign shall have more than two (2) sides. All signs shall comply with requirements listed in Article 1810.

1804.1 Signs For Sale, Lease, or Rent of the premises for parcels less than or equal to 15 acres on which the sign is located. Not more than two (2)

signs shall be displayed on any lot or parcel. 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 on parcels greater than fifteen (15) acres.

- 1804.2 Vehicular Signs: Directional or other incidental signs pertaining to vehicular or pedestrian control on private property, provided the said signs are located outside the right-of-way of any public street or road, shall be permitted provided said signs do not exceed two (2) square feet of area per side, do not exceed three (3) feet in height, and do not interfere or obstruct visibility when entering or leaving said property.
- 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 Political Signs: The erection of political signs shall be permitted in any district of the Township provided the said signs are located outside the right-of-way and that said signs:
- a. Shall not interfere with visibility of traffic entering or leaving the highway.
 - b. Are erected or posted not more than sixty (60) days prior to an election and are removed within seven (7) days following said election.
 - c. Are capable of posting and removal without destruction of public or private property.
 - d. Are not attached to any structures including utility poles, light poles, and fences.
 - e. Designate the name and address of the political candidate and committee charged with removal of the sign.
 - f. Shall not exceed thirty-two (32) square feet in area per side.
- 1804.5 Temporary Signs announcing special public or institutional events may be located upon the premises on which the event is to take place. Such signs include signs advertising a grand opening, seasonal event, or a community event. Such signs shall not exceed thirty-two (32) square feet in area per side and shall not be permitted more than thirty (30) days prior to the planned event nor more than seven (7) days after said event. Such

sign shall designate the name and address of the person charged with the duty of removing said sign. No more than two (2) signs shall be permitted on any one (1) lot or parcel of land. The location of the sign shall be in conformance with the requirements of Article 1803. No one sponsor shall display such promotional signs for more than ninety days in any one year.

- 1804.6 Agricultural Use Signs denoting the name and address of the occupants denoting produce or products for sale on the premises and denoting membership in organizations. No more than two (2) signs of any type may be permitted. Advertising signs may not exceed thirty-two (32) square feet of area per side and all other signs shall be limited to six (6) square feet per side.
- 1804.7 Business/Professional Signs: One (1) sign having not more than 4 square feet of display area on or over a show window or door of a store or business establishment, announcing without display or elaboration, only the name of the proprietor and the nature of his business.
- 1804.8 Public Use Facilities: Signs designation public uses or facilities shall be in conformity with this Resolution.
- 1804.9 Each and Every Premises within Shawnee Township shall be easily identified by street numbers visible from the street to assist Fire and Rescue Personnel.
- 1804.10 Historical Signs, Commemorative Plaques or Cornerstones placed by recognized historical agencies provided that such signs are less than nine (9) square feet in area and not illuminated.
- 1804.11 Yard, Garage, or Moving Sales: A sign advertising the sale of personal property may be temporarily erected on the same lot as the sale provided such sign is not located in the right-of-way of any public street or road and shall not interfere or obstruct visibility when entering or leaving property. The signs must be removed on the last day of the sale, not to exceed seven (7) days.
- 1804.12 Construction Signs: Signs identifying a construction project may be temporarily erected upon the same lot as the project. Such signs shall be permitted only for the length of the construction project or for eighteen (18) months shall be subject to approval be the Zoning Inspector. Construction signs shall contain only the name of the construction project, the construction firm(s), the engineer, the architect and/or lot number. Signs can be erected up to 60 days maximum prior to the beginning of construction. Only one (1) construction sign shall be permitted per project. Maximum sign area permitted shall be six (6)

square feet for each single dwelling unit for residential structures up to a maximum of thirty-two (32) square feet per side for all principal structures. All signs shall be set back from the street right-of-way per Article 1018.

- 1804.13 Signs for Home Occupations: One (1) sign per residence no larger than four (4) square feet shall be permitted for the purpose of announcing a home occupation which has complied with all of the requirements of the Shawnee Township Zoning Resolution.
- 1804.14 Property Control Signs: (No Hunting, Keep Off the Grass, etc.) shall be permitted not to exceed two (2) square feet in size.
- 1804.15 Window Signage with a total area of less than two (2) square feet and bearing only information about entry and exit, business hours and/or discount and credit systems accepted in that establishment (e.g., American Express, Mastercard, Visa, Golden Buckeye Card).
- 1804.16 Signs incorporated into a window display of a business other than those addressed in Article 1804.15, provided such window display signs are:
 - a. Limited to ten percent (10%) of the total first floor window area up to a maximum of four (4) square feet, with no more than one (1) such sign per window.
 - b. Placed only in ground level windows.
 - c. Illuminated only from a concealed source, and in accordance with Article 1804.7.
- 1804.17 Flags, pennants, or insignia of any nation, state, city, or other political unit.
- 1804.18 Signs of a duly constituted governmental body, including traffic or similar regulatory services, legal notices, or warnings at railroad crossings.
- 1804.19 Signs for the promotion of school, community service or church activities for a maximum period of thirty (30) days per activity. No one sponsor shall display such promotional sign for more than ninety (90) days in any one year.

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 15 acres one (1) sign not to exceed twenty-four (24) square feet per side and height as determined by Article 1803. Signs identifying a property for sale, rent, or lease may be placed on-site until thirty (30) days after occupancy. Where a parcel has frontage on two (2) or more roads, one (1) sign may be permitted on each road on review of the Zoning Inspector. Such signs shall not be illuminated and shall be set back from public right-of-way a minimum of ten (10) feet. Said signs may remain on a premise for a period not to exceed eighteen (18) months without renewal.
- 1805.2 Subdivision Sale Signs: One sign providing information on the sale of lots within an approved and recorded subdivision may be placed upon the property 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 location and telephone number of the sales office. Where a parcel has frontages on two (2) or more roads, one (1) sign may be permitted on each road on review of the Zoning Inspector. All such signs shall not exceed thirty-two (32) square feet and shall be set back from the right of way a minimum of ten (10) feet.
- 1805.3 Model Home Signs: One (1) sign per model home providing information on the builder, telephone number, and hours of operation. Signs shall be no more than six (6) square feet per side, no more than two (2) sides and may be placed on the property until ninety (90%) percent of the lots within the subdivision are sold. Two (2) such signs shall be limited to entrances along major thoroughfares and shall not obstruct the visibility at any intersection. Such signs shall contain only the name of the subdivision they identify. Signs shall not exceed six (6) feet in height, and shall not obtain any advertising of products or changeable copy, nor shall they be portable signs on wheels. Within any zoning district, any sign not specifically permitted in this Article shall require a variance or conditional use permit from the Board of Zoning Appeals.
- 1805.4 Permanent Subdivision Identification Signs in all zoning districts shall be limited to entrances along major thoroughfares and shall not obstruct the visibility at any intersection. The signs shall not exceed eight (8) feet in height, nor shall they exceed thirty-two (32) square feet on either side, and shall be landscaped. Identification signs shall not contain any advertising of products or changeable copy, nor shall they be portable signs on wheels within any district.
- 1805.5 Bulletin Boards: Permanent bulletin boards with changeable copy shall be permitted for the following non-public owned and operated buildings

and facilities provided the signs do not exceed twelve (12) square feet in size and otherwise meet the other requirements of this article: churches, private schools, and colleges, or as required by law.

1805.6 Business or Manufacturing Display Signs: All display 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 and shall not exceed sixty-four (64) square feet. All such signs shall be parallel to the wall on which they are installed, and shall not project more than eighteen (18) inches from such wall.

1805.7 Free Standing Signs in Business and Manufacturing Districts: A sign supported by posts, pillars, and columns or other structures shall be permitted based on the following conditions:

- d. The maximum height of such sign shall not exceed thirty (30) feet above the difference in elevation between the centerline of the closest roadway and the top of the sign.
- e. Not more than one (1) free-standing sign may be authorized for any on (1) operation or establishment. Where more than one (1) or more establishment is located on a single tract of land, having an entrance or parking area or areas used in common by the customers of such operations or establishments, only one (1) free standing sign may be authorized for the entire tract. The existence and boundaries of such tract shall be determined by community of use, rather than by the ownership thereof, it being intended by this provision to limit each operation, establishment of similar joint operation to one (1) free standing sign, EXCEPT in the case of an operation or establishment that is contiguous to two (2) streets in which case one (1) free standing sign, fronting on each street, may be authorized by the Shawnee Township Zoning Inspector.
- f. No part of such sign will be closer to any street right-of-way line than fifteen (15) feet. No sign or its supporting structure shall be any

closer to any other property line than the applicable building setback line.

- g. The function of such sign shall be relevant to the use of the property on which it is located.

1806 – CONDITIONALLY PERMITTED SIGNS – PERMIT REQUIRED

Any sign not specifically permitted in this Article XVIII shall require a variance or conditional use permit from the Board of Zoning Appeals as provided in Article VII and VIII 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.
- 1807.3 Moving or rotating signs, portable signs, portable billboards, pennants, streamers, spinners, banners, flashing lights, fluctuating lights, blinking lights, intermittent lights, string of lights, “A” frame signs and billboards or inflatable and/or floating attraction devices, animation of signs and other similar devices as specifically used for advertising purposes.
- 1807.4 Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
- 1807.5 No sign or billboard shall be painted directly upon the roof of any building or structure EXCEPT identification signs on agricultural buildings.
- 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 utility poles, bus shelters, benches, trash receptacles, newspaper vending machines or boxes 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 premise or on a lot for the purposes of advertising a business, product, service, event, object, location, organization or the like.

1807.9 No sign shall be located on a vacant lot, EXCEPT for the purpose of advertising the lot for sale, lease, or for such purpose as the notification of a present danger or the prohibition of trespassing.

1808 – ABANDONED SIGNS:

If any sign or billboard shall become abandoned or defective 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:

- 1808.1 Any sign or billboard associated with an abandoned non-conforming use.
- 1808.2 Any sign or billboard that remains after the termination of a business. A business has ceased operation if it is closed to the public for at least one hundred eighty (180) days. Seasonable businesses are exempt from this determination.
- 1808.3 Any sign or billboard that is not maintained in accordance with this Resolution.
- 1808.4 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.

When the Zoning Inspector finds upon investigation, that a sign or billboard has been abandoned or defective as defined herein, he/she 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 in need of repair and must be removed within thirty (30) days from the date of the said notice at the owner's expense. The owners may appeal such decision to the Board of Zoning of Appeals as provided in Article VII.

Any sign and its supporting structure that has been found to be abandoned or defective may not be replaced without obtaining a new permit and complying with the requirements of Article XVIII.

It shall be the duty of the Zoning Inspector to maintain a photograph and file of said sign together with the written report of his/her findings for submission to the Board of Zoning Appeals upon request. If the sign is not removed as ordered, the same shall be removed by the Township at the expense of the lessee or owner.

1809 – NON-CONFORMING SIGNS OR BILLBOARDS:

Any sign or billboard in existence within the Township prior to the effective date of this Resolution that does not conform with the provisions of this Article is considered to be non-conforming.

A non-conforming sign shall not be relocated unless it is brought into compliance with the provisions of this Article. A non-conforming sign shall be maintained or repaired in accordance with the following provisions:

- 1809.1 The size and structural shape shall not be changed or altered.
- 1809.2 The copy may be changed provided that the change applies to the original non-conforming use associated with the sign or billboard, that the change is made by the owner of the sign or billboard at the time the sign became non-conforming, the copy area shall not be enlarged, and that a zoning certificate has been issued.
- 1809.3 In the case where damage occurs to the sign, its supporting structure, or billboard to the extent of fifty percent (50%) or more of either the structure or the replacement value of the sign, the sign, its supporting structure, or billboard shall be brought into compliance.

Where the damage to the sign or billboard is less than fifty percent (50%) of the structure or its replacement value, the sign, its supporting structure or billboard shall be repaired within one hundred twenty (120) days or it shall be deemed abandoned.

SIGN AREA, HEIGHT AND SETBACK REQUIREMENTS

SIGN TYPE	ZONING DISTRICT							REQUIREMENTS				
	A & I	R .. I	R .. II	R-III, R-IV, & PUD	B-I, B-II, B-III, B-IV	I	Maximum Size	Maximum Height	Setback from Right-of-way	Permit Required ?	Number of Signs Allowed	NOTES
For Sale, Lease or Rent	Y	Y	Y	Y	Y	Y	6 SF	4'	1'	NO	2	Non-illuminated
Real Estate on 15 acres +	Y	Y	Y	Y	Y	Y	24 SF	8'	10'	YES	1	Non-illuminated
Vehicular Signs	N	N	N	Y	Y	Y	2 SF	3'	1'	NO	---	
Name & Address Signs	Y	Y	Y	Y	Y	Y	2 SF	8'	1'	NO	1	
Political Signs	Y	Y	Y	Y	Y	Y	6 SF	4'	1'	NO	---	
Temporary Announcement Signs	Y	N	Y	Y	Y	Y	32 SF	8'	10'	NO	2	
Agricultural Use Signs	Y	N	N	N	N	N	6 SF	4'	1'	NO		2 Total
Advertising for Agriculture	Y	N	N	N	N	N	32 SF	8'	10'	NO		
Business/Professional Signs	Y	Y	Y	Y	Y	Y	4 SF	8'	ON BLDG.	NO	1	
Historical/Commemorative	Y	Y	Y	Y	Y	Y	9 SF	8'	1'	NO	1	Non-illuminated
Yard, Garage or Moving Sale	Y	Y	Y	Y	Y	Y	6 SF	4'	1'	NO	1	7 days maximum
Construction -single residence	Y	Y	Y	Y	Y	Y	6 SF	4'	1'	NO	1	
Construction-major structure	Y	Y	Y	Y	Y	Y	32 SF	8'	10'	NO	1	
Home Occupation Signs	Y	Y	Y	Y	Y	N	4 SF	8'	ON BLDG.	NO	1	Non-illuminated
Property Control Signs	Y	Y	Y	Y	Y	Y	2 SF	3'	1'	NO	---	
Window signs w/hours & credit information	N	N	N	N	Y	Y	2 SF	8'	ON BLDG.	NO	1	
Signs in Window Display	N	N	N	N	Y	Y	4 SF	8'	ON BLDG.	NO	1/WINDOW	
Subdivision Sale Signs	N	Y	Y	Y	Y	N	32 SF	8'	10'	YES	1	
Model Home Signs	N	Y	Y	Y	Y	N	6 SF	6'	10'	YES	1	
Permanent Subdivision Identification	N	Y	Y	Y	N	N	32 SF	8'	10'	YES	2	
Bulletin Boards	Y	N	Y	Y	Y	Y	12 SF	8'	10'	YES	1	
Business or Industrial Display Signs	N	N	N	N	Y		64 SF	15'	ON WALL	YES	1	
Free Standing Signs	N	N	N	N	Y	Y	64 SF	30' (A)	10'	YES	1	

N=Not Permitted

Y=Permitted

(A) Refer to 1805.7 for measurement parameters.

ARTICLE XIX

AREA AND BULK REQUIREMENTS

1900 - RESIDENTIAL AND AGRICULTURAL DISTRICTS

SCHEDULE OF REGULATIONS

Zoning District	Number of Dwelling Units	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area Per Family Unit (Sq. Ft.)	Minimum Lot width (C) (Feet)	Minimum Front Lot Line (Feet)	Minimum (Front) Setback (D) (Feet)	Yard Setback (Side) (Feet)	Yard Setback (Rear) (Feet) (F)	Min. Floor Area Per Dwelling Unit (Sq. Ft)	Max. Height of Structure (Feet)
R-I	1	12,150 (A) 20,000 (B)	12,150 (A) 20,000 (B)	90	50	55 90 (E)	8 Each	35	1,300	35
R-II	1	12,150 (A) 20,000 (B)	12,150 (A) 20,000 (B)	90	50	55 90 (E)	8 Each	35	1,300	35
	2	13,125 (A) 25,000 (B)	6,562 (A) 12,500 (B)	90	50	55 90 (E)	8 Each	35	1,000	35
R-III	2	13,125 (A) 25,000 (B)	6,562 (A) 12,500 (B)	90	50	55 90 (E)	8 Each	25	1,000	35
	3 or 4	15,750 (A) 30,000 (B)	3,937 (A) 7,500 (B)	90	50	55 90 (E)	8 Each	25	1,000	35
R-IV	5 or more	18,000 (A)	3,600 (A)	90	50	55 90 (E)	12 Each	25	750	35
A	1	12,150 (A) 43,560 (B)	12,150 (A) 43,560 (B)	90	50	55 90 (E)	8 Each	35	1,300	35

- (A) With Central / Public Sewage System.
- (B) With Private Sewage System.
- (C) Measured From The Building Line.
- (D) Measured From The Center Of Road Pavement.
- (E) On State And County Roads.
- (F) Applies To The Main Building Only. Accessory Structures Must Be Placed 8 Feet From The Rear Lot Line.

AREA AND BULK REQUIREMENTS

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)	Yard Setback (Side)	Yard Setback (Rear) (F)	Max. Height of Structure (Feet)
B-I	0	10,000 (A) 20,000 (B)	90	50	55 90 (E)	15 (G)	20 (G)	40
B-II	0	10,000 (A) 20,000 (B)	90	50	55 90 (E)	15 (G)	20 (G)	40
B-III	0	20,000	90	50	55 90 (E)	15 (G)	20 (G)	40
B-IV	0	20,000	90	50	55 90 (E)	15 (G)	20 (H)	50
I	0	20,000	90	50	55 90 (E)	15 (G)	20 (H)	(I)

- (A) With Central/Public Sewage System.
- (B) With Private Sewage System.
- (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 Have A Minimum Rear Setback Of Five (5) Feet.
- (G) Except Forty (40) Feet Where Abutting A Residential District.
- (H) Except Sixty (60) Feet Where Abutting A Residential District.
- (I) Intentionally Left Blank.