THE AMERICAN TOWNSHIP ZONING RESOLUTION
ALLEN COUNTY, OHIO

Prepared by:
American Township Zoning Commission
&
Adopted by American Township Board of Trustees

American Township Administration Building
102 Pioneer Rd.
Lima, Ohio 45807

AMENDED & ADOPTED BY BOARD OF TOWNSHIP TRUSTEE BY RESOLUTION:

FEBRUARY 11, 2021
JANUARY 8, 2024
AUGUST 28, 2024
SEPTEMBER 8, 2025
FEBRUARY 9, 2026

PREAMBLE

A Resolution of American Township of Allen County, Ohio, enacted in accordance with Chapter 519 of the Ohio Revised Code, dividing the unincorporated area of American Township into zones and districts, encouraging, regulating, and restricting therein the locations, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-way; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this Resolution, defining the powers and duties of the administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in this Resolution or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare; and, for the repeal thereof.

Therefore be it resolved by the Township Trustees of American Township, Allen County, State of Ohio, that a Zoning Resolution be adopted to provide for the division of the American Township, Allen County, Ohio, into districts for the purposes of limiting and the regulation of height, bulk and location, including percentage of lot lines and area and dimensions of yards, courts and other open spaces and the uses of buildings and other structures and to provide procedure for the change of such districts as may from time to time be required.

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The purpose of this exterior property maintenance code is to protect the public health, safety, morals, and general welfare as it pertains to premises and buildings used for residential, commercial, and industrial purposes. This protection is hereinafter provided by:

- Establishing minimum standards for maintaining residential, commercial, and industrial environmental quality to preserve and achieve the presentable appearance of existing structures and premises; avoiding blighting effects of the substandard maintenance of structures and premises and its negative impact on the value of surrounding properties; and eliminating hazardous conditions.

- Fixing the responsibilities of owners, operators, and occupants of structures and their premises; and

- Providing for enforcement measures, through counseling, courtesy notices, violation notices, and issuance of administrative citations and civil penalties and fines to provide a means of compliance to the zoning regulations.

The exterior maintenance property code supplements the zoning resolution, as not everything can be addressed in each chapter and section of the resolution. The property code addresses structural issues, as well as specific concerns for grass / weed abatement, junk and inoperable motor vehicles, junk and discarded items on properties, and other concerns within residential, commercial, and industrial properties.

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ARTICLE 1

GENERAL PROVISIONS

1.0 TITLE

This Resolution shall be known, and may be cited and referred to as, the "American Township Zoning Resolution" and shall include the Resolution as originally adopted in 1951, and all subsequent amendments thereto.

1.1 PURPOSE

The purpose of this Zoning Resolution shall be as established and provided for in Section 519.02 of the Ohio Revised Code.

1.2 APPLICABILITY

This Resolution has been passed under the authority granted to the Township under Chapter 519 of the ORC and embraces the provisions thereof regarding enforcement and penalties for violations.

1.3 JURISDICTION

1.3.1 The provisions of this Resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of American Township, Allen County, Ohio.

1.3.2 Where a parcel of land is partially located within another jurisdiction, outside of unincorporated American Township, this Zoning Resolution shall only apply to that portion of the parcel that is within unincorporated American Township.

1.4 INTERPRETATION AND CONFLICTS

1.4.1 For purposes of interpretation and application, the provisions of this Zoning Resolution shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity, or general welfare as permitted by the ORC and this Resolution.

1.4.2 When the provisions of this Zoning Resolution are inconsistent with one another or with the provisions found in another adopted Resolution, the more restrictive provision shall govern as determined by the Zoning Compliance Officer.

1.4.3 Where this Zoning Resolution imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations or Resolutions, the provisions of this Zoning Resolution shall control provided it complies with the ORC.

1.5 RELATIONSHIP TO THIRD- OR PRIVATE-PARTY AGREEMENTS

1.5.1 This Zoning Resolution is not intended to interfere with or abrogate any easements, covenants, or agreements between parties, provided that wherever this Zoning Resolution proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those that are imposed or required by such easements, covenants, or agreements between parties, the provision of this Zoning Resolution shall govern.

1.5.2 Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage waterways within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot except for those improvements for which a public authority or utility is responsible.

1.6 RELATION TO OTHER LAWS, RULES AND REGULATIONS

1.6.1 The provisions of these regulations shall supplement any and all laws of the State of Ohio, the Allen County Board of Commissioners, and American Township Trustees, and all rules and regulations promulgated by authority of any such law or resolution relating to the purpose and scope of these regulations.

1.6.2 Whenever the requirements of these Regulations are at variance with requirements of any other lawfully adopted rules, regulations, ordinances or resolution, the most restrictive or that imposing the higher standards shall govern. Addressing only the requirements associated with Township Zoning does not relieve the applicant of responsibility for obtaining all subsequent permits and/or approvals.

1.6.3 Additional regulations and permits may include but are not limited to those listed below.

- American Township Comprehensive Plan.
- Allen County, Ohio Stormwater Management & Sediment Control Regulations and Design Specifications.
- Allen County Subdivision Regulations.
- Allen County Floodplain Regulations.
- Allen County Illicit Discharges to the Separate Storm Sewer System.
- Allen County Public Health District. Wells, Plumbing and Household Sewage Treatment.
- OEPA - Authorization of Stormwater Discharges Associated with Construction Activity - Proof of compliance will consist of an OEPA Notice of Intent (NOI), prior to issuance of a Zoning Permit.
- OEPA - Municipal Separate Storm Sewer System – NPDES Phase II permit.
- Clean Hard Fill permit program and Notice of Intent to Fill.
- Allen County Floodplain Management Regulations.
- Federal Emergency Management Agency (FEMA).
- All other local, state and federal requirements.

1.6.4 Construction activities disturbing one-1 or more acres of total land or will during construction disturb less than one-1 acre of land but are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land the applicant must submit an application for a SWP3 for approval by the Allen County Engineers Office. Approval letter shall be attached to the construction permit application that is being submitted to the Township.

1.7 ZONING CERTIFICATE REQUIRED

1.7.1 It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning certificate is issued by the Zoning Inspector in accordance with the provisions of this Zoning Resolution.

1.7.2 Such zoning certificate shall state that such buildings, premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this Zoning Resolution.

1.8 APPROVAL OF SANITARY WASTEWATER DISPOSAL AND WATER

In every instance where a lot is not serviced with public water and/or a public system for the disposal of sanitary wastes, the application for a permit shall be accompanied by a certificate or letter of approval by the Allen County Public Health District or the Ohio Environmental Protection Agency, as applicable, of the proposed method of water supply and/or disposal of sanitary wastes.

1.9 SEVERABILITY

If any court of competent jurisdiction invalidates any provision of this Zoning Resolution, then such judgment shall not affect the validity and continued enforcement of any other provision of this Zoning Resolution.

If any court of competent jurisdiction invalidates the application of any provision of this Zoning Resolution to a particular property, structure, or situation, then such judgment shall not necessarily affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.

If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not necessarily affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.
Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or Board considered such condition or limitation necessary to carry out the spirit and intent of this Zoning Resolution, and that the officer, commission, or Board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

1.10 EXEMPTIONS FOR PUBLIC UTILITIES AND RAILROADS

Per Section 519.211(A) of the ORC, no part of this Zoning Resolution shall confer any power on the Board of Township Trustees, ZC, or BZA, to regulate the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility (As regulated by the Public Utilities Commission of Ohio, P.U.C.O.) or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business.

1.11 GOVERNMENTAL FUNCTIONS

Any local, State or Federal activity carried on, for the purpose of administrative, protective, executive, legislative, or judicial function shall not be prohibited.

1.12 AGRICULTURE

Per Ohio Revised Code 519.01: As used in sections 519.02 to 519.25 of the Revised Code, "agriculture" includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Per Section 519.21 | Powers not conferred on township zoning commission by chapter:

a. Except as otherwise provided in divisions (B) and (D) of this section, sections 519.02 to 519.25 of the appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.

b. A township zoning resolution, or an amendment to such resolution, may in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

    1. Agriculture on lots of one acre or less;

    2. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: set back building lines; height; and size;

    3. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Revised Code. After thirty-five per cent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.19 of the Revised Code.

    Division (b.) of this section confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.

c. Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for:

    1. A farm market where fifty per cent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.

2. Biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the Revised Code for real property tax purposes. As used in division (C)(2) of this section, "biodiesel," "biomass energy," and "electric or heat energy" have the same meanings as in section 5713.30 of the Revised Code.

3. Biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the Revised Code for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten British thermal units, five megawatts, or both.

4. Agritourism. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to agritourism, except farm markets as described in division (C)(1) of this section, as size of a structure used primarily for agritourism, size of parking areas that may be required, setback building lines for structures used primarily for agritourism, and egress or ingress where such regulation is necessary to protect public health and safety.

Nothing in division (C)(4) of this section confers power on a township zoning commission, board of township trustees, or board of zoning appeals to require any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.

Nothing in division (C)(4) of this section confers power on a township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land or the construction or use of buildings or structures that are used primarily for vinting and selling wine that are located on land any part of which is used for viticulture as provided in division (A) of this section.

d. Nothing in this section prohibits a township zoning commission, board of township trustees, or board of zoning appeals from regulating the location of medical marijuana cultivators, processors, or retail dispensaries or from prohibiting such cultivators, processors, or dispensaries from being located in the unincorporated territory of the township.

1. As used in division (c)(3) of this section, "biologically derived methane gas" has the same meaning as in section 5713.30 of the Revised Code.

2. As used in division (c)(4) of this section, "agritourism" has the same meaning as in section 901.80 of the Revised Code.

1.13 TRANSITIONAL RULES

1.13.1 Effective Date

This Resolution was initiated and became effective in 1951. Any amendments to this Zoning Resolution shall be in full force and effect as provided in Section 519.12 of the Ohio Revised Code.

1.13.2 Violations Continue

Any violation under previous Zoning Resolutions that existed in the Township prior to the adoption of this Zoning Resolution shall continue to be a violation under this Zoning Resolution and is subject to penalties and enforcement under the provisions of this article, unless the use, development, construction, or other activity complies with the provisions of this Zoning Resolution.

1.13.3 Nonconformities Continue

Any legal nonconformity that exists at the time of the enactment of this amendment shall continue to be a legal nonconformity under this Zoning Resolution, as long as the situation that resulted in the nonconforming status under the previous Resolutions continues to exist.

If a legal nonconformity that exists at the time of the enactment of this amendment becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the non-conformity regulations.

1.13.4 Approved Projects

Any building, structure, or development for which a zoning certificate, conditional use approval, or variance approval was issued prior to the effective date of this Zoning Resolution may, at the applicant's option, be completed in conformance with the issued permit or approved use along with any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this Zoning Resolution. Such building, structure, or development shall be considered a legal nonconforming use upon the issuance of an Occupancy Permit from the Lima / Allen County Department Building Department.

If the building or structure is not completed within the time allowed under the original zoning certificate, conditional use approval, or variance approval or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this Zoning Resolution. Any application for a project where the zoning certificate, conditional use approval, or variance approval has expired shall meet the standards in effect at the time of application.

Any preliminary development application approved as part of a Residential Planned Unit Development District (R-PUD) prior to the effective date of this Zoning Resolution shall continue to be valid for two years. If a final development application is not submitted within two years of the effective date of this Zoning Resolution, the preliminary development application shall be deemed null and void and a new preliminary development application will need to be reviewed and approved pursuant to the Planned Unit Development District regulations.

1.14 NEW SUBDIVISION / SUB-DIVISION OF LAND / LOTS

The subdivision or re-subdivision of land shall not create lots less than the minimum lot size as required for the Zoning District in which such land is located.

1.15 NEW BUILDING CONSTRUCTION AND USES

New structures and/or developments shall be permitted only on lots subdivided to meet the requirements of this Zoning Resolution and in accordance with the Subdivision Regulations of Allen County, Ohio, and shall conform with the development standards of the Zoning Districts in which such construction is permitted, except as is otherwise provided for in the non-conforming lots section.

Nothing contained in this Resolution shall require any change to the plans, construction, size, or designated use of a building upon which construction commenced prior to the effective date of this Resolution or any applicable amendments hereof. The ground story framework of such a building, including structural parts of any second floor thereof, shall be completed within one (1) year, and the entire building completed within eighteen (18) months, following the effective date of this Resolution or applicable amendments hereto, in order for the Zoning Resolution to require any change to the plans, construction, size, or designated use of such a building.

The Zoning Inspector will require proof of the new placement structure in the form of a foundation location survey. The foundation location survey shall be submitted prior to any further construction. The Zoning Inspector may also require proof in the form of an Affidavit or other similar documents that the original intended use of the building has not been changed.

1.16 RESTORATION OF UNSAFE BUILDINGS

Nothing herein shall be construed as preventing the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Lima Allen County Building Department, American Township Fire Chief or the Allen County Health Department.

1.17 REPEAL

This Zoning Resolution may be repealed in accordance with Section 519.25 of the Ohio Revised Code.

ARTICLE 2

INTERPRETATION AND DEFINITION OF TERMS AND WORDS

2.0 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.

2.1 INTERPRETATION OF TERMS OR WORDS

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

2.1.1 The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;

2.1.2 The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied;"

2.1.3 If such definition is not found within Article 2.2, refer to the Ohio Revised Code for appropriate definition.

2.2 DEFINITION OF TERMS OR WORDS

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

Abutting: Abutting shall mean bordering.

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

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

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, aquaculture, horticulture, hydroponics, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for housing, treating or storing the produce, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

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

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

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

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

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

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

Apartment: See DWELLING UNIT.

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

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

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

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

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

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

Barrow Pit: Construction area created to remove earthen material from a location site, which will be used to fill at another location. The open excavated site is called a barrow pit. Excavation of the site shall further be in compliance with floodplain regulations, as well as storm water and sediment control regulations, if applicable.

Basement: That portion of a building the floor of which is more than two (2) feet below grade and the ceiling of which is more than four (4) feet, six (6) inches above grade. A basement shall be included for purposes of bulk and height measurement if used for selling or business purposes.

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

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

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

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

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

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

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

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

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

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

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

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

Certificate of Occupancy: A statement signed by the Local Building Inspector or Fire Inspector setting forth that the structure conforms to at a specific location complies with the Ohio Basic Building Code and the Ohio Fire Code in force at the time of plan approval. The Certificate of Occupancy shall conform with The Ohio Building Code Section 111 and state the maximum occupancy of any area in the structure and poste in a conspicuous place in the structure as required by the Ohio Fire and Ohio Building Codes.

Certificate of Zoning Compliance aka Zoning Certificate: A permit issued by the Zoning Inspector stating that the occupancy of any use, lot building, or premise which has been created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure conforms to the requirements of this Resolution.

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

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

a. Child Day-Care Center: Any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at any one 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 purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A Family Day-Care Home" does not include a residence in which the needs of children are administered to if all such children are siblings of the same immediate family, and the residence is their home.

c. Type B Family Day-Care Home: A permanent residence of the provider in which child day-care or child day-care services are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age 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 the provider and are on the premises of the Type B home shall be counted. The term "Type B Family Day-Care Home" does not include a residence in which the needs of children are administered to if all such children are siblings of the same immediate family and the residence is their home.

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

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

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

Commercial Storage Facilities: To include the necessary grounds and structures for the commercial housing of goods. The storage of goods, materials and personal property are permitted; however, storage is restricted to inanimate objects. Flammable or hazardous chemicals and explosives are prohibited. Appropriate landscaping, security, lighting and building height shall comply with the established criteria as documented elsewhere in this resolution. Any exterior storage of goods including automobiles, travel trailers, boats, and/or equipment shall be suitably screened so as not to be visible from the adjacent properties or roadway. Storage facilities should not be confused for salvage yards/operations where the lot or any structure will be used for the storage, dismantling or sale of inoperable motor vehicles, trailers, machinery and/or building materials or parts.

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

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

Condominium: A building or complex of buildings containing a number if individually owned apartments or houses. Condominiums provide individual ownership within a residential unit within a building or complex composed of other residential units.

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

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

Cultivation: The planting, tending, improving, or harvesting of crops or plants.

Data Center: A physical location that stores computing machines and their related hardware equipment. Contains the computing infrastructure that IT systems require, such as servers, data storage drives, and network equipment. It is the physical facility that stores any company's digital data.

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

Directional Sign: See SIGN, DIRECTIONAL.

Disabled Vehicle: Any vehicle meeting either of the following conditions: (1) Extensively damaged as such damage including, but not limited to, any of the following: a broken windshield, missing wheels, tires, motor, or transmission; (2) Apparently inoperable as defined in Section 4513.65 of the Ohio Revised Code or in such statute as it may hereafter be amended.

Distribution: The movement of goods and services from the source through a distribution channel, right up to the final customer, consumer, or user, and the movement of payment in the opposite direction right up to the original producer or supplier.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Manufactured Home: Any non-self-propelled vehicle transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three-hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.

b. Modular Home: Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

c. Mobile Home: A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to be in compliance with it.

Family: One or two people or parents, with their direct lineal descendants and adopted children, together with not more than two people not so related, or a group of not more than three people who need not be related, living together as a single housekeeping unit in a dwelling unit.

Fence/Fencing: A structure requiring a zoning permit, comprised of wood, masonry, stone, chain link, vinyl or plastic used for the purposes of aesthetics, security or privacy.

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

Floodplain: That land, subject to periodic flooding, which is shown on the American Township Official Zoning Map on file at the Office of the Zoning Inspector, and as identified as the Allen County Flood Insurance Rate Map Panels 390758-0038B, -0039B, -0050B, -0102B, -0105B, -0106B and/or any other designated Flood Insurance Rate Map (FIRM) hereafter.

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

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

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

Formal Interpretation: Formal interpretations are for the purpose of providing formal explanations of the meaning or intent of the American Township Zoning Resolution. The Formal Interpretation is rendered by the Zoning Commission upon the request from The American Township Trustees, Appeals Board or Zoning Official.

Freestanding Sign: See SIGN, FREESTANDING.

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

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

Funeral Home: An establishment where the deceased are prepared for burial or cremation, for the viewing of the body and for funeral services

Garage, Private: An accessory building or portion of a main building designed or used for the parking or temporary storage of motor vehicles owned or used by the occupants of the building to which it is accessory; not more than one (1) of such vehicles may be a commercial vehicle and shall not exceeding one and one-half (1½) ton capacity. Within a private garage no occupation, trade, business or service connected in any way with motor vehicles shall be permitted.

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

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

a. Sales and service of spark plugs, batteries, and distributor parts;

b. Tire servicing and repair, but not recapping or regrooving;

c. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings, mirrors, and the like;

d. Radiator cleaning and flushing;

e. Radiator welding and repair;

f. Greasing and lubrication;

g. Providing and repairing fuel pumps, oil pumps, and lines;

h. Minor servicing and repair of carburetors;

i. Adjusting and repairing brakes;

j. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;

k. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;

l. Provisions of road maps and other informational material to customers, provision of restroom facilities; and,

m. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operational condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage or a body shop.

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

Grade:

a. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street;

b. For buildings having walls adjoining more than one (1) street, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets; and,

c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

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

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

a. Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff; and,

b. Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

Hard Parking Surfaces: Hard parking surfaces are defined as either concrete, asphalt, brick or compactable surface material supported with an aggregate base compacted to at least four (4) inches in depth.

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

Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the premises as a dwelling unit by conditional use permit and does not change the character thereof. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall not involve more than three employees who are to be limited to immediate family only. The conducting of a clinic, hospital, barber shop, beauty parlor, tea room, tourist home, animal hospital or any similar use shall not be deemed to be a home occupation.

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

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

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

Hyperscale Data Center: A massive data center that provides extreme scalability capabilities and engineered for large scale workloads within an optimized network infrastructure, streamlined network connectivity and minimized latency.

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

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

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

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

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

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

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

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

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

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

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

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

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

Lot, Area: The total area (depth times width) within the lot lines of a lot, not including any portion of a publicly dedicated street or road right-of-way.

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

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

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

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

Lot Lines: Any line bounding a lot as herein defined. Lot lines for irregular shaped lots will be determined by the Township Zoning Commission prior to the time a final plat is approved. Established lots without a formal plat approval identifying the front lot lines must meet the existing regulations and/or secure approval from the Township Board of Zoning Appeals.

a. Front: The lot line separating a lot from a street right of way. In the case of a corner lot, two (2) front lot lines exist, one along each street right of way.

b. Rear: The lot line opposite and most distant from the front lot line. In the case of a corner lot, two (2) front lot lines exist opposite and parallel to each side yard.

c. Side: Those lot lines which are not a front or rear lot line that serve to separate a lot from another lot.

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

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

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

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

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

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

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

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

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

Medical Marijuana: Marijuana prescribed by a doctor and used as a medicine; also called medical cannabis. Medical Marijuana is used to relieve pain and treat disease.

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

Mini-Warehouse: A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of storage units are permitted on the premises. Appropriate landscaping, security, lighting and building height shall comply with the established criteria as documented elsewhere in this resolution. Any exterior storage of goods including automobiles, travel trailers, boats, and/or equipment shall be suitably screened as per Sections 13.20.1 through 13.20.6 so as not to be visible from the adjacent properties or roadway.

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

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

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

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

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

a. A physical condition, or use of any building, structure or premises regarded as public nuisance at common law;

b. Any physical condition, use or occupancy of any building, structure premises or its appurtenances considered an attractive nuisance to children, including but not limited to junk motor vehicles, abandoned wells, basements, excavations, abandoned refrigerators and unsafe fences or structures;

c. Any building, structure or premises which have unsanitary sewerage or plumbing facilities;

d. Any building, structure or premises which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or the public;

e. Any building, structure or premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or insecure as to endanger life, limb or property;

f. Any building, structure or premises on which offal, filth, or noisome substances are collected or remain in any place to the damage or prejudice of others or of the public;

g. Any building, structure or premises which are unsanitary, or which are littered with rubbish, litter, junk, or garbage;

h. Any structure or building that is in a state of dilapidation, deterioration, decay or general neglect; faulty construction; overcrowded, open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises;

i. The unlawful obstruction or impediment of the passage of any watercourse, stream or water, or the unlawful diversion of such watercourse from its natural course or state to the injury or prejudice of others;

j. The collection of stagnant water or putrid substances on any premises, or allowing any condition or obstruction that allows stagnant water to collect on private property;

k. The maintaining of a junk motor vehicle and / or inoperable motor vehicle on the premises;

l. Vegetation exceeding acceptable and permitted height limits as described in this Code or Resolution.

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

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

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

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

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

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

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

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

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

Pond: A natural or artificially formed structure with an enclosed body of water more than six hundred (600) gallons. American Township recognizes inherent differences in the character and use of ponds and regulates the following type of ponds: detention ponds, retention ponds, agricultural ponds and aesthetic ponds. Ponds shall be permitted as an accessory use in all districts subject to specific conditions and permit.

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

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

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

Processing: The subjecting of something to a series of operations or events to produce desired change.

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

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

Public Service Facilities: Utility installations, buildings and distribution facilities providing service to the general public, including electric power plants, electric generating wind turbines and solar panel facilities generating electricity for local use, water treatment plants, sewage disposal installations, communication facilities, emergency services (Police, Fire, EMS), government and repair and storage buildings and areas incident to such facilities not including railroads and railroad facilities.

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

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

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

Public Utility Substation: A structure, site, area, or similar facility associated with a utility such as telecommunications, power, sanitary sewer, water, or similar utility that is constructed on site and intended to supplement or increase the capability of the utility. Substations are generally: built on site, within an enclosed area or constructed as part of an overall facility site; taller than 6-feet; large enough or intended for a person to enter; or any combination of these items. Examples of a Public Utility Substation could be but are not limited to pumping stations, cellular phone towers, power substations, and telecommunication structures larger than otherwise defined in this article.

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

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

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

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

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

Recreation Facilities: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. "Extensive" facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, 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, and bowling alleys.

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

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

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

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

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

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

a. A signal/receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources;

b. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals; or,

c. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

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

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

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

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

Short Term Leasing: Commonly called "BnB" rooming houses, is generally defined as a residential property rented out for less than 30 consecutive days. This includes single-family homes, apartments, and other dwelling units used for temporary lodging.

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

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

a. Sign, On-Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

b. Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is offered.

b. Sign Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting, LED or phosphorescent light.

d. Sign, Lighting Device: Any light, string of lights, LED (Light Emitting Diode) or group of lights located or arranged so as to cast illumination on a sign.

e. Sign, Projecting: Any sign which projects from the exterior of a building.

Sign - Area of: The total exterior surface computed in square feet of a sign having but one (1) exposed exterior surface, one-half (½) of the total of the exposed exterior surface, computed in square feet, or a sign having more than one (1) such surface.

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

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

Shipping Container: A container or vessel used to ship goods via air, land or sea. Usually made to interlock or place on a frame rail for transportation purposes. May also be referred as intermodal transport units. Shipping containers may be placed in the drive of an R zoned district for not more than 14 days if being used during remodel, moving or home renovations.

Small Storage Buildings (yard barns / sheds): Not to exceed two hundred (200) square feet and no more than twelve (12) feet in overall height (i.e. 12'x16'x12') in size are permitted as ancillary uses in R-1 residential districts for use by the property owners. Such storage shall be restricted to the housing of inanimate objects only including, lawn and garden supplies and equipment, lawn furniture and recreational items.

No commercial storage of saleable items is allowed, nor are any improperly stored hazardous materials as per Section (C)FM-2303.1 through F.2303.3 of the Ohio Fire Code. Such buildings shall be constructed with all-weather siding and roofing and maintained in good condition at all times. Zoning permits are required and all yard buildings. Shipping Containers do not qualify as small storage buildings and are not permitted in residential zoned districts.

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

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

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

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

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

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

Storage Shed/Building: See Small Storage Building.

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

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

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

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

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

Suitably Screened or Fenced: A neat, orderly and healthy screen of evergreen or other suitable plant material not less than three (3) feet in height and with an expected normal growth of at least five (5) feet in height within two (2) years, protected by a galvanized wire link fence of at least five (5) feet in height. A wooden or masonry fence or other landscaping may be substituted for the screening and wire link fence when appropriate. Bumper guards or wheel stops to prevent damage to the screen or fence by automobiles shall be provided when the required screen or fence surrounds parking lots or spaces.

Swimming Pool: An artificial pool or open tank containing at least one and one half (1½) feet of water at any point adapted for purpose of swimming. Swimming pools whether maintained by the owner or manager are considered structures for the purposes of this Resolution and require a zoning permit. Pools must be kept in good order and repair.

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

b. Community: Operated with a charge for admission; a primary use.

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

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

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

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

a. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

b. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.

c. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

d. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

e. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

f. Local Street: A street primarily for providing access to residential or other abutting property.

g. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred 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. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial collector streets.

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

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

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

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

Utility Electrical Substation: An electrical substation is a facility that manages and controls the flow of electricity within a power grid. It acts as a junction point where high-voltage electricity is transformed to lower voltages suitable for distribution to homes and businesses, or where electricity from different parts of the grid can be connected.

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

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

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

Waterways: A channel or route for water (includes rivers, streams, channel, ditches, swales, etc.).

Wind Turbine Generator: A wind turbine is a device for converting the kinetic energy in wind into the mechanical energy of a rotating shaft. Usually that rotating mechanical energy is converted immediately by a generator into electrical energy.

a. Accessory Structures: Structures such as sheds, storage sheds, pool houses, WTGs, unattached garages, and barns.

b. Anemometer: An instrument that measures the force and direction of the wind.

c. Clear Fall Zone: An area surrounding the wind turbine

d. Primary Structure: For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

e. Professional Engineer: A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

f. Wind Power Turbine Owner: The person or persons who owns the Wind Turbine structure.

g. Wind Power Turbine Tower: The support structure to which the turbine and rotor are attached.

h. Wind Power Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation.

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

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

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

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

Zoning Board of Appeals: The Board of Zoning Appeals in American Township as established by Article 20.6 of this Resolution as pursuant to Section 519.04 of the Ohio Revised Code or in such statute may hereafter be amended.

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

Zoning Commission: The American Township Zoning Commission as established by Article 20.4 of this Resolution and as pursuant to Section 519.13 of the Ohio Revised Code or in such statute as may be hereafter amended.

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

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

ARTICLE 3

ESTABLISHMENT OF DISTRICTS

3.0 PURPOSE

The purpose of this Article is to establish zoning districts in order to realize the general purposes set forth in the preamble 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.

3.1 ESTABLISHMENT OF DISTRICTS

The Zoning Resolution divides the unincorporated territory of American Township into zoning districts. There are specified uses of land allowed for each district and the regulations are uniform throughout the zoning district. Zoning districts are delineated to reflect similar existing land uses, availability of public water and sewer or lack thereof, access, location, need for additional uses, and physical constraints such as soil, drainage, and flooding. The zoning districts may be changed to encourage appropriate growth and development and are based on consistent land use plans or policies.

The following eleven (11) zoning districts are hereby established for the unincorporated area of American Township, County of Allen, State of Ohio:

R-1	Residential District
R-2	Residential District
R-3	Residential District
PBO	Professional Business Office District
P.U.D.	Planned Unit Development (Residential and Special)
B-1	Business District
B-2	Business District
M-1	Manufacturing District
M-2	Manufacturing District
MHP	Manufactured Home Park District
FP	Floodplain District

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

3.2 ZONING DISTRICT MAP

The districts established in Section 3.1, 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.

3.3 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. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend. In addition to such legend, the Official Zoning Map shall provide sufficient space for compliance with Section 3.5.

3.4 IDENTIFICATION OF OFFICIAL ZONING MAP

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

3.4.1 Where district 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;

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

3.4.3 Where district boundaries are so indicated that they are approximately parallel to the center lines or street 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;

3.4.4 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;

3.4.5 Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated;

3.4.6 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; and,

3.4.7 Whenever any street, alley, or other public way is vacated by official action (Board of Commissioners, Board of 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.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

3.5 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.

ARTICLE 4

R-1 RESIDENTIAL DISTRICT

4.0 PURPOSE

The purpose of the R-1 Residential District is to provide an area for low intensity residential and associated land uses. In an R-1 Residential District no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified uses.

4.1 PERMITTED USES WITHIN THE R-1 RESIDENTIAL ZONED DISTRICT

4.1.1 Single-family dwellings are limited to one (1) single-family dwelling per parcel, lot, or tract: Excluding tents, cabins, trailers, trailer coaches, recreational vehicles, mobile homes, and basement dwellings.

4.1.2 Accessory buildings and uses: As defined in this Zoning Resolution, accessory uses, buildings, and structures may be permitted when located on the same parcel and only when incidental or subordinate to and in association with a principal permitted use. Principal building is required to be constructed and in use, prior to any accessory structure being constructed. No accessory building within any zoning district shall be used for human habitation or residency.

4.1.3 PODS: May be placed on the residential unit's driveway in a residential zone district for a 30-day period. In no case shall the PODs contain hazardous materials or environmentally unfriendly materials as defined in the ORC.

4.1.4 Casual sales of goods in what are commonly referred to as garage sales or yard sales: Provided that such sales shall not be conducted on more than six (6) days in any calendar year or for a period of more than three (3) consecutive days.

4.1.5 Home Occupations: The following professional or business activities shall be considered "Home Occupations," provided that such activities are carried on solely within the confines of the dwelling, do not occupy more than twenty-five percent (25%) of the dwelling, retain no non-residential employees (whether paid or voluntary), generate no greater traffic, nor parking or deliveries than would normally be expected in a residential neighborhood, do not create a nuisance to the neighborhood or general public, and are imperceptible from the exterior of the dwelling and display no yard sign. Examples include:

a. Home offices used for traditional office-related tasks including, but not limited to: maintaining records and accounts; making and receiving telephone calls, faxes, and emails; conducting research; and generating papers, reports or similar work product; but not including the reception of patients, clients, or any other licensees or invitees;

b. Teaching, tutoring, and conducting musical, dance, or similar lessons to no more than five (5) students at any one time;

c. Providing childcare to no more than five (5) children unrelated to residents at any one time; see definition for child daycare.

4.1.6 Residential Facilities in accordance with ORC 3721 (Nursing Homes; Residential Care Facilities).

4.1.7 Church, school, library, college building, public park playground and/or buildings pertaining to the use thereof. But only provided the main building, therefore, be not less than fifty (50) feet from adjoining property lines; and

4.1.8 Essential Services.

4.2 CONDITIONAL USES WITHIN THE R-1 RESIDENTIAL ZONED DISTRICT WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING.

Within this zoning district, the following uses may be permitted subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of this Zoning Resolution. The Board of Zoning Appeals may require additional conditions necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until a Conditional Use Permit is issued by the Zoning Inspector.

4.2.1 Electrical, sanitary, drainage, communication substations, as well as pump houses utilized for private ownership or private development use: May be approved as a "Conditional Use" in a R-1 and R-2 Residential District, provided that such structures will not distract from the general appearance of the area, nor adversely affect the comfort, safety and welfare of residents by means of obtrusive sound, vibration or lighting.

a. Public utilities regulated under R.C. 519.211(A), and electrical, sanitary, drainage, communication as well as other similar public utilities governed by State, County, or other local governmental agencies shall be exempt.

4.2.2 Funeral home.

4.2.3 Expanded Home Occupations: Any professional or business activity, not qualifying as a "Home Occupation" under the provisions of this Zoning Resolution, shall be considered an "Expanded Home Occupation," and may be conducted in a dwelling and within an accessory building or attached garage by a member of the immediate family residing on the premises. In addition, there shall be no display that indicates from the exterior that the building is being used in whole or in part for any purpose other than that of a dwelling provided:

a. The Expanded Home Occupation shall be carried on solely within the confines of the dwelling and one (1) architecturally compatible accessory building or attached garage which is compatible with the residential use and character of the neighborhood.

b. The Expanded Home Occupation shall occupy not more than:

1. Twenty-five percent (25%) of the total floor area of the dwelling unit, not including the space occupied by any attached garage; and/or,

2. Eighty percent (80%) of the floor space of an accessory building or attached garage may be utilized for expanded home occupation. Additional square footage may be permitted based on lot size, and proposed usage as determined by the Board of Zoning Appeals.

3. Not more than one (1) non-resident employees shall work on said premises.

4. Services shall be rendered on the premises.

5. No traffic or parking shall be generated by such Conditional Home Occupation in greater volumes than would normally be expected in a residential neighborhood.

6. Waste materials, solid, liquid, or gaseous, shall not be created on the premises at a level greater than normal to residential use.

7. No activity shall be conducted or permitted which creates a nuisance to neighboring properties, by means of sound, vibration, or lighting.

4.2.4 Libraries, Private Schools and Colleges: Provided that said institution occupies not less than two-2 acres. Instructional areas shall provide adequate parking areas for the public, staff, and students.

Such parking may not exist within the right-way of any road or highway. A Site Plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas. If applicable, building elevations, a landscape plan, and lighting details shall also be submitted.

4.2.5 Private Kindergarten or Childcare Facilities: Provided that the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking, and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards. A Site Plan shall be submitted for consideration by the Board of Zoning Appeals. If applicable, building elevations, a landscape plan, and lighting details shall also be submitted.

4.2.6 Parks, Playgrounds, Playfields, and Picnic Areas: Provided that the same facilities are opened to the public without fee or membership requirements, with adequate off-street parking areas. A Site Plan shall be submitted for consideration by the Board of Zoning Appeals. If applicable, building elevations, a landscape plan, and lighting details shall also be submitted. School, public park playground and/or buildings pertaining to the use thereof, but only provided the main building, therefore, be not less than fifty (50) feet from adjoining property lines.

4.2.7 Public or Private Golf Courses, Country Clubs, with all building's incident thereto, including restaurants to serve members and/or users of the facility: Provided that sufficient land area is available to accommodate the proposed use. Buildings and structures shall be located not less than seventy-five (75) feet from any other lot line; A Site Plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas. If applicable, building elevations, a landscape plan, parking plan, and lighting details shall also be submitted.

4.2.8 Cemeteries: Provided that the same occupies a tract of not less than ten (10.0) acres. No building shall be placed closer to the right-of-way of any approved road than the setback prescribed by this Zoning Resolution. No burial may be made nearer than fifty (50) feet to the right-of-way of the approved public road adjacent thereto. No burial shall be permitted nearer than twenty-five (25) feet to any other property line unless a mature natural screen has been established along said property line at least six (6) feet in height, in which case burials may be permitted not closer than ten (10) feet to said property line.

No office facility, maintenance building or storage area shall be constructed, except as approved by the Board of Zoning Appeals, and parking areas, public access, screening, and other improvements shall be furnished as required.

4.2.9 Barrow Pits: Provided that the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of Zoning Appeals to conform to the restrictions and conditions imposed to ensure regrading, reseeding, and general restoration of the area. Barrow Pits shall additionally conform to Allen County Floodplain, and Flood Hazard Regulations to include Water and Sediment Control Regulations.

4.2.10 Telecommunications Towers: As described in this Resolution.

4.2.11 Projects specifically designed for watershed protection, conservation of soil or water or flood control: Provided prior approval of the Ohio Environmental Protection Agency (OEPA) and Allen County, Ohio Engineers is obtained.

4.2.12 Bed & Breakfast Home (B&B / Tourist Home).

a. A Bed & Breakfast Home may be conditionally approved in an R-1 Residential Zoned District provided:

1. No more than two (2) adults shall occupy each sleeping room. Children under twelve (12) years of age are permitted in the same occupancy provided that no more than five (5) people occupy one (1) room;

2. Fire escapes shall be provided as approved by the Board of Zoning Appeals;

3. Fire exit instructions shall be posted in each sleeping room;

4. All applicable provisions of the fire code shall be met, and certification of such compliance by the appropriate official shall accompany the application;

5. The facility shall be operated so that guests reside at the home for not longer than one (1) continuous week; and,

6. The facility shall contain no more than four (4) sleeping rooms for guests.

7. All exterior lighting shall be down lighting, so that no light shall be cast onto adjoining residential properties.

8. All bed & breakfast homes shall be provided off-street parking for the public. Such off-street parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be one-1 per bedroom.

9. Landscape drawings shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast homes for use by guests.

4.3 PROHIBITED USES WITHIN THE R-1 RESIDENTIAL ZONED DISTRICT

Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited, in addition to the following:

4.3.1 Any junk yard(s), dumping sites, declamation sites, automobile junk / salvage yards, land-fill sites, or waste collection / disposal sites, shall be prohibited.

4.3.2 No trailer of any type, no boats, no campers, and no equipment of any type shall be parked in front of the front building line of the principal structure on any parcel within this district. If a dwelling is located on said lot, the building line shall be considered to be the front build line of the dwelling wall of the dwelling even if said dwelling is located behind the minimum building line established by this Resolution or the restrictions of the subdivision plat.

4.3.3 No motor home, camper, recreational vehicle, bus, utility vehicle, or van of any type shall be habituated, by a resident or guest. Any connections for power, sanitation, or cable, shall furthermore be prohibited and shall support evidence of habitation. Exception provided for habitation and use within a designated mobile home park or campground.

4.3.4 Storage or accumulation of the following: junk, inoperable, unused, abandoned or unlicensed vehicles; equipment or machinery of any type; and vehicle, equipment or machinery parts and other similar debris – shall be prohibited unless any of the previously mentioned items remain entirely enclosed within a permitted accessory building so as to not be visible from any adjoining property or road.

4.3.5 The storage or accumulation of trash, debris, graffiti, unused property, or discarded materials (including, without limitation, discarded household goods, discarded commercial products, discarded building materials, discarded industrial by-products, discarded brush and other vegetation, and similar materials) shall be deemed a nuisance to the neighborhood and general public per se, and shall be prohibited on any parcel or lot or portion thereof, or on any public or private streets, or common access driveway (as defined by the Allen County Subdivision Regulations).

4.3.6 Private landing fields for aircraft, hot air balloons, ultra-light aircraft, and other mechanical flying equipment.

4.3.7 No land or building shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which otherwise adversely affect surrounding areas or adjoining premises.

4.3.8 No commercial cultivators, processors, or retail dispensaries of medical or adult use marijuana licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this R-1 district.

4.4 MAXIMUM HEIGHT REGULATIONS WITHIN THE R-1 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

4.5 REQUIRED FLOOR AREA IN THE R-1 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

4.6 REQUIRED LOT SIZE REGULATIONS AND FRONTAGE WITHIN THE R-1 DISTRICT

See "Official Schedule of District Regulations" Section 15.1

4.7 REQUIRED YARD REGULATIONS WITHIN THE R-1 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

4.8 REQUIRED SETBACK REGULATIONS WITHIN THE R-1 DISTRICT

Any proposed or new dwellings and or structure shall conform to the existing setback. The existing setback is established by two (2) or more dwellings and or structures on the same side of the road/street of the proposed new construction and being between two (2) street or road intersections with existing setbacks in the range of fifty-five (55) feet to one hundred fifty (150) feet. All fronting structures within said range will be used to calculate an average, which will be used as the existing setback. New structures shall not be closer to the center line of the road/street than the existing setback.

Any building erected in any R-1 District shall be so maintained and situated to provide that no portion thereof shall be closer to the center line of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet.

No building permit shall be issued unless all setback regulations, including rear setback, centerline setback, side setback and existing setbacks can be met. If the lot or parcel of land, on which the proposed or new dwelling or structure is to be built, is insufficient in size or shape to meet all setback regulations, a permit shall not be issued unless a variance is applied for and granted pursuant to Article 18 of this resolution.

See "Official Schedule of District Regulations" Section 15.1 and “Submission to the Director of Transportation” Section 21.4.

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed, as described in the certification to local officials by the Director of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that a zoning permit shall not be issued for one hundred twenty (120) days from the date the notice is received by the Director of Transportation.

If the Director of Transportation notifies the Zoning Inspector that acquisition of the needed land shall proceed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit

4.9 REQUIRED MINUMUM BUILDING STANDARDS (SINGLE FAMILY DWELLINGS)

Ohio Residential Building Code as stated the year the structure is built. All structures must adhere to the latest version of the Ohio Building Code in force at the time of the construction. The permit holder is responsible for providing proof of inspection and approval completed by a licensed home inspector.

ARTICLE 5

R-2 RESIDENTIAL DISTRICT

5.0 PURPOSE

The purpose of the R-2 Residential District is to provide an area for medium density single and multiple-family residential and associated land uses normally considered an integral part of the neighborhood they serve. In an R-2 Residential District, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified uses.

5.1 PERMITTED USES WITHIN THE R-2 RESIDENTIAL ZONED DISTRICT

5.1.1 Any permitted use established within the R-1 District.

5.1.2 Multiple-family dwelling structures (apartments or condominiums) for occupancy by not more than two (2) families living independently of each other (commonly called or referred to as a duplex).

5.1.3 Accessory buildings and uses: As defined in this Zoning Resolution, accessory uses, buildings, and structures may be permitted when located on the same parcel and only when incidental or subordinate to and in association with a principal permitted use. Principal building is required to be constructed and in use prior to any accessory structure being constructed. No accessory building within any zoning district shall be used for human habitation or residency.

5.1.4 PODS: May be placed on the residential unit's driveway in a residential zone district for a 30-day period. In no case shall the PODs contain hazardous materials or environmentally unfriendly materials as defined in the ORC.

5.1.5 Casual sales of goods in what are commonly referred to as garage sales or yard sales. Provided that such sales shall not be conducted on more than six (6) days in any calendar year or for a period of more than three (3) consecutive days.

5.1.6 Home Occupations: The following professional or business activities shall be considered "Home Occupations," provided that such activities are carried on solely within the confines of the dwelling, do not occupy more than twenty-five percent (25%) of the dwelling, retain no non-residential employees (whether paid or voluntary), generate no greater traffic, nor parking or deliveries than would normally be expected in a residential neighborhood, do not create a nuisance to the neighborhood or general public, and are imperceptible from the exterior of the dwelling and display no yard sign. Examples include:

a. Home offices used for traditional office-related tasks including, but not limited to: maintaining records and accounts; making and receiving telephone calls, faxes, and emails; conducting research; and generating papers, reports or similar work product; but not including the reception of patients, clients, or any other licensees or invitees;

b. Teaching, tutoring, and conducting musical, dance, or similar lessons to no more than five (5) students at any one time;

c. Providing childcare to no more than five (5) children unrelated to residents at any one time; see definition for child daycare.

5.1.7 Residential Facilities: In accordance with ORC 3721 (Nursing Homes; Residential Care Facilities).

5.1.8 Church, school, library, college building, public park playground and/or buildings pertaining to the use thereof. But only provided the main building, therefore, be not less than fifty (50) feet from adjoining property lines; and

5.1.9 Essential Services.

5.2 CONDITIONAL USES WITHIN THE R-2 RESIDENTIAL ZONED DISTRICT WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING.

Within this zoning district, the following uses may be permitted subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of this Zoning Resolution. The Board of Zoning Appeals may require additional conditions necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until a Conditional Use Permit is issued by the Zoning Inspector.

5.2.1 Electrical, sanitary, drainage, communication substations, as well as pump houses utilized for private ownership or private development use: May be approved as a "Conditional Use" in a R-1 and R-2 Residential District, provided that such structures will not distract from the general appearance of the area, nor adversely affect the comfort, safety and welfare of residents by means of obtrusive sound, vibration or lighting.

a. Public utilities regulated under R.C. 519.211(A), and electrical, sanitary, drainage, communication as well as other similar public utilities governed by State, County, or other local governmental agencies shall be exempt.

5.2.2 Funeral home.

5.2.3 Expanded Home Occupations: Any professional or business activity, not qualifying as a "Home Occupation" under the provisions of this Zoning Resolution, shall be considered an "Expanded Home Occupation," and may be conducted in a dwelling and within an accessory building or attached garage by a member of the immediate family residing on the premises. In addition, there shall be no display that indicates from the exterior that the building is being used in whole or in part for any purpose other than that of a dwelling provided:

a. The Expanded Home Occupation shall be carried on solely within the confines of the dwelling and one (1) architecturally compatible accessory building or attached garage which is compatible with the residential use and character of the neighborhood.

b. The Expanded Home Occupation shall occupy not more than:

1. Twenty-five percent (25%) of the total floor area of the dwelling unit, not including the space occupied by any attached garage; and/or,

2. Eighty percent (80%) of the floor space of an accessory building or attached garage maybe utilized for expanded home occupation. Additional square footage may be permitted based on lot size, and proposed usage as determined by the Board of Zoning Appeals.

3. Not more than one (1) non-resident employees shall work on said premises.

4. Services shall be rendered on the premises.

5. No traffic or parking shall be generated by such Conditional Home Occupation in greater volumes than would normally be expected in a residential neighborhood.

6. Waste materials, solid, liquid, or gaseous, shall not be created on the premises at a level greater than normal to residential use.

7. No activity shall be conducted or permitted which creates a nuisance to neighboring properties, by means of sound, vibration, or lighting.

5.2.4 Libraries, Private Schools and Colleges: Provided that said institution occupies not less than two-2 acres. Instructional areas, whether they have improved with buildings or not, shall provide adequate parking areas for the public, faculty, staff, and students.

Such parking may not exist within the right-way of any road or highway. A Site Plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas. If applicable, building elevations, a landscape plan, and lighting details shall also be submitted.

5.2.5 Private Kindergarten or Childcare Facilities: Provided that the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking, and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards. A Site Plan shall be submitted for consideration by the Board of Zoning Appeals. If applicable, building elevations, a landscape plan, and lighting details shall also be submitted.

5.2.6 Parks, Playgrounds, Playfields, and Picnic Areas: Provided that the same are opened to the public without fee or membership requirements, with adequate off-street parking areas. A Site Plan shall be submitted for consideration by the Board of Zoning Appeals. If applicable, building elevations, a landscape plan, and lighting details shall also be submitted. School, public park playground and/or buildings pertaining to the use thereof, but only provided the main building, therefore, be not less than fifty (50) feet from adjoining property lines.

5.2.7 Public or Private Golf Courses, Country Clubs, with all buildings and club houses incident thereto, including restaurants to serve members and/or users of the facility: Provided that sufficient land area is available to accommodate the proposed use. Buildings and structures shall be located not less than seventy-five (75) feet from any other lot line; A Site Plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas. If applicable, building elevations, a landscape plan, parking plan, and lighting details shall also be submitted.

5.2.8 Cemeteries: Provided that the same occupies a tract of not less than ten (10.0) acres. No building shall be placed closer to the right-of-way of any approved road than the setback prescribed by Section 7.09 of this Zoning Resolution. No burial may be made nearer than fifty (50) feet to the right-of-way of the approved public road adjacent thereto. No burial shall be permitted nearer than twenty-five (25) feet to any other property line unless a mature natural screen has been established along said property line at least six (6) feet in height, in which case burials may be permitted not closer than ten (10) feet to said property line.

No office facility, maintenance building or storage area shall be constructed, except as approved by the Board of Zoning Appeals, and parking areas, public access, screening, and other improvements shall be furnished as required.

5.2.9 Barrow Pits: Provided that the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of Zoning Appeals to conform to the restrictions and conditions imposed to ensure regrading, reseeding, and general restoration of the area. Barrow Pits shall additionally conform to Allen County Floodplain, and Flood Hazard Regulations to include Water and Sediment Control Regulations.

5.2.10 Telecommunications Towers: As described in this Resolution.

5.2.11 Projects specifically designed for watershed protection, conservation of soil or water or flood control: Prior approval of the Ohio Environmental Protection Agency (OEPA) and Allen County, Ohio Engineers.

5.2.12 Bed & Breakfast Home:

a. A Bed & Breakfast Home may be conditionally approved in an R-1 Residential Zoned District provided:

1. No more than two (2) adults shall occupy each sleeping room. Children under twelve (12) years of age are permitted in the same occupancy provided that no more than five (5) people occupy one (1) room;

2. Fire escapes shall be provided as approved by the Board of Zoning Appeals;

3. Fire exit instructions shall be posted in each sleeping room;

4. All applicable provisions of the fire code shall be met, and certification of such compliance by the appropriate official shall accompany the application;

5. The facility shall be operated so that guests reside at the home for not longer than one (1) continuous week; and,

6. The facility shall contain no more than four (4) sleeping rooms for guests.

7. All exterior lighting shall be down lighting, so that no light shall be cast onto adjoining residential properties.

8. All bed & breakfast homes shall be provided off-street parking for the public. Such off-street parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be one-1 per bedroom.

9. Landscape drawings shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast homes for use by guests.

5.3 PROHIBITED USES WITHIN THE R-2 RESIDENTIAL ZONED DISTRICT

Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited, in addition to the following:

5.3.1 Any junk yard(s), dumping sites, declamation sites, automobile junk / salvage yards, land-fill sites, or waste collection / disposal sites, shall be prohibited.

5.3.2 No trailer of any type, no boats, no campers, and no equipment of any type shall be parked in front of the front building line of the principal structure on any parcel within this district. If a dwelling is located on said lot, the building line shall be considered to be the front build line of the dwelling. wall of the dwelling even if said dwelling is located behind the minimum building line established by this Resolution or the restrictions of the Plat or Subdivision.

5.3.3 No motor home, camper, recreational vehicle, bus, utility vehicle, or van of any type shall be habituated, by a resident or guest. Any connections for power, sanitation, or cable, shall furthermore be prohibited and shall support evidence of habitation. Exception provided for habitation and use within a designated mobile home park or campground.

5.3.4 Storage or accumulation of the following: junk, inoperable, unused, abandoned or unlicensed vehicles; equipment or machinery of any type; and vehicle, equipment or machinery parts and other similar debris – shall be prohibited unless any of the previously mentioned items remain entirely enclosed within a permitted accessory building so as to not be visible from any adjoining property or road.

5.3.5 The storage or accumulation of trash, debris, graffiti, unused property, or discarded materials (including, without limitation, discarded household goods, discarded commercial products, discarded building materials, discarded industrial by-products, discarded brush and other vegetation, and similar materials) shall be deemed a nuisance to the neighborhood and general public per se, and shall be prohibited on any parcel or lot or portion thereof, or on any public or private streets, or common access driveway (as defined by the Allen County Subdivision Regulations).

5.3.6 Private landing fields for aircraft, hot air balloons, ultra-light aircraft, and other mechanical flying equipment.

5.3.7 No land or building shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which otherwise adversely affect surrounding areas or adjoining premises.

5.3.8 No commercial cultivators, processors, or retail dispensaries of medical or adult use marijuana licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this R-2 district.

5.4 MAXIMUM HEIGHT REGULATIONS WITHIN THE R-2 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

5.5 REQUIRED FLOOR AREA WITHIN THE R-2 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

5.6 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE R-2 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

5.7 REQUIRED YARD REGULATIONS WITHIN THE R-2 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

5.8 REQUIRED SETBACK REGULATIONS WITHIN THE R-2 DISTRICT.

Any proposed or new dwellings and or structure shall conform to the existing setback. The existing setback is established by two (2) or more dwellings and or structures on the same side of the road/street of the proposed new construction and being between two (2) street or road intersections with existing setbacks in the range of fifty-five (55) feet to one hundred fifty (150) feet. All fronting structures within said range will be used to calculate an average, which will be used as the existing setback. New structures shall not be closer to the center line of the road/street than the existing setback.

Any building erected in any R-2 District shall be so maintained and situated to provide that no portion thereof shall be closer to the center line of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet.

No building permit shall be issued unless all setback regulations, including rear setback, centerline setback, side setback and existing setbacks can be met. If the lot or parcel of land, on which the proposed or new dwelling or structure is to be built, is insufficient in size or shape to meet all setback regulations, a permit shall not be issued unless a variance is applied for and granted pursuant to Article 18 of this resolution.

See "Official Schedule of District Regulations" Section 15.1. and “Submission to the Director of Transportation” Section 21.4.

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed, as described in the certification to local officials by the Director of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that a zoning permit shall not be issued for one hundred twenty (120) days from the date the notice is received by the Director of Transportation.

If the Director of Transportation notifies the Zoning Inspector that acquisition of the needed land shall proceed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit

5.9 LANDSCAPING AND SCREENING PROVISIONS

See Section 13.20 "Landscaping and Screening Provisions”.

5.10 REQUIRED MINUMUM BUILDING STANDARDS (TWO FAMILY DWELLINGS)

Ohio Residential Building Code as stated the year the structure is built. All structures must adhere to the latest version of the Ohio Building Code in force at the time of the construction. The permit holder is responsible for providing proof of inspection and approval completed by a licensed home inspector.

ARTICLE 6

R-3 RESIDENTIAL DISTRICT

6.0 PURPOSE

The purpose of the R-3 Residential District is to provide an area for high density multiple-family residential and associated land uses normally considered an integral part of the neighborhood they serve. In a R-3 Residential District no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified areas.

6.1 PERMITTED USES WITHIN THE R-3 RESIDENTIAL ZONED DISTRICT:

6.1.1 Any permitted use established within the R-1 District.

6.2.3 Multiple-family dwelling structures (apartments or condominiums) for occupancy by no more than two (2) families living independently of each other (commonly called a duplex).

6.2.4 Accessory buildings and uses: As defined in this Zoning Resolution, accessory uses, buildings, and structures may be permitted when located on the same parcel and only when incidental or subordinate to and in association with a principal permitted use. Principal building is required to be constructed and in use prior to any accessory structure being constructed. No accessory building within any zoning district shall be used for human habitation or residency.

6.2.5 PODS: May be placed on the residential unit's driveway in a residential zone district for a 30-day period. In no case shall the PODs contain hazardous materials or environmentally unfriendly materials as defined in the ORC.

6.2.6 Casual sales of goods in what are commonly referred to as garage sales or yard sales: Provided that such sales shall not be conducted on more than six (6) days in any calendar year or for a period of more than three (3) consecutive days.

6.2.7 Home Occupations: The following professional or business activities shall be considered "Home Occupations," provided that such activities are carried on solely within the confines of the dwelling, do not occupy more than twenty-five percent (25%) of the dwelling, retain no non-residential employees (whether paid or voluntary), generate no greater traffic, nor parking or deliveries than would normally be expected in a residential neighborhood, do not create a nuisance to the neighborhood or general public, and are imperceptible from the exterior of the dwelling and display no yard sign. Examples include:

a. Home offices used for traditional office-related tasks including, but not limited to: maintaining records and accounts; making and receiving telephone calls, faxes, and emails; conducting research; and generating papers, reports or similar work product; but not including the reception of patients, clients, or any other licensees or invitees;

b. Teaching, tutoring, and conducting musical, dance, or similar lessons to no more than five (5) students at any one time;

c. Providing childcare to no more than five (5) children unrelated to residents at any one time; see definition for child daycare.

6.2.8 Residential Facilities in accordance with ORC 3721: (Nursing Homes; Residential Care Facilities).

6.2.9 Church, school, library, college building, public park playground and/or buildings pertaining to the use thereof: But only provided the main building, therefore, be not less than fifty (50) feet from adjoining property lines; and

6.2.10 Essential Services.

6.2 CONDITIONAL USES WITHIN THE R-3 RESIDENTIAL ZONED DISTRICT WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING.

Within this zoning district, the following uses may be permitted subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of this Zoning Resolution. The Board of Zoning Appeals may require additional conditions necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until a Conditional Use Permit is issued by the Zoning Inspector.

6.2.6 Funeral home.

6.2.7 Expanded Home Occupations: Any professional or business activity, not qualifying as a "Home Occupation" under the provisions of this Zoning Resolution, shall be considered an "Expanded Home Occupation," and may be conducted in a dwelling and within an accessory building or attached garage by a member of the immediate family residing on the premises. In addition, there shall be no display that indicates from the exterior that the building is being used in whole or in part for any purpose other than that of a dwelling provided:

a. The Expanded Home Occupation shall be carried on solely within the confines of the dwelling and one (1) architecturally compatible accessory building or attached garage which is compatible with the residential use and character of the neighborhood.

b. The Expanded Home Occupation shall occupy not more than:

1. Twenty-five percent (25%) of the total floor area of the dwelling unit, not including the space occupied by any attached garage; and/or,

2. Eighty percent (80%) of the floor space of an accessory building or attached garage maybe utilized for expanded home occupation. Additional square footage may be permitted based on lot size, and proposed usage as determined by the Board of Zoning Appeals.

3. Not more than one (1) non-resident employees shall work on said premises.

4. Services shall be rendered on the premises.

5. No traffic or parking shall be generated by such Conditional Home Occupation in greater volumes than would normally be expected in a residential neighborhood.

6. Waste materials, solid, liquid, or gaseous, shall not be created on the premises at a level greater than normal to residential use.

7. No activity shall be conducted or permitted which creates a nuisance to neighboring properties, by means of sound, vibration, or lighting.

6.2.8 Libraries, Private Schools and Colleges: Provided that said institution occupies not less than two-2 acres. Instructional areas, whether they have improved with buildings or not, shall provide adequate parking areas for the public, faculty, staff, and students.

Such parking may not exist within the right-way of any road or highway. A Site Plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas. If applicable, building elevations, a landscape plan, and lighting details shall also be submitted.

6.2.9 Private Kindergarten or Childcare Facilities: Provided that the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking, and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards. A Site Plan shall be submitted for consideration by the Board of Zoning Appeals. If applicable, building elevations, a landscape plan, and lighting details shall also be submitted.

6.2.10 Parks, Playgrounds, Playfields, and Picnic Areas: Provided that the same are opened to the public without fee or membership requirements, with adequate off-street parking areas. A Site Plan shall be submitted for consideration by the Board of Zoning Appeals. If applicable, building elevations, a landscape plan, and lighting details shall also be submitted. School, public park playground and/or buildings pertaining to the use thereof, but only provided the main building, therefore, be not less than fifty (50) feet from adjoining property lines.

6.2.11 Public or Private Golf Courses, Country Clubs, with all buildings and club houses incident thereto, including restaurants to serve members and/or users of the facility: Provided that sufficient land area is available to accommodate the proposed use. Buildings and structures shall be located not less than seventy-five (75) feet from any other lot line; A Site Plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas. If applicable, building elevations, a landscape plan, parking plan, and lighting details shall also be submitted.

6.2.12 Cemeteries: Provided that the same occupies a tract of not less than ten (10.0) acres. No building shall be placed closer to the right-of-way of any approved road than the setback prescribed by Section 7.09 of this Zoning Resolution. No burial may be made nearer than fifty (50) feet to the right-of-way of the approved public road adjacent thereto. No burial shall be permitted nearer than twenty-five (25) feet to any other property line unless a mature natural screen has been established along said property line at least six (6) feet in height, in which case burials may be permitted not closer than ten (10) feet to said property line.

No office facility, maintenance building or storage area shall be constructed, except as approved by the Board of Zoning Appeals, and parking areas, public access, screening, and other improvements shall be furnished as required.

6.2.13 Barrow Pits: Provided that the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of Zoning Appeals to conform to the restrictions and conditions imposed to ensure regrading, reseeding, and general restoration of the area. Barrow Pits shall additionally conform to Allen County Floodplain, and Flood Hazard Regulations to include Water and Sediment Control Regulations.

6.2.14 Telecommunications Towers: As described in this Resolution.

6.2.15 Projects specifically designed for watershed protection, conservation of soil or water or flood control: Prior approval of the Ohio Environmental Protection Agency (OEPA) and Allen County, Ohio Engineers.

6.3 PROHIBITED USES WITHIN THE R-3 RESIDENTIAL ZONED DISTRICT

Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited, in addition to the following:

6.3.1 Any junk yard(s), dumping sites, declamation sites, automobile junk / salvage yards, land-fill sites, or waste collection / disposal sites, shall be prohibited.

6.3.2 No trailer of any type, no boats, no campers, and no equipment of any type shall be parked in front of the front building line of the principal structure on any parcel within this district. If a dwelling is located on said lot, the building line shall be considered to be the front build line of the dwelling. wall of the dwelling even if said dwelling is located behind the minimum building line established by this Resolution or the restrictions of the Plat or Subdivision.

6.3.3 No motor home, camper, recreational vehicle, bus, utility vehicle, or van of any type shall be habituated, by a resident or guest. Any connections for power, sanitation, or cable, shall furthermore be prohibited and shall support evidence of habitation. Exception provided for habitation and use within a designated mobile home park or campground.

6.3.4 Storage or accumulation of the following: junk, inoperable, unused, abandoned or unlicensed vehicles; equipment or machinery of any type; and vehicle, equipment or machinery parts and other similar debris – shall be prohibited unless any of the previously mentioned items remain entirely enclosed within a permitted accessory building so as to not be visible from any adjoining property or road.

6.3.5 The storage or accumulation of trash, debris, graffiti, unused property, or discarded materials (including, without limitation, discarded household goods, discarded commercial products, discarded building materials, discarded industrial by-products, discarded brush and other vegetation, and similar materials) shall be deemed a nuisance to the neighborhood and general public per se, and shall be prohibited on any parcel or lot or portion thereof, or on any public or private streets, or common access driveway (as defined by the Allen County Subdivision Regulations).

6.3.6 Private landing fields for aircraft, hot air balloons, ultra-light aircraft, and other mechanical flying equipment.

6.3.7 No land or building shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which otherwise adversely affect surrounding areas or adjoining premises.

6.3.8 No commercial cultivators, processors, or retail dispensaries of medical or adult use marijuana licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this R-3 district.

6.4 MAXIMUM HEIGHT REGULATIONS WITHIN THE R-3 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

6.5 REQUIRED FLOOR AREA WITHIN THE R-3 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

6.6 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE R-3 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

6.7 REQUIRED YARD REGULATIONS WITHIN THE R-3 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

6.8 REQUIRED SETBACK REGULATIONS WITHIN THE R-3 DISTRICT

Any proposed or new dwellings and or structure shall conform to the existing setback. The existing setback is established by two (2) or more dwellings and or structures on the same side of the road/street of the proposed new construction and being between two (2) street or road intersections with existing setbacks in the range of fifty-five (55) feet to one hundred fifty (150) feet. All fronting structures within said range will be used to calculate an average, which will be used as the existing setback. New structures shall not be closer to the center line of the road/street than the existing setback.

Any building erected in any R-3 District shall be so maintained and situated to provide that no portion thereof shall be closer to the center line of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet.

No building permit shall be issued unless all setback regulations, including rear setback, centerline setback, side setback and existing setbacks can be met. If the lot or parcel of land, on which the proposed or new dwelling or structure is to be built, is insufficient in size or shape to meet all setback regulations, a permit shall not be issued unless a variance is applied for and granted pursuant to Article 18 of this resolution.

See "Official Schedule of District Regulations" Section 15.1. and “Submission to the Director of Transportation” Section 21.4.

> Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed, as described in the certification to local officials by the Director of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that a zoning permit shall not be issued for one hundred twenty (120) days from the date the notice is received by the Director of Transportation.
>
> If the Director of Transportation notifies the Zoning Inspector that acquisition of the needed land shall proceed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit

6.9 LANDSCAPING OR SCREENING PROVISIONS WITHIN THE R-3 DISTRICT

For R-3 residential uses abutting any other R-District, the minimum yards may be reduced to fifty percent (50%) of the minimum side or rear yard requirements if acceptable landscaping or screening consisting of a wall or solid fence approved by the Board of Zoning Appeals is provided. Such screening shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or solid fence shall consist of a well-maintained strip of land not less than ten (10) feet in width planted with evergreen hedge or dense planting of evergreen shrubs with interlocking branches not less than four (4) feet in height and closer than five (5) feet from the abutting property line at the time of planting.

See "Official Schedule of District Regulations" Section 15.1.

6.10 REQUIRED MINUMUM BUILDING STANDARDS (THREE OR MORE FAMILY DWELLING UNITS)

Ohio Residential Building Code as stated the year the structure is built for up to three residents. Four units or more: As required by the Ohio Basic Building Code and Ohio Fire Code in force the year the structure is built. Ohio Residential Building Code as stated the year the structure is built. All structures must adhere to the latest version of the Ohio Building Code in force at the time of the construction. The permit holder is responsible for providing proof of inspection and approval completed by a licensed home inspector.

ARTICLE 7

P.B.O.- PROFESSIONAL AND BUSINESS OFFICE DISTRICT

7.0 PURPOSE

The P.B.O. or referred to as Professional and Business Office Districts are designed to accommodate and promote the availability of professional and personal services. The districts are to serve as a transition between residential and non-residential districts. In a Professional and Business Office District, no building or land shall be used, and no building shall be erected except for one or more of the following specified uses.

7.1 PERMITTED USES WITHIIN THE P.B.O. - PROFESSIONAL AND BUSINESS OFFICE DISTRICTS

7.1.1 Office buildings for any of the following occupations: Accounting, legal, engineering, architectural or planning, clerical, and stenographic services.

7.1.2 Medical or dental offices.

7.1.3 Banks, credit unions, savings and loan associations.

7.1.4 Personal service establishments including barber shops and beauty shops.

7.1.5 Offices devoted to business management, trade associations, insurance companies, real estate, tax consultants, and notary public.

7.1.6 Day care facilities.

7.1.7 Essential Services.

7.1.8 Accessory buildings and uses as defined in this Zoning Resolution, accessory uses, buildings, and structures may be permitted when located on the same parcel and only when incidental or subordinate to and in association with a principal permitted use. A principal building is required to be constructed and in use, prior to any accessory structure being constructed. Accessory buildings allowable size shall be based lot size, consistent with Article 23. No detached accessory building within any zoning district shall be used for human habitation or any form of residency.

7.2 CONDITIONAL USES WITHIN THE P.B.O. AND BUSINESS DISTRICT WITH THE APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING

7.2.1 Single-family dwelling units.

7.2.2 Mortuary establishments, where adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.

7.2.3 Publicly owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, or gas regulator stations.

7.2.4 Churches, civic or charitable organization offices.

7.2.5 Barrow Pits: provided that the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of Zoning Appeals to conform to the restrictions and conditions imposed to ensure regrading, reseeding, and general restoration of the area. Barrow Pits shall additionally conform to Allen County Floodplain, and Flood Hazard Regulations to include Water and Sediment Control Regulations.

7.2.6 Medical & Adult Use Cannabis Retail Dispensary-(One-1 Medical/Adult Use Retail Dispensary is permitted within American Township). Refer to Article 21 (Medical & Adult Use Cannabis) for additional permitting and fee requirements.

7.3 PROHIBITED USES WITHIN THE P.B.O. ZONED DISTRICT

Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited, in addition to the following:

7.3.1 Any junk yard(s), dumping sites, declamation sites, automobile junk / salvage yards, land-fill sites, or waste collection / disposal sites, shall be prohibited.

7.3.2 No motor home, camper, recreational vehicle, bus, utility vehicle, or van of any type shall be habituated, by a resident or guest. Any connections for power, sanitation, or cable, shall furthermore be prohibited and shall support evidence of habitation. Exception provided for habitation and use within a designated mobile home park or campground.

7.3.3 Storage or accumulation of the following: junk, inoperable, unused, abandoned or unlicensed vehicles; equipment or machinery of any type; and vehicle, equipment or machinery parts and other similar debris – shall be prohibited unless any of the previously mentioned items remain entirely enclosed within a permitted accessory building so as to not be visible from any adjoining property or road.

7.3.4 The storage or accumulation of trash, debris, graffiti, unused property, or discarded materials (including, without limitation, discarded household goods, discarded commercial products, discarded building materials, discarded industrial by-products, discarded brush and other vegetation, and similar materials) shall be deemed a nuisance to the neighborhood and general public per se, and shall be prohibited on any parcel or lot or portion thereof, or on any public or private streets, or common access driveway (as defined by the Allen County Subdivision Regulations).

7.3.5 No land or building shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which otherwise adversely affect surrounding areas or adjoining premises.

7.3.6 No commercial cultivators, or processors of medical or adult use marijuana licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this PBO-Professional Business District.

7.3.7 Amusement arcades (Internet sweepstakes, adult arcade gaming, similar use) and adult entertainment businesses to include adult bookstores, as well as establishments operated for commercial gain which invites or permits public to view adult material or merchandise. (Pursuant to the provisions of Articles 15).

7.4 MAXIMUM HEIGHT REGULATIONS WITHIN THE P.B.O. DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

7.5 REQUIRED FLOOR AREA WITHIN THE P.B.O. DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

7.6 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE P.B.O. DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

7.7 REQUIRED YARD REGULATIONS WITHIN THE P.B.O. DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

7.8 REQUIRED SETBACK REGULATIONS WITHIN THE P.B.O. DISTRICT

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or 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 nonconforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or;

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 section line (on roads centered about the section or quarter section lines or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

See "Official Schedule of District Regulations" Section 15.1. and “Submission to the Director of Transportation” Section 21.4.

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed, as described in the certification to local officials by the Director of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that a zoning permit shall not be issued for one hundred twenty (120) days from the date the notice is received by the Director of Transportation.

If the Director of Transportation notifies the Zoning Inspector that acquisition of the needed land shall proceed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit

7.9 LANDSCAPING OR SCREENING PROVISIONS

For non-residential uses abutting an R-District, the minimum yards may be reduced to fifty percent (50%) of the minimum side or rear yard requirements if acceptable landscaping or screening consisting of a wall or solid fence approved by the Board of Zoning Appeals is provided. Such screening shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or solid fence shall consist of a well-maintained strip of land not less than ten (10) feet in width planted with evergreen hedge or dense planting of evergreen shrubs with interlocking branches not less than four (4) feet in height and closer than five (5) feet from the abutting property line at the time of planting.

See "Official Schedule of District Regulations" Section 15.1.

7.10 REQUIRED MINUMUM BUILDING STANDARDS

As required by the Ohio Basic Building Code and Ohio Fire Code in force the year the structure is built.

ARTICLE 8

B-1 LOCAL BUSINESS DISTRICT

8.0 PURPOSE

The purpose of the B-1 Local Business District is to provide an area for a wide range of retail facilities and services of such nature as to be fully compatible with those residential areas immediately adjacent. In a B-1 Business District, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following described uses.

8.1 PERMITTED USES WITHIN THE B-1 BUSINESS DISTRICT:

8.1.1 Administrative and professional offices.

8.1.2 General offices and general office buildings designed for leased space, including but not limited to, operation, administrative and executive offices for personnel engaged in general administration, operations, purchasing, accounting, telemarketing, credit card processing, bank processing and administrative processing, and other similar business activities: Banks, savings and loan institutions, ATM's public utility offices, insurance and real estate offices, office buildings, medical, dental, rehabilitation office clinics, law, architectural, engineering, accounting and other professional offices.

8.1.3 Food, Drug and Beverages: Drug store, Grocery stores, supermarkets, meat markets, fish markets, bakeries (in conjunction with retail sales), frozen food locker facilities, delicatessens, enclosed restaurants, and food & ice cream parlor establishments.

8.1.4 Specialty Shops: Gift shops, books, magazine and stationery outlets, florist shops, camera shops, photography studios, sporting goods and drive-in stores dealing entirely in the retail sale of any product and/or the servicing in conjunction with the sale of any product or service not restricted by the provisions of this Section.

8.1.5 Service and Recreation: Barber shops, beauty shops or any school engaged in the teaching of or instruction in any trade, shoe repair and tailor shops, appliance repair shops, laundromats using self-operating automatic washers, dryers and appliances and noninflammable fluids, dry cleaning establishments using noninflammable cleaning agents, retail printing shops, a funeral home or mortuary, hospital, radio or television studio, bowling alley, assembly hall, enclosed theater, car / truck washes.

8.1.6 Pet Grooming, hygiene care of animals and day boarding for the grooming and well-being of domestic pets not abutting or adjoining an R-Zoned District.

8.1.7 Major Retail Outlets: Furniture, hardware, appliances, clothing, jewelry, shoe, paint and wallpaper stores dealing entirely in the retail sale of any product not restricted by the provisions of this Section.

8.1.8 Commercial storage facilities for prepackaged merchandise, including food, water, paper, and other similar light use, that is free of objectional odors, vibration, fumes, dirt, etc.

8.1.9 Rest homes, nursing homes, day care facilities and children's nurseries, religious exercise facilities and related uses, churches, schools, libraries, college buildings.

8.1.10 Temporary parking lots and park and ride facility providing daily parking as the principal use which may include accessory shelters for mass transit passengers or carpooling that typically includes parking lots and associated structures located along or near public transit routes.

8.1.11 Indoor and outdoor public recreation facilities, including parks, recreation fields, health & fitness centers, training facilities, concession stands, playgrounds, nature preserves, indoor swimming pools, and similar facilities not including such facilities developed for private use. Administrative and maintenance structures, scoreboards and signs that are associated with indoor and outdoor public recreation facilities shall also be permitted within this zoning district. Facility shall be located no less than twenty-five (25) feet from any other lot in an R-district.

8.1.12 Essential Services.

8.1.13 Accessory buildings and uses as defined in this Zoning Resolution, accessory uses, buildings, and structures may be permitted when located on the same parcel and only when incidental or subordinate to and in association with a principal permitted use. A principal building is required to be constructed and in use, prior to any accessory structure being constructed.

Accessory buildings allowable size shall be based lot size, consistent with Article 23. No detached accessory building within any zoning district shall be used for human habitation or any form of residency.

8.1.14 Animal kennels, display and housing or boarding of pets and other domestic animals: Provided that any enclosures or buildings in which the animals are kept shall be at least five hundred (500) feet from any R-District and exercise runs shall be enclosed on four (4) sides by a sight obscuring, unpierced fence or wall at least six (6) feet in height. This section is non-applicable for residents having the agricultural, educational, & 4H exemption permit issued by the Township.

8.2 CONDITIONAL USES WITHIN THE B-1 BUSINESS DISTRICT WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING:

8.2.1 Mini Self Storage Units / Mini Self Storage Complexes.

8.2.2 Commercial vehicle parking garages and / or commercial parking lots.

8.2.3 Any business facility engaged in the assembly, re-assembly, packaging, warehousing and distribution of both retail and wholesale commercial products, excluding industrial metal and machining products and other similar use, that is free of objectional odors, vibration, fumes, dirt, etc.

8.2.4 Hotels, motels, and motor lodges.

8.2.5 Barrow Pits: provided that the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of Zoning Appeals to conform to the restrictions and conditions imposed to ensure regrading, reseeding, and general restoration of the area. Barrow Pits shall additionally conform to Allen County Floodplain, and Flood Hazard Regulations to include Water and Sediment Control Regulations.

8.2.6 Medical & Adult Use Cannabis Retail Dispensary-(One-1 Medical/Adult Use Retail Dispensary is permitted within American Township). Refer to Article 21 (Medical & Adult Use Cannabis) for additional permitting and fee requirements.

8.3 PROHIBITED USES WITHIN THE B-1 BUSINESS DISTRICT

Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited, in addition to the following:

8.3.1 Any junk yard(s), dumping sites, declamation sites, automobile junk / salvage yards, land-fill sites, or waste collection / disposal sites, shall be prohibited.

8.3.2 No motor home, camper, recreational vehicle, bus, utility vehicle, or van of any type shall be habituated, by a resident or guest. Any connections for power, sanitation, or cable, shall furthermore be prohibited and shall support evidence of habitation. Exception provided for habitation and use within a designated mobile home park or campground.

8.3.3 Storage or accumulation of the following: junk, inoperable, unused, abandoned or unlicensed vehicles; equipment or machinery of any type; and vehicle, equipment or machinery parts and other similar debris – shall be prohibited unless any of the previously mentioned items remain entirely enclosed within a permitted accessory building so as to not be visible from any adjoining property or road.

8.3.4 The storage or accumulation of trash, debris, graffiti, unused property, or discarded materials (including, without limitation, discarded household goods, discarded commercial products, discarded building materials, discarded industrial by-products, discarded brush and other vegetation, and similar materials) shall be deemed a nuisance to the neighborhood and general public per se, and shall be prohibited on any parcel or lot or portion thereof, or on any public or private streets, or common access driveway (as defined by the Allen County Subdivision Regulations).

8.3.5 No land or building shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which otherwise adversely affect surrounding areas or adjoining premises.

8.3.6 No commercial cultivators or processors, of medical or adult use marijuana licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this B-1 business district.

8.3.7 Amusement arcades (Internet sweepstakes, adult arcade gaming, similar use) and adult entertainment businesses to include adult bookstores, as well as establishments operated for commercial gain which invites or permits public to view adult material or merchandise. (Pursuant to the provisions of Articles 12 and 13).

8.3 MAXIMUM HEIGHT REGULATIONS WITHIN THE B-1 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

8.4 REQUIRED FLOOR AREA WITHIN THE B-1 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

8.5 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE B-1 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

8.6 REQUIRED YARD REGULATIONS WITHIN THE B-1 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

8.7 REQUIRED SETBACK REGULATIONS WITHIN THE B-1 DISTRICT

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter (¼) section lines) or 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 section line (on roads centered about the section or quarter (¼) section lines) or 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 section line (on roads centered about the section or quarter (¼) section lines) or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

See "Official Schedule of District Regulations" Section 15.1. and “Submission to the Director of Transportation” Section 21.4.

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed, as described in the certification to local officials by the Director of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that a zoning permit shall not be issued for one hundred twenty (120) days from the date the notice is received by the Director of Transportation.

If the Director of Transportation notifies the Zoning Inspector that acquisition of the needed land shall proceed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

8.8 LANDSCAPING OR SCREENING PROVISIONS

For non-residential uses abutting an R-District, acceptable landscaping or screening; approved by the Board of Zoning Appeals shall be provided. Such screening consisting of a wall or solid fence shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting.

See "Official Schedule of District Regulations" Section 15.1.

8.9 OTHER REQUIRED CONDITIONS

Processes and equipment employed, and goods processed or sold shall be limited to those which are not objectionable because of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste, and must comply with the performance standards of this Resolution.

8.10 REQUIRED MINUMUM BUILDING STANDARDS

As required by the Ohio Basic Building Code and Ohio Fire Code in force the year the structure is built.

ARTICLE 9

B-2 GENERAL BUSINESS DISTRICT

9.0 PURPOSE

The purpose of the B-2 General Business District is to provide for those businesses and services which require a location other than in the local business districts being either highway oriented or requiring larger tracts of land not normally available in local business districts abutting residential developments.

9.1 PERMITTED USES WITHIN THE B-2 BUSINESS DISTRICT

9.1.1 Any permitted use within the B-1 District.

9.1.2 Bookbinding and upholstering shops.

9.1.3 Lumber and home improvement sales, to include garden centers.

9.1.4 Carry out of food and beverage establishments with drive through facilities.

9.1.5 Bottling works, plumbing heating and cooling, electrical, concrete masonry, and building material establishments (providing no assembly, construction, millwork or concrete block manufacture is done on premises).

9.1.6 Veterinary hospital for small animals.

9.1.7 Sale at retail of any industrial product, including the repair or maintenance of equipment or facilities used in any residential or industrial connection.

9.1.8 Automotive and Related Uses: Automobile sales rooms, Automotive sales lots, farm implement sales and related repair garages, automobile repair garage, customer parking lots associated with a business establishment, motorcycle and bicycle sales and repair shops, motor bus and cab terminals. Gasoline service stations, combined gasoline service/convenience/restaurant establishments are permitted provided all volatile products are stored underground.

9.1.9 Bars, Micro-brewery (under 15,000-barrel production), Micro Distilleries (under 75,000-gallon production), Wineries, establishments serving alcoholic beverages with State issued Liquor licenses.

9.1.10 Accessory buildings and uses; as defined in this Zoning Resolution, accessory uses, buildings, and structures may be permitted when located on the same parcel and only when incidental or subordinate to and in association with a principal permitted use. Accessory buildings allowable size shall be based lot size, consistent with Article 23. No accessory building within any zoning district shall be used for human habitation or residency.

9.1.11 Mini Self Storage Units / Mini Self Storage Complexes.

9.1.12 Commercial vehicle parking garages and / or commercial parking lots.

9.1.13 Any business facility engaged in the storage, assembly, reassembly, warehousing, and distribution of both retail, commercial and wholesale industrial products, that is free of objectional odors, vibration, fumes, dirt, etc.

9.1.14 Hotels, motels, and motor lodges.

9.1.15 Animal kennels, display and housing or boarding of pets and other domestic animals, provided that any enclosures or buildings in which the animals are kept shall be at least five hundred (500) feet from any R-District and exercise runs shall be enclosed on four (4) sides by a sight obscuring, unpierced fence or wall at least six (6) feet in height; and,

9.1.16 Essential Services.

9.2 CONDITIONAL USES WITHIN THE B-2 BUSINESS DISTRICT WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING

9.2.1 Semi-tractor trailer truck terminals, and truck plazas, providing overnight / extended parking, hygiene facilities and trailer repairs.

9.2.2 Amusement arcades (Internet sweepstakes, adult arcade gaming, similar use) and adult entertainment businesses (Pursuant to the provisions of Articles 15).

9.2.3 Veterinary hospital and clinics, servicing livestock and large animal rehabilitation and care. Minimum of two-(2) acres of land required and minimum of twenty-five-25 feet from adjoining property lines.

9.2.4 Barrow Pits: Provided that the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of Zoning Appeals to conform to the restrictions and conditions imposed to ensure regrading, reseeding, and general restoration of the area. Barrow Pits shall additionally conform to Allen County Floodplain, and Flood Hazard Regulations to include Water and Sediment Control Regulations.

9.2.5 Medical & Adult Use Cannabis Retail Dispensary-(One-1 Medical/Adult Use Retail Dispensary is permitted within American Township). Refer to Article 21 (Medical & Adult Use Cannabis) for additional permitting and fee requirements.

9.2.6 Other commercial, manufacturing, warehousing, or distribution uses that is not specifically listed in B-1 or B-2 usage that is light in nature, free of objectional odors, fumes, dirt, vibration, or noise reasonably detected at lot line, and deemed as acceptable use of land by the Board of Zoning Appeals.

9.3 PROHIBITED USES WITHIN THE B-2 BUSINESS DISTRICT

Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited, in addition to the following:

9.3.1 Any junk yard(s), dumping sites, declamation sites, automobile junk / salvage yards, land-fill sites, or waste collection / disposal sites, shall be prohibited.

9.3.2 No motor home, camper, recreational vehicle, bus, utility vehicle, or van of any type shall be habituated, by a resident or guest. Any connections for power, sanitation, or cable, shall furthermore be prohibited and shall support evidence of habitation. Exception provided for habitation and use within a designated mobile home park or campground.

9.3.3 Storage or accumulation of the following: junk, inoperable, unused, abandoned or unlicensed vehicles; equipment or machinery of any type; and vehicle, equipment or machinery parts and other similar debris – shall be prohibited unless any of the previously mentioned items remain entirely enclosed within a permitted accessory building so as to not be visible from any adjoining property or road.

9.3.4 The storage or accumulation of trash, debris, graffiti, unused property, or discarded materials (including, without limitation, discarded household goods, discarded commercial products, discarded building materials, discarded industrial by-products, discarded brush and other vegetation, and similar materials) shall be deemed a nuisance to the neighborhood and general public per se, and shall be prohibited on any parcel or lot or portion thereof, or on any public or private streets, or common access driveway (as defined by the Allen County Subdivision Regulations).

9.3.5 No land or building shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which otherwise adversely affect surrounding areas or adjoining premises.

9.3.6 No commercial cultivators or processors, of medical or adult use marijuana licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this B-2 business district.

9.4 MAXIMUM HEIGHT REGULATIONS WITHIN THE B-2 GENERAL BUSINESS DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

9.5 REQUIRED FLOOR AREA WITHIN THE B-2 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

9.6 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE B-2 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

9.7 REQUIRED YARD REGULATIONS WITHIN THE B-2 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

9.8 REQUIRED SETBACK REGULATIONS WITHIN THE B-2 DISTRICT

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or 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 nonconforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or 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 section line (on roads centered about the section or quarter section lines or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

See "Official Schedule of District Regulations" Section 15.1. and “Submission to the Director of Transportation” Section 21.4.

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed, as described in the certification to local officials by the Director of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that a zoning permit shall not be issued for one hundred twenty (120) days from the date the notice is received by the Director of Transportation.

If the Director of Transportation notifies the Zoning Inspector that acquisition of the needed land shall proceed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit

9.9 LANDSCAPING OR SCREENING PROVISIONS

For non-residential uses abutting an R-District, acceptable landscaping or screening, shall be provided. Such screening consisting of a wall or solid fence shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a well-maintained strip of land not less than fifteen (15) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs with interlocking branches not less than four (4) feet in height at the time of planting.

See "Official Schedule of District Regulations" Section 15.1.

9.10 OTHER REQUIRED CONDITIONS

Processes and equipment employed, and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste, and must comply with the performance standards of this Resolution.

9.11 REQUIRED MINUMUM BUILDING STANDARDS

As required by the Ohio Basic Building Code and Ohio Fire Code in force the year the structure is built.

ARTICLE 10

M-1 LIGHT MANUFACTURING DISTRICT

10.0 PURPOSE

The purpose of the M-1 Manufacturing District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; and which operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and other less intense uses.

10.1 PERMITTED USES IN THE M-1 MANUFACTURING DISTRICT:

10.1.1 Any permitted use established within the B-2 District. (Excludes B-1 District Use)

10.1.2 Bulk storage or warehousing for commodities such as building materials, contractor equipment, clothing fibers (raw or finished), dregs, dry goods, feed, fertilizer, food, solid fuels, furniture, hardware, ice, machinery, metals, paint and paint materials, pipe, rubber and rubber products, shop supplies, liquid fuels, petroleum or petroleum products or volatile oils and liquids, provided that the storage of liquid fuels, petroleum products, or volatile oils and liquids shall be underground in tanks of a maximum capacity of twenty thousand (20,000) gallons, built and constructed in accordance with the minimum regulations of the State of Ohio.

10.1.3 Laundry or dry-cleaning plants and facilities.

10.1.4 Commercial printing or publishing establishments.

10.1.5 Cold storage plants, brewery, distillery, milk bottling, ice plants and storage, central distribution, wholesaling, or processing plants.

10.1.6 Freight terminal, truck terminals and railroad yards, to include the building of spur lines or switching facilities required or desirable in connection with any use permitted under this Section.

10.1.7 Lumber yard with planning mill; cabinet shop, home furnishings production.

10.1.8 Administrative, engineering, scientific research, design or experimentation facility, assaying of mineral ore by laboratory methods, and such processing and fabrication as may be necessary thereto.

10.1.9 Manufacturing, compounding, processing, packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs and pharmaceutical products, soap (cold process only) and food products and bottling works, except the following: fish or meat products, sauerkraut, sugar beets, vinegar, yeast and the rendering or refining of fats and oils.

10.1.10 Manufacturing or processing of small items, including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors or generators, and textile products**.**

10.1.11 Assembling of electrical appliances, radios and phonographs and televisions, including the manufacturing of small parts only, such as coils, condensers, transformers, crystal holders, electric and electronic parts and equipment for wholesale, musical instruments, novelties, and light metal products.

10.1.12 Pallet manufacturing, storage as restricted by Ohio Fire Code, and Local Fire Department.

10.1.13 Essential Services.

10.1.14 Accessory buildings and uses as defined in this Zoning Resolution, accessory uses, buildings, and structures may be permitted when located on the same parcel and only when incidental or subordinate to and in association with a principal permitted use. A principal building is required to be constructed and in use, prior to any accessory structure being constructed. Accessory buildings allowable size shall be based lot size, consistent with Article 23. No detached accessory building within any zoning district shall be used for human habitation or any form of residency.

10.2 CONDITIONAL USES WITHIN A M-1 MANUFACTURING DISTRICT - WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER PUBLIC HEARING

10.2.1 Processing (private or commercial) facilities for the slaughter, processing, dressing or storage for sale (as wholesale or retail) of poultry, waterfowl, meat, game, livestock; to include meat packing, curing or dressing establishment;

10.2.2 Electronic Data Storage Centers, Data Mining Facilities, Electronic Media Storage Device Centers (Data center not to exceed 10,000 square feet); excluding "hyperscale data centers".

10.2.3 Barrow Pits: provided that the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of Zoning Appeals to conform to the restrictions and conditions imposed to ensure regrading, reseeding, and general restoration of the area. Barrow Pits shall additionally conform to Allen County Floodplain, and Flood Hazard Regulations to include Water and Sediment Control Regulations.

10.2.4 Other manufacturing uses that are light in nature, free of objectional odors, fumes, dirt, vibration, or noise reasonably detected at the lot line.

10.2.5 Medical & Adult Use Cannabis Retail Dispensary-(One-1 Medical/Adult Use Retail Dispensary is permitted within American Township). Refer to Article 21 (Medical & Adult Use Cannabis) for additional permitting and fee requirements.

10.3 PROHIBITED USES WITHIN A M-1 MANUFACTURING DISTRICT

Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited, in addition to the following:

10.3.1 Any junk yard(s), dumping sites, declamation sites, automobile junk / salvage yards, land-fill sites, or waste collection / disposal sites, shall be prohibited.

10.3.2 No motor home, camper, recreational vehicle, bus, utility vehicle, or van of any type shall be habituated, by a resident or guest. Any connections for power, sanitation, or cable, shall furthermore be prohibited and shall support evidence of habitation. Exception provided for habitation and use within a designated mobile home park or campground.

10.3.3 Storage or accumulation of the following: junk, inoperable, unused, abandoned or unlicensed vehicles; equipment or machinery of any type; and vehicle, equipment or machinery parts and other similar debris – shall be prohibited unless any of the previously mentioned items remain entirely enclosed within a permitted accessory building so as to not be visible from any adjoining property or road.

10.3.4 The storage or accumulation of trash, debris, graffiti, unused property, or discarded materials (including, without limitation, discarded household goods, discarded commercial products, discarded building materials, discarded industrial by-products, discarded brush and other vegetation, and similar materials) shall be deemed a nuisance to the neighborhood and general public per se, and shall be prohibited on any parcel or lot or portion thereof, or on any public or private streets, or common access driveway (as defined by the Allen County Subdivision Regulations).

10.3.5 No land or building shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which otherwise adversely affect surrounding areas or adjoining premises.

10.3.6 Amusement arcades (Internet sweepstakes, adult arcade gaming, similar use) and adult entertainment businesses to include adult bookstores, as well as establishments operated for commercial gain which invites or permits public to view adult material or merchandise. (Pursuant to the provisions of Articles 15).

10.3.7 No commercial cultivators or processors of medical or adult use marijuana licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this M-1 manufacturing district.

10.4 ACCESSORY USES IN THE M-1 DISTRICT

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted uses in the M-1 District.

10.5 MAXIMUM HEIGHT REGULATIONS WITHIN THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

10.6 REQUIRED FLOOR AREA WITHIN THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

10.7 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

10.8 REQUIRED YARD REGULATIONS WITHIN THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

10.9 REQUIRED SETBACK REGULATIONS WITHIN THE M-1 DISTRICT

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or 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 nonconforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or 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 section line (on roads centered about the section or quarter section lines or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

See "Official Schedule of District Regulations" Section 15.1. and “Submission to the Director of Transportation” Section 21.4.

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed, as described in the certification to local officials by the Director of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that a zoning permit shall not be issued for one hundred twenty (120) days from the date the notice is received by the Director of Transportation.

If the Director of Transportation notifies the Zoning Inspector that acquisition of the needed land shall proceed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit

10.10 LANDSCAPING OR SCREENING PROVISIONS

For M-1 Manufacturing uses abutting an R-District, screening and fencing. Such screening consisting of a wall or solid fence shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting.

See "Official Schedule of District Regulations" Section 15.1.

10.11 OTHER REQUIRED CONDITIONS

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste, and must comply with the performance standards of this Resolution.

10.12 REQUIRED MINUMUM BUILDING STANDARDS

As required by the Ohio Basic Building Code and Ohio Fire Code in force the year the structure is built.

ARTICLE 11

M-2 GENERAL MANUFACTURING DISTRICT

11.0 PURPOSE

The purpose of the M-2 General Manufacturing District is to encourage the development of manufacturing facilities of a moderate and heavy nature.

11.1 PERMITTED USES IN THE M-2 MANUFACTURING DISTRICT

11.1.1 Any permitted use established within the M-1 District; (Excludes B-1, & B-2 District Uses)

11.1.2 Grain elevators, concrete plants and the manufacture, storage and sale of related products;

11.1.3 Metal fabrication and casting plants;

11.1.4 Utility Grid Solar Energy Systems (Less than 50 megawatts), shall be permitted in M-2 zoned districts subject to applicable zoning regulations.

11.1.5 Establishments involved in the manufacturing, assembling, remodeling and distribution of new automobiles, trucks, boats, household goods, farm equipment, and construction and building equipment and products, and plastic and metal products; and,

11.1.5 Carpentry, woodworking and machine shops. Large scale production of home and house furnishings over 50,000 SF.

11.1.6 Accessory buildings and uses as defined in this Zoning Resolution, accessory uses, buildings, and structures may be permitted when located on the same parcel and only when incidental or subordinate to and in association with a principal permitted use. A principal building is required to be constructed and in use, prior to any accessory structure being constructed. Accessory buildings allowable size shall be based lot size, consistent with Article 23. No detached accessory building within any zoning district shall be used for human habitation or any form of residency.

11.2 CONDITIONAL USES IN THE M-2 MANUFACTURING DISTRICT - WITH APPROVAL OF THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING

11.2.1 Processing facilities for storage or dressing for sale (as wholesale or retail) of poultry, meat or game or a meat packing, curing or dressing establishment.

11.2.2 Chemical plants not emitting corrosive or toxic fumes beyond the limits of the premises, including any plant the main operation of which is concerned with the processing or synthesizing of chemical compounds or derivatives, volatile in nature.

11.2.3 Barrow Pits: provided that the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of Zoning Appeals to conform to the restrictions and conditions imposed to ensure regrading, reseeding, and general restoration of the area. Barrow Pits shall additionally conform to Allen County Floodplain, and Flood Hazard Regulations to include Water and Sediment Control Regulations.

11.2.4 Any industrial, manufacturing, storage uses (to include but not limited to electronic data storage facilities, hyper-data centers, data mining facilities, lithium battery manufacturing facilities or plants, or computer chip manufacturing & distribution establishment(s) and those not specifically mentioned above but deemed as acceptable use of the land by the Board of Zoning Appeals).

11.2.5 Medical & Adult Use Cannabis Retail Dispensary-(One-1 Medical/Adult Use Retail Dispensary is permitted within American Township). Refer to Article 21 (Medical & Adult Use Cannabis) for additional permitting and fee requirements.

11.3 PROHIBITED USES WITHIN A M-2 MANUFACTURING DISTRICT

Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited, in addition to the following:

11.3.1 Any junk yard(s), dumping sites, declamation sites, automobile junk / salvage yards, land-fill sites, or waste collection / disposal sites, shall be prohibited.

11.3.2 No motor home, camper, recreational vehicle, bus, utility vehicle, or van of any type shall be habituated, by a resident or guest. Any connections for power, sanitation, or cable, shall furthermore be prohibited and shall support evidence of habitation. Exception provided for habitation and use within a designated mobile home park or campground.

11.3.3 Storage or accumulation of the following: junk, inoperable, unused, abandoned or unlicensed vehicles; equipment or machinery of any type; and vehicle, equipment or machinery parts and other similar debris – shall be prohibited unless any of the previously mentioned items remain entirely enclosed within a permitted accessory building so as to not be visible from any adjoining property or road.

11.3.4 The storage or accumulation of trash, debris, graffiti, unused property, or discarded materials (including, without limitation, discarded household goods, discarded commercial products, discarded building materials, discarded industrial by-products, discarded brush and other vegetation, and similar materials) shall be deemed a nuisance to the neighborhood and general public per se, and shall be prohibited on any parcel or lot or portion thereof, or on any public or private streets, or common access driveway (as defined by the Allen County Subdivision Regulations).

11.3.5 No land or building shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which otherwise adversely affect surrounding areas or adjoining premises.

11.3.6 Amusement arcades (Internet sweepstakes, adult arcade gaming, similar use) and adult entertainment businesses to include adult bookstores, as well as establishments operated for commercial gain which invites or permits public to view adult material or merchandise. (Pursuant to the provisions of Articles 12 and 13).

11.3.7 No commercial cultivators or processors of medical or adult use marijuana licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this M-2 manufacturing district.

11.4 ACCESSORY USES IN THE M-2 DISTRICT

Accessory uses and structures are customarily accessory and incidental to any of the foregoing permitted uses in the M-2 District.

11.5 REQUIRED LOT AREA AND FRONTAGE WITHIN THE M-2 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

11.6 BUILDING HEIGHT REGULATION WITHIN THE M-2 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

11.7 REQUIRED YARD REGULATIONS WITHIN THE M-2 DISTRICT

See "Official Schedule of District Regulations" Section 15.1.

11.8 REQUIRED SETBACK REGULATION WITHIN THE M-2 DISTRICT

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or 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 nonconforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or 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 section line (on roads centered about the section or quarter section lines or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

See "Official Schedule of District Regulations" Section 15.1. and “Submission to the Director of Transportation” Section 21.4.

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed, as described in the certification to local officials by the Director of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that a zoning permit shall not be issued for one hundred twenty (120) days from the date the notice is received by the Director of Transportation.

If the Director of Transportation notifies the Zoning Inspector that acquisition of the needed land shall proceed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit

11.9 LANDSCAPING OR SCREENING PROVISIONS

For non-residential uses abutting an R-District, acceptable landscaping or screening. Such screening consisting of a wall or solid fence shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall, or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting.

See "Official Schedule of District Regulations" Section 15.1.

11.10 OTHER REQUIRED CONDITIONS

Processes and equipment employed, and goods processed or sold shall be limited to those which are not objectionable by reason of cinders, gas, fumes, and refuse matter or water-carried waste, and must comply with the performance standards of this Resolution.

11.11 REQUIRED MINUMUM BUILDING STANDARDS

As required by the Ohio Basic Building Code and Ohio Fire Code in force the year the structure is built.

ARTICLE 12

PLANNED UNIT DEVELOPMENT DISTRICTS

12.0 PURPOSE

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

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

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

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

12.1 PERMITTED USES IN THE R-PUD DISTRICT

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

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

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

12.2 GENERAL PROVISIONS

12.2.1 The owner or owners of any tract of land may submit to the Zoning Commission a plan for the use and development of the entire tract of land for residential and allied purposes. The ODP shall be studied and presented before a public hearing. Notice and publication of such public hearings shall conform to the procedures prescribed for hearings on the changes and amendments. If the Zoning Commission approves the plans, they shall be submitted to the Trustees for consideration and action. The approval and recommendations of the Zoning Commission shall be predicated upon a report, filed by the applicant, which documents the rationale and contains the specific evidence and facts showing that the proposed R-PUD project meets with the following conditions:

a. The proposed development plan shall specifically document the purpose of the development and the intended use of the land in an overall pattern of buildings, greenery, parking and amenities;

b. The proposed development plan shall provide satisfactory documentation that the property adjacent to the area included in the plan will not be adversely affected; (c) the proposed development plan shall document all ownership and maintenance agreements to include any common areas, streets, swimming pools, lakes/ponds, golf courses, etc.; (d) the proposed development plan shall demonstrate compatibility with the uses permitted in the district in which the development is proposed to be located; and, (e) the proposed development plan shall document the maximum density and intensity of land uses within the proposed district in order to identify the parameters of all pertinent design criteria requirements.

12.2.2 R-PUDs shall adhere to the Allen County Storm Water & Sediment Control Regulations (SWSCR) and Township Storm Water Management Plans (SWMP) as applicable.

12.2.3 The configuration of lots, public roads and private drives/service roads shall be coordinated with the Allen County Subdivision Regulations and Access Management Regulations as applicable.

12.2.4 A zoning certificate may be issued, even though the use of land, the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the standard district regulations.

12.3 SPECIFIC DESIGN CRITERIA FOR R-PUD DISTRICT

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

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

12.3.3 The R-PUD shall utilize a landscaping and buffering plan per the requirements of this document as identified elsewhere in this text. The landscaping and any required buffering shall be designed by a licensed landscape architect in order to achieve the necessary aesthetic balance between the PUD and the surrounding area.

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

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

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

12.3.5 R-PUDs are expected to incorporate various ancillary uses and structures in their design. The following are specific design criteria that shall be incorporated in the respective development.

a. Private swimming pools, detached garages/sheds, hot tubs, sport courts, tennis courts, basketball courts, gazebos, play structures or other similar structures as determined by the zoning inspector shall be classified as accessory structures.

b. Accessory structures shall be subordinate to the principal permitted use and respective principal structure. Accessory structures shall be located to the rear or side of the principal structure. No accessory structures shall be located in front yards unless specifically approved during the design review process.

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

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

e. The design and construction of publicly dedicated streets shall be coordinated with the Allen County Subdivision Regulations and Access Management Regulations. In order to adequately address the Allen County Access Management Regulations, the design of private drives or internal service roads such as in condominiums should be presented to the Allen County Engineer for review.

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

a. All multi-family and condominium roads/drives shall be designed to meet the minimum intersection sight distances as established by the Ohio Department of Transportation's (ODOT's) Location and Design (L&D) Manual sections on Intersection Sight Distance (ISD), Vertical ISD and Horizontal ISD. These sight distances are to be shown on the proposed plan. If it is determined in an approved Traffic Impact Study for the development or by an engineer designing the driveway that it is not feasible to obtain those required intersection sight distances, then the driveway shall be designed to meet the preferred safe stopping distances provided for in the ODOT L&D Manual. All such exceptions are subject to the approval of the Allen County Engineer.

b. Two (2) access points are required for developments with thirty (30) or more dwelling units to ensure adequate fire protection and access for emergency medical services.

c. All development road/drive centerline angles should be designed as close as possible to ninety (90) degrees. In no case shall the driveway be less than seventy-five (75) degrees.

d. All multi-family, condominium, manufactured home or mobile home park developments shall be designed so as vehicles are traveling in a forward motion when entering or leaving.

e. All roads/drives must provide for and maintain a sight visibility triangle as illustrated in Illustration J. Structures, landscape plantings, fences or signs other than roadway signs are not permitted in this area. The zoning inspector may permit the placement of objects in the required sight visibility triangle area provided that they do not project into the clear vertical space between the height of thirty (30) inches and ten (10) feet as measured from the pavement.

f. Maximum driveway width shall be thirty-six (36) feet as measured from the right-of-way line. For curbed driveways this width is measured from the back of the curb. The maximum driveway lane width shall be twelve (12) feet.

12.3.7 The R-PUD shall utilize a lighting plan in order to provide the level of illumination necessary for adequate, safe and efficient movement of vehicles and persons without affecting neighboring properties. The lighting plan shall be designed by a licensed electrical engineer in order to achieve the necessary aesthetic balance between the PUD and the surrounding area. The following standards shall be met:

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

b. All vehicular use and pedestrian pathways shall not drop below 0.5 foot candles. For design purposes the Light Loss Factor (LLF) shall be calculated using the Illuminating Engineering Society of North America (IESNA) latest standards.

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

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

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

12.4 PERMITTED USES IN THE SP-PUD DISTRICT

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

12.4.2 Permitted uses, as defined under the North American Industrial Classification System (NAICS), may include one or more of the following uses: commercial banking, savings institutions and credit unions; mortgage companies; securities, commodity contracts and other financial investments; insurance carriers and related activities; offices of real estate agents, brokers and appraisers; professional, scientific and technical services (except large animal veterinary services); personal care services; arts, entertainment and recreation establishments; restaurants and drinking places; furniture and home furnishings stores; electronics and appliance stores; food and beverage stores; health and personal care stores; clothing and clothing accessory stores; sporting goods, hobby, book and music stores; miscellaneous store retailers (excluding used merchandise stores); public administration and government services; health care (except psychiatric and substance abuse hospitals); elementary and secondary schools and libraries; child day care centers; and, religious organizations and worship facilities.

Light Manufacturing and Warehousing activities: computer and electronic product manufacturing; electrical equipment, appliance and component manufacturing; furniture and related product manufacturing; medical equipment and supplies manufacturing; printing and related support activities; professional and commercial equipment and supplies wholesalers; beer, wine and distilled alcoholic beverages wholesalers; soft drink bottling and distribution; and, drugs and druggists' sundries wholesalers.

12.4.3 Medium and high density residential structures not to exceed sixteen (16) units per acre may be allowed as a conditional use provided that: all residential uses and/or development activities including multi-family and condominium uses as well as common areas account for less than twenty percent (20%) of the total SP-PUD area; meet all regulations as defined elsewhere in the R-PUD District standards; the residential component is included as an integral part of the SP-PUD and where supporting accessory uses, structures and public infrastructure are available/provided.

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

12.5 GENERAL PROVISIONS

12.5.1 The owner or owners of any tract of land may submit to the Zoning Commission an ODP for the use and development of the entire tract of land. The ODP shall be studied and presented before a public hearing. Notice and publication of such public hearings shall conform to the procedures as prescribed elsewhere in this resolution. If the Zoning Commission approves the plans, they shall be submitted to the Trustees for consideration and action. The approval and recommendations of the Zoning Commission shall be predicated upon a report, filed by the applicant, which documents the rationale and contains the specific evidence and facts showing that the proposed SP-PUD project meets with the following conditions:

a. The proposed development plan shall specifically document the purpose of the development and the intended use of the land in an overall pattern of streets, drainage, buildings, greenery, parking and amenities;

b. The proposed ODP shall provide satisfactory documentation that the property adjacent to the area included in the plan will not be adversely affected;

c. The proposed development plan shall document all ownership and maintenance agreements to include any common areas, streets, swimming pools, lakes/ponds, recreational/sports facilities, etc.;

d. The proposed development plan shall demonstrate compatibility with the uses permitted in the district in which the development is proposed to be located; and,

e. The proposed ODP shall document the maximum density and intensity of land uses within the proposed district in order to identify the parameters of all pertinent design criteria requirements.

12.5.2 SP-PUDs shall adhere to the Allen County SWSCR and the Township's SWMP as required.

12.5.3 The configuration of lots and any public roads and private drives/service roads shall be coordinated with the Allen County Subdivision Regulations and the Allen County Access Management Regulations as applicable.

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

12.5.5 A zoning certificate may be issued, even though the use of land, the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the standard district regulations.

12A.6 SPECIFIC DESIGN CRITERIA FOR SP-PUD DISTRICT

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

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

12.6.3 The design and construction of publicly dedicated streets shall conform to the Allen County Subdivision Regulations. The design of private drives or internal service roads shall be presented to the Allen County Engineer for review.

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

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

b. Driveway centerline angles should be designed as close as possible to ninety (90) degrees. In no case shall the driveway be less than seventy-five (75) degrees.

c. All driveways must provide for and maintain a sight visibility triangle as illustrated in Illustration J. Structures, landscape plantings, fences or signs other than roadway signs are not permitted in this area. The zoning inspector may permit the placement of objects in the required sight visibility triangle area provided that they do not project into the clear vertical space between the height of thirty (30) inches and ten (10) feet as measured from the pavement.

d. Maximum driveway width shall be thirty-six (36) feet as measured from the right-of-way line. For curbed driveways this width is measured from the back of the curb. Maximum driveway lane width shall be twelve (12) feet.

12.6.5 The SP-PUD shall provide sufficient parking to accommodate the demands of its commercial and any ancillary uses. Parking areas shall provide safe, convenient and efficient access.

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

b. The number of required parking spaces shall be provided based on an established use and parking requirements identified elsewhere in this document. Where the ODP fails to identify a proposed use, the zoning inspector will identify an appropriate use to determine minimum standards.

c. Parking spaces shall be distributed as follows: a maximum of forty percent (40%) in front of the primary structure; a maximum of seventy percent (70%) to the side of the primary structure; and, a minimum of ten percent (10%) to the rear of the structure. Where the rear of the primary structure is adjacent to residential uses or zoning districts parking will be prohibited.

d. All required parking shall be identified and contained within the proposed SP-PUD unless the Board of Zoning Appeals approves a joint parking agreement. In such cases, a written agreement between all property owners shall identify all issues related to occupancy, maintenance and liability and record same in the office of the Allen County Recorder. A copy of the agreement will be kept with the zoning certificate.

e. All service drives, off-street parking areas, driveways and maneuvering aisles shall be kept free of standing water, litter, glass, nails and other materials or debris which could create a hazardous situation.

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

g. Where a residential component is included, the SP-PUD shall provide two (2) off-street parking spaces for each single-family unit. Multi-family developments shall provide two (2) off-street parking spaces for each dwelling unit and one (1) visitor parking space for every two (2) units evenly distributed throughout the parking area. The SP-PUD shall provide one (1) off-street parking area for each three (3) people of capacity plus one (1) for each employee when determining the required parking for all common areas including community rooms, outdoor swimming pools, recreational/sports facilities, etc.

12.6.6 The SP-PUD shall utilize a landscaping and buffering plan per the requirements of this document. The landscaping and required buffering shall be designed by a licensed landscape architect in order to achieve the necessary aesthetic balance between the SP-PUD and the surrounding area.

a. No building, structure or vehicular access area shall be developed or expanded unless the minimum landscaping and buffering requirements are established. The Township shall issue a zoning certificate attesting to the integration of all landscaping/buffering requirements upon completion.

b. Trees, vegetation, retention areas, waterways, fences, walls and other landscape/buffer elements are considered elements of the SP-PUD in the same manner as parking and other site details. The owner of the property shall be responsible for the continuous and proper maintenance of all landscaping materials and shall keep them in good order and free from refuse and debris at all times. Maintenance agreements are required in the overall development plan.

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

d. To reduce excessive heat build-up and emissions from large parking areas, landscaped islands/areas must be provided when twenty (20) or more parking spaces are provided. All landscape islands must be a minimum of 110 sq. ft. in size and a maximum of 400 sq. ft. and contain at least one (1) tree, a minimum of two (2) inches in caliper at installation. Trees shall be landscaped with hardwood mulch, shrubs or groundcover, not to exceed two (2) feet in height.

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

12.6.7 The SP-PUD shall utilize a lighting plan in order to provide the level of illumination necessary for adequate, safe and efficient movement of vehicles and persons without affecting adjacent properties. The lighting plan shall be designed by a licensed electrical engineer in order to achieve the necessary aesthetic balance between the SP-PUD and the surrounding area. The following standards shall be met:

a. All SP-PUDs shall provide lighting for the entire vehicle use area, exterior doorways and access walkways. In any residential areas, five (5) or more exterior parking spaces are to be illuminated.

b. All vehicular use and pedestrian pathways shall not drop below 0.5 foot candles. For design purposes the LLF shall be calculated using IESNA latest standards.

c. Light originating at a site shall not be permitted ten (10) feet beyond the perimeter of the site and shall not exceed 0.5 foot candle in residential areas or 1.0 foot candle in commercial areas of the SP-PUD.

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

e. All pole-mounted luminaries shall be restricted to thirty-three (33) feet in commercial areas of the SP-PUD. Heights in residential areas shall not exceed twenty-three (23) feet.

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

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

a. Storage, sales, truck parking, trash collection/compaction, loading or other such uses must not be located closer than thirty-five (35) feet from a residential dwelling or residential district.

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

ARTICLE 13

MANUFACTURED HOME PARKS / FACTORY BUILT HOUSING

13.0 PURPOSE

The purpose of regulating Manufactured Home Parks and Manufactured Homes is to promote the health, safety, and welfare of the community by establishing regulations governing the siting, construction, and maintenance of factory-built housing. It is further the intent of these Sections to permit a wider range of housing opportunities while assuring the compatibility of a variety of housing types within certain residential districts.

13.1 DEFINITIONS

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

a. Manufactured Home Park: means any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots, not for rent nor rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park even though three (3) or more manufactured homes are parked thereon if the roadways are dedicated to the local government authority. "Manufactured Home Park" does not include any tract of land used solely for the storage or display for sale of manufactured homes; and,

b. Manufactured Home: means any non-self-propelled vehicle trans-portable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

c. Modular Home: Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

d. Mobile Home: A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to be in compliance with it.

13.2 PERMITTED USE IN MANUFACTURED HOME PARK & MANUFACTURED HOUSING

a. Zoning for mobile homes shall be permitted only within approved Manufactured Home Parks. Manufactured homes and modular homes which meet the design and appearance standards shall be permitted accordingly.

b. The procedure to amend the Official Zoning Map to establish the MHP District shall be that procedure for amendments specified in Article 28.

13.3 GENERAL STANDARDS FOR MANUFACTURED HOME PARKS

a. General Standards for Manufactured Home Parks:

The Zoning Commission and the Board of Trustees shall review the particular facts and circumstances of each proposed Manufactured Home Park development in terms of the following standards and shall find adequate evidence that such development meets these standards:

1. The proposed park will be served adequately by essential public facilities and services such as highways, streets, drainage, refuse disposal, schools, police and fire protection, or that the persons or agencies proposing the establishment of the park shall be able to provide any such services adequately.

2. The vehicular approaches to the proposed park property will be so designed as not to create traffic interference or congestion on surrounding public streets or roads.

3. The establishment of the proposed park will not result in the damage, destruction, or loss of any natural, scenic, or historic features of major importance; and,

4. The establishment of the proposed park shall not be demonstrably detrimental to the value of surrounding properties or to the character of the adjacent neighborhoods.

b. Specific Standards for Manufactured Home Parks:

In a manufactured home park, no building or premises shall be used and no building shall be erected or designed to be used for other than the following uses and shall conform to the following requirements:

1. It shall contain a minimum of twenty (20) acres;

2. Shall provide a clearly defined minimum lot size of six thousand two hundred (6,200) square feet;

3. A safe, usable recreation area shall be conveniently located in each manufactured home park and shall not be less than ten percent (10%) of the gross area of the park;

4. Where said manufactured home park abuts a residential district, said abutting area shall include landscaped screening as defined by Section 13.20;

5. Shall provide a minimum of one thousand fifty (1,050) square footage of living space;

6. Skirting shall be present on the bottom of the trailer to the ground level with the tongue removed; and,

7. Shall not have more than one (1) model in said park for sales purposes.

c. Additional Manufactured Home Park Requirements:

1. In addition to aforementioned standards, all Manufactured Home Parks must comply with the minimum requirements of Ohio Administrative Code, Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code or in such statute as it may hereafter be amended.

2. Additional siting requirements, permitting and inspections shall be required and conducted by the Ohio Department of Commerce, who is the lead State agency for mobile homes and manufactured housing.

13.4 REGULATION OF FACTORY-BUILT HOUSING DESIGN AND APPEARANCE STANDARDS

a. Sitting Requirements:

Any factory-built housing proposed to be located in any district shall comply with the following requirements:

1. The structure shall be installed upon and properly attached to a foundation system that provides adequate support for the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.

2. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.

3. The structure shall be so oriented on the site so that its long axis is parallel with the street; and it shall have an entrance way facing the street, except where diagonal placement and the addition of a garage, carport, or other accessory structure may be permitted by subdivision regulation and yard requirement.

4. The site shall be suitably landscaped, with adequate screening devices as elsewhere required.

   a) The site of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.

   b) The site shall be serviced by utilities in such manner as required by this Resolution.

   c) Additional siting requirements, permitting and inspections shall be required and conducted by the Ohio Department of Commerce, who is the lead State agency for mobile homes and manufactured housing.

b. Single-Family Design and Appearance Standards:

Single-family residential homes (modular, manufactured, or site-built construction) shall comply with the following design and appearance standards:

1. The structure shall be in conformance with the sitting requirements contained herein; and,

2. The structure and any accessory structures or use will conform to all other regulations in effect for the district in which it is located.

ARTICLE 14

FLOODPLAIN DISTRICT

14.0 PURPOSE

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

14.1 FLOODPLAIN DISTRICT DEFINITION

The Floodplain Districts are areas of special flood hazard which have been identified by the Federal Emergency Management Agency (FEMA) after scientific engineering analysis.

Such studies are documented in a report entitled Flood Insurance Study of Allen County, Ohio, Unincorporated Areas. FEMA mapped flood hazard areas in Flood Insurance Rate Maps 390758-0038B, -0039B, -0102B, -0105B, and -0106B dated November 15, 1989. The aforementioned study and maps, and any revisions thereto, are hereby adopted by reference and declared to be part of this Resolution.

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

14.2 PERMITTED USES IN FLOODPLAIN (FP) DISTRICT

Uses Permitted in the Floodplain (FP) District:

a. Any agricultural use; and,

b. Any public or private noncommercial recreation facilities to include fishing lakes, golf courses, parks and other similar uses.

14.3 CONDITIONAL USES IN FLOODPLAIN (FP) DISTRICT – WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING.

a. Commercial recreation, such as commercial fishing lakes;

b. Commercial mining in accordance with all provisions of the Ohio Revised Code or in such statute as it may hereafter be amended; and,

c. Reclamation of lands subject to flooding, providing that no filling, draining, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be authorized by the Lima Allen County Regional Planning Commission, unless the LACRPC finds that such reclamation work is in compliance with the objectives of the Comprehensive Plan and that any such work is approved and completed under the supervision of a competent, professional civil engineer.

14.4 REQUIRED LIMA/ALLEN COUNTY REGIONAL PLANNING COMMISSION REVIEW

a. Applications for building construction shall be submitted to the Zoning Inspector for review and approval. If any are of the property owner's parcel is identified in a floodplain, flood hazard, waterway, etc. information will be provided to LACRPC for FEMA Floodplain Management Review, as well as to Allen County Drainage Engineer prior to any zoning permit being issued.

b. No Zoning Permit will be issued by the Township Zoning Inspector prior to the review, completion and subsequent issuance of a Flood Plain Development Permit as approved by the Lima - Allen County Regional Planning Commission, which is the agency delegated to administer the Allen County Flood Plain Management Regulations.

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OFFICIAL SCHEDULE OF DISTRICT REGULATIONS WITH CENTRAL WATER / PUBLIC SEWAGE SYSTEM

Zoning District	Minimum Lot Size Per Unit		Maximum Height of Structure in Feet	Minimum Yard Set Back (Per Lot in Feet)				Minimum Floor Area Square Footage, minus garage, basement, crawlspace.
	Area in Sq. Ft.	Frontage Width in Feet		Front *	Left Side	Right Side	Rear	
R-1 Residential District:								
Single Family 1 to 1½ Stories	7,800	65(K)	35	(A,B,C)	10	10	25(L)	1,300
Single Family 2 to 2½ Stories	7,800	65(K)	35	(A,B,C)	10	10	25(L)	1,600
R-2 Residential District:								
Single Family 1 to 1½ Stories	7,800	65(K)	35	(A,B,C)	10	10	25(L)	1,300
Single Family 2 to 2½ Stories	7,800	65(K)	35	(A,B,C)	15	15	25(L)	1,600
Multi-Family (2 units) 1 to 1½ Stories	9,600	80	35	(A,B,C)	20	20	25	1,000
Multi-Family (2 units) 2 to 2½ Stories	9,600	80	35	(A,B,C)	25	25	25	1,300
R-3 Residential District:								
Single Family 1 to 1½ Stories	6,000	65(K)	35	(A,B,C)	10	10	25(L)	1,000
Single Family 2 to 2½ Stories	6,000	65(K)	35	(A,B,C)	10	10	25(L)	1,300
Multi-Family (2 units) 1 to 1½ Stories	9,600	80	35	(A,B,C)	10	10	25	1,000
Multi-Family (2 units) 2 to 2½ Stories	9,600	80	35	(A,B,C)	15	15	25	1,300
Multi-Family (3+units) 1 to 1½ Stories	12,000	100	35	(A,B,C)	20	20	25	800
Multi-Family (3+units) 2 to 2½ Stories	12,000	100	35	(A,B,C)	25	25	25	800
P.B.O.- Professional, Business, Office District: Professional Business Office	6,000	50	40	(A,B,C)	(E)	---	25(D)	---
B-1 Business District: Commercial	7,500	100	40	(A,B,C)	(E)	---	25(G)	---
B-2 Business District: Commercial	20,000	100	50	(A,B,C)	(E)	---	25(D)	---
M-1 Manufacturing District:								
Commercial	20,000	100	50		(I)	---	30(D,F)	---
Manufacturing	20,000	100	50	(A,B,C) (A,B,C)	(I)	---	30(D,F)	---
M-2 Manufacturing District:								
Commercial	20,000	100	50	(A,B,C)	(I)	---	30(D,G)	---
Manufacturing	20,000	100	50	(A,B,C)	(I)	---	30(D,G)	---
MHP – Manufactured Home Park District	871,200	55	35	(A,B,C)	(E)	---	(D,H)	1,050
Floodplain District	(J)	---	---	---	---	---	---	---

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS WITH PRIVATE WELL WATER / PRIVATE SEPTIC SEWAGE SYSTEM

Zoning District	Minimum Lot Size Per Unit		Maximum Height of Structure in Feet	Minimum Yard Set Back (Per Lot in Feet)				Minimum Floor Area Square Footage, minus garage, basement, crawlspace.
	Area in Sq. Ft.	Frontage Width in Feet		Front *	Left Side	Right Side	Rear	
R-1 Residential District:								
Single Family 1 to 1½ Stories	108,900 (2.5 AC)	65(K)	35	(A,B,C)	10	10	25(L)	1,300
Single Family 2 to 2½ Stories	108,900 (2.5 AC)	65(K)	35	(A,B,C)	10	10	25(L)	1,600
R-2 Residential District:								
Single Family 1 to 1½ Stories	108,900 (2.5 AC)	65(K)	35	(A,B,C)	10	10	25(L)	1,300
Single Family 2 to 2½ Stories	108,900 (2.5 AC)	65(K)	35	(A,B,C)	15	15	25(L)	1,600
Multi-Family (2 units) 1 to 1½ Stories	108,900 (2.5 AC)	80	35	(A,B,C)	20	20	25	1,000
Multi-Family (2 units) 2 to 2½ Stories	108,900 (2.5 AC)	80	35	(A,B,C)	25	25	25	1,300
R-3 Residential District:								
Single Family 1 to 1½ Stories	108,900 (2.5 AC)	65(K)	35	(A,B,C)	10	10	25(L)	1,000
Single Family 2 to 2½ Stories	108,900 (2.5 AC)	65(K)	35	(A,B,C)	10	10	25(L)	1,300
Multi-Family (2 units) 1 to 1½ Stories	108,900 (2.5 AC)	80	35	(A,B,C)	10	10	25	1,000
Multi-Family (2 units) 2 to 2½ Stories	108,900 (2.5 AC)	80	35	(A,B,C)	15	15	25	1,300
Multi-Family (3+units) 1 to 1½ Stories	108,900 (2.5 AC)	100	35	(A,B,C)	20	20	25	800
Multi-Family (3+units) 2 to 2½ Stories	108,900 (2.5 AC)	100	35	(A,B,C)	25	25	25	800
P.B.O.- Professional, Business, Office District:								
Professional Business Office	108,900 (2.5 AC)	50	40	(A,B,C)	(E)	---	25(D)	---
B-1 Business District:								
Commercial	108,900 (2.5 AC)	100	40	(A,B,C)	(E)	---	25(G)	---
B-2 Business District:								
Commercial	108,900 (2.5 AC)	100	50	(A,B,C)	(E)	---	25(D)	---
M-1 Manufacturing District:								
Commercial	108,900 (2.5 AC)	100	50	(A,B,C)	(I)	---	30(D,F)	---
Manufacturing	108,900 (2.5 AC)	100	50	(A,B,C)	(I)	---	30(D,F)	---
M-2 Manufacturing District:								
Commercial	108,900 (2.5 AC)	100	50	(A,B,C)	(I)	---	30(D,G)	---
Manufacturing	108,900 (2.5 AC)	100	50	(A,B,C)	(I)	---	30(D,G)	---
MHP – Manufactured Home Park District	871,200	55	35	(A,B,C)	(E)	---	(D,H)	1,050
Floodplain District	(J)	---	---	---	---	---	---	---

LEGEND:

(APPLICABLE FOR CENTRAL WATER, PUBLIC SEWAGE SYSTEMS) & (APPLICABLE FOR PRIVATE WELL AND PRIVATE SEPTIC SEWAGE SYSTEMS)

A - 55 feet from the center of the roadway pavement of a township road within a platted subdivision.

B - 90 feet from the center of the road pavement of an unplatted township roadway or county road maintained by Allen County Roadway Engineer.

C- 90 feet from the center of the road pavement of a state road maintained by ODOT or identified as State Route.

D - Where a lot line abuts an alley, one-half of the width of such alley may be considered in meeting the rear yard requirements

E - No minimum side yard required, except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining residential district

F - Except 40 feet where abutting a residential district

G - Except 50 feet where abutting a residential district

H - Except 55 feet where abutting a residential district

I - 25 feet except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided

J - Development must meet approval of local and state agencies prior to submission to township government

K - Except on cul-de-sac street where 45 feet is required

L - Except accessory buildings that may be placed 10' from property lines in rear or side yards within residential & commercial districts

ARTICLE 15

REGULATIONS FOR SPECIFIC DISTRICTS, ACTIVITIES, USES AND STRUCTURES

15.0 PURPOSE

The regulations for each district set forth by this Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereafter provided:

15.1 COMPLIANCE WITH THE OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

Compliance to the official schedule of district regulations is required to ensure unform construction and assurance that each building is constructed with the highest quality of workmanship and in accordance with the rules and regulations of this Resolution.

The regulations for each district set forth by this Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereafter provided:

15.1.1 No building, structure or land shall be used or occupied, and no building or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

15.1.2 No building or other structure shall be erected or altered to:

a. Provide for greater height or bulk;

b. Accommodate or house a greater number of families than which the structure was originally designed and/or constructed;

c. Occupy a greater percentage of lot area; or,

d. Have narrower or smaller rear yards, front yards, side yards, or other open spaces or in any other manner contrary to the provisions of this Resolution than herein required.

15.1.3 No yard or lot existing at the time of the passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.

15.1.4 District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be part of this Resolution.

15.2 REGULATION OF AMUSEMENT ARCADES

The following regulations shall apply to amusement arcades as herein defined:

15.2.1 Amusement arcades shall be permitted in a B-2 zone district only. Amusement arcades are prohibited in R-1, R-2, R-3, B-1, M-1, and M-2 zoned locations. Amusement arcades are subject to and maybe conditionally approved or denied by the Board of Zoning Appeals after a public hearing.

15.2.2 The purpose of Sections 12.4.1 through 12.4.9 inclusive of this Resolution is to promote the public health, safety and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated, or maintained. It is further the intent of these Sections to coordinate the provisions of this Resolution with other local requirements governing the licensing and regulation of mechanical amusement devices in such a manner that, in the event of any conflict between the respective regulations, the more restrictive requirement or the more severe penalty shall prevail;

15.2.3 The following definitions shall apply in the interpretation of this Resolution:

a. "Amusement Arcade" means a place of business within a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee;

b. “Mechanical or Electronically Operated Amusement Device" means any machine, device or instrument which, by the payment of a fee or other things of value or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens, merchandise or check redeemable in money or anything of value.

Mechanical or electronically operated amusement devices includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or devices commonly known as electronic games and other similar types of devices; provided, however, that this definition is not intended to, nor shall it be construed to include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices; and,

c. "Exhibitor" means any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in one's own place of business, irrespective of the ownership of such device.

15.2.4 Zoning of Amusement Arcades:

Amusement arcades shall be conditionally permitted use only in the following districts:

a. B-2 Business District;.

15.2.5 Maintenance of a Nuisance Prohibited:

It shall be the obligation of the exhibitor of an amusement arcade to maintain peace, quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.

15.2.6 Restricted Access to Certain Minors:

No amusement arcade exhibitor shall permit, on days when school is in session, any person sixteen (16) years of age or younger to operate any mechanical or electrically operated amusement device or to be or remain in an amusement arcade before 4:00 p.m. This provision does not apply to jukeboxes, mechanical musical instruments, or other mechanical amusement devices designed to be ridden, such as mechanical horses, automobiles, and carrousels. Violation of this provision shall be a minor misdemeanor.

15.3 REGULATION OF ADULT ENTERTAINMENT BUSINESSES

The following regulations shall apply to adult entertainment businesses as herein defined:

15.3.1 The purpose of Sections 12.5.1 through 12.5.4 inclusive of this Resolution is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of these Sections 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.

15.3.2 The following definitions shall apply in the interpretation of this Article:

a. "Adult Entertainment Business" means an adult bookstore, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this Section.

b. "Adult Book Store" means an establishment which utilizes fifteen percent (15%) 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 their emphasis on adult materials as defined in this Section.

c. "Adult Motion Picture Theater" means an enclosed motion picture theater which is regularly used or utilizes fifteen percent (15%) 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.

d. "Adult Motion Picture Drive-In Theater" means an open air drive-in theater which is regularly used or utilizes fifteen percent (15%) 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.

e. "Adult Only Entertainment Establishment" means an 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 features 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.

f. "Adult Material" means 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,

1. 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; or,

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

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

h. "Nude or Nudity" means the showing, representation, or depiction of human male or female genital 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 discernable turgid state.

i. "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.

j. "Sexual Activity" means sexual conduct or sexual contact or both.

k. "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.

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

15.3.3 Conditional Use Permit Required:

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 the provisions of this Resolution. In addition to said provisions, an adult entertainment business shall comply with the following conditional use criteria:

a. Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located;

b. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of another adult entertainment business;

c. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of any church, any public or private school, any park, any playground, or any social service facility or neighborhood center;

d. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of any residence or boundary of any residential district; and,

e. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of any boundary of any residential district in a local unit of government abutting the township.

15.3.4 Zoning of Adult Entertainment Business:

Adult entertainment businesses shall be conditionally permitted in accordance with the following schedule:

Conditionally Permitted use	Districts Wherein Permitted
Adult Book Store	M-1 Manufacturing District M-2 Manufacturing District
Adult Motion Picture Theater	M-1 Manufacturing District M-2 Manufacturing District
Adult Motion Picture Drive-In Theater	M-1 Manufacturing District M-2 Manufacturing District
Adults Only Entertainment Establishments	M-1 Manufacturing District M-2 Manufacturing District

15.4 REGULATION OF MASSAGE ESTABLISHMENTS

The following regulation shall apply to massage establishments as herein defined:

15.4.1 The purpose of this Resolution section is to promote the public health, safety and welfare through the regulation of massage establishments. It is the intent of these sections to regulate massage establishments, 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.

15.4.2 The following definitions shall apply in the interpretation of this Article:

a. "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.

b. "Massage establishment" means 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.

c. "Masseur" or "Masseuse" means any individual who performs massages at a massage establishment.

d. "Out-call massage service" means 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.

e. "Employee" means any and all persons, other than the massage technician, who render any service to the operator and who receive compensation directly from the operator.

f. "Person" means any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

g. "Operator" means the person in whose name the permit is issued for a massage establishment.

h. "Sexual or genital area" means the genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.

15.4.3 Exemptions:

This Article as the regulation 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 nor the practice of providing therapeutic massage by a licensed physician, licensed chiropractor, licensed podiatrist, or a licensed nurse. As used in this Section "licensed" means licensed, certified, or registered to practice in the State of Ohio.

15.4.4 Conditional Use Application Information Required.

The application for a conditional use permit to operate a massage establishment shall be made to the Board of Zoning Appeals and shall include the following:

a. An initial, non-refundable filing fee of two hundred fifty dollars ($250) and an annual non-refundable renewal fee of one hundred twenty-five dollars ($125);

b. A health and safety report of an inspection of the premises performed within thirty (30) days of the application to determine compliance with applicable health and safety codes, which inspection shall be performed by appropriate state or local authorities acting pursuant to an agreement with the Board of Zoning Appeals;

c. The full name and address of any person applying for a permit, including any partner or limited partner of a partnership applicant, or any officer or director of a corporate applicant, and any stock holder holding more than two percent (2%), along with the social security number of each individual and the federal identification number of any partnership or corporation;

d. Authorization for an investigation into the criminal record of any person applying for a permit; and,

e. Any other information determined by the Board of Zoning Appeals to be necessary.

15.4.5 Conditional Use Permit Required:

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 Article 17 of this Resolution. In addition to said provisions, a massage establishment shall comply with the following conditional use criteria:

a. Massage establishment shall comply with the district regulations applicable to all properties in any district in which they are located;

b. No massage establishment shall be permitted in a location which is within one thousand five hundred (1,500) feet of another massage establishment;

c. No massage establishment shall be permitted in a location which is within one thousand five hundred (1,500) feet of any church, public or private school, park, playground, or any social service facility or neighborhood center;

d. No massage establishment shall be permitted in a location which is within one thousand five hundred (1,500) feet of any residence or boundary of any residential district; and,

e. No massage establishment shall be permitted in a location which is within one thousand five hundred (1,500) feet of any boundary of any residential district in a local unit of government abutting the township.

15.4.6 Zoning of Massage Establishment:

Massage establishment shall be conditionally permitted in accordance with the following schedule:

Conditionally Permitted use	Districts Wherein Permitted
Massage Establishment	M-1 Manufacturing District M-2 Manufacturing District

15.5 REGULATION OF COMPOSTING ACTIVITIES

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

15.5.1 Under no conditions, in Residential Districts, shall meat or dairy products or offensive animal or fowl waste be incorporated into such pursuits as they may emit odors and/or attract insects, rodents and other pests.

15.5.2 Under no conditions, in Residential Districts, shall the size of a compost pile exceed two hundred fifty-six (256) cubic feet or four (4) feet in height. The site of the activity shall be provided with good drainage, restricted to rear yards and located at least four (4) feet from all adjacent property lines. Structures or bins used to contain such activities do not require a zoning permit.

15.6 REGULATION OF ACTIVITIES ASSOCIATED WITH THE EXTRACTION OF NATURAL RESOURCES

15.6.1 General Requirements:

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

a. Distance from Property Lines: No quarrying operation shall be carried on or any stockpile placed closer than fifty (50) feet to any property line unless a greater distance is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property;

b. Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way;

c. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board of Zoning Appeals;

d. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment; and,

e. Processing: The crushing, washing and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use, provided that such accessory processing shall not be in conflict with the use regulations or the district in which the operation is located.

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

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

a. Name of the owner or owners of land from which removal is to be made;

b. Name of applicant making request for such permit;

c. Name of the person or corporation conducting the actual removal operation;

d. Location, description and size of the area from which removal is to be made;

e. Location of processing plant used;

f. Type of resources or materials to be removed;

g. Proposed method of removal and whether or not blasting or other use of explosives will be required.

h. Description of equipment to be used; and,

i. Method of rehabilitation and reclamation of the mined area.

15.6.4 Public Hearing: Upon receipt of such application, the Zoning Commission shall set the matter for a public hearing following the procedures as shown in Article 19.

15.6.5 Rehabilitation: To guarantee the restoration, rehabilitation, and reclamation of the mined-out area, every applicant granted a mining permit as herein provided shall furnish a performance bond running to the Township in an amount of not less than one Fifty thousand dollars ($50,000) and not more than Five Hundred thousand dollars ($500,000) as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Commission meet the following minimum requirements:

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

1. That the excavated area shall not collect nor permit stagnant water to remain therein.

2. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof and to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

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

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

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

15.6.7 Compliance with all applicable laws of the State of Ohio and Ohio Department of Natural Resources. Must also comply with any Allen County or Local laws, ordinances or resolutions

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

a. Compliance with all applicable laws of the State of Ohio; and,

b. No tanks or reservoirs erected or intended for the storage of petroleum products shall be located within fifty (50) feet of any public right-of-way or within one hundred (100) feet of a residential lot line.

15.7 REGULATION OF SATELLITE DISH ANTENNAS

15.7.1 Purpose of regulating satellite dish antennas:

It is the purpose to regulate the location and construction of dish-type satellite signal/receiving antennas within the township in order to protect the public health, safety and welfare of the residents, particularly with respect to the maintenance of utility easements and fire safety accesses, the prevention of the accumulation of noxious weeds and debris, the safety considerations associated with wind load, and the reasonable accommodation of the aesthetic concerns of neighboring property owners.

15.7.2 The following definitions shall apply in the interpretation of this Resolution:

a. "Dish" shall mean that part of a satellite, signal/receiving antenna which is shaped like a saucer or dish, whether it is spherical, parabolical, or similar in shape;

b. "Dish-type satellite signal/receiving antennas", to include earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one (1) or a combination of two (2) or more of the following:

1. A signal/receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources;

2. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals; and/or,

3. A coaxial cable, whose purpose is to convey or transmit signals to a receiver. "Receiver" shall mean the apparatus whose purpose is to obtain a signal from a cable or like source and transform it to a television signal.

15.7.3 Zoning Permit Required:

No person, firm or corporation shall undertake the construction, erection or installation of any satellite ground-mounted dish without a zoning permit issued in accordance with the provisions of this Resolution. In addition to the requirements of Article 12 of this Resolution, the application for such permit shall include the following:

a. A description of the type of earth station proposed;

b. A plot plan of the lot, premises, or parcel of land showing the location of the proposed earth station and all other buildings thereon;

c. Plans depicting the specifications and elevations of the proposed location, to include satisfactory screening and landscaping for ground-mounted structures;

d. Details of the method of assembly and construction of the proposed earth station; and,

e. A fee as required and established by the Township Trustees for the review of plans and specifications and the inspection of construction.

15.7.4 Ground-Mounted Satellite Dish Antennas:

Ground-mounted satellite dish antennas are considered as accessory structures and are permitted as accessory uses in all districts. In addition to the provisions of this Resolution pertaining to accessory structures, the following provisions shall apply to ground-mounted satellite dishes:

a. The maximum diameter of any ground-mounted satellite dish shall not exceed twelve (12) feet;

b. The maximum height of any ground-mounted satellite dish shall not exceed fifteen (15) feet above the finished grade;

c. The satellite dish apparatus shall complement its environment and shall bear no advertisement, lettering, picture, or visual image;

d. The apparatus shall not be located in a side yard or a front yard;

d. The site of the apparatus shall be screened with shrubbery and/or landscaped as proposed in the zoning permit application;

f. The apparatus shall be mounted upon a solid concrete slab and shall be constructed in such manner that it will withstand wind forces of up to seventy-five (75) miles per hour;

g. Only metal supports of galvanized construction shall be used;

h. Any guy wires attached to a satellite dish apparatus shall be enclosed by an approved fence;

i. Any driving motor shall be limited to one hundred (100) volt maximum power and shall be encased in a protective guard;

j. All wiring between the apparatus and any other structure shall be placed underground in approved conduit; and,

k. The apparatus shall be bonded to an approved eight (8) foot grounding rod.

15.7.5 Roof-Mounted Satellite Dish Antennas:

Roof-mounted satellite dish antennas are not considered as accessory structures and are permitted in all districts. Roof-mounted satellite dishes do not require a zoning permit. However, in addition to other provisions of this Resolution, the following provisions shall apply to roof-mounted satellite dishes:

a. The maximum diameter of any roof-mounted satellite dish shall not exceed three (3) feet;

b. The height of any roof-mounted satellite dish shall not exceed the roof height of the building upon which it is mounted by more than four (4) feet;

c. The apparatus shall be painted a color which complements its environment and shall bear no advertisement, picture, lettering or visual image;

d. The apparatus, its mounting and all supporting devices shall be constructed and erected, in accordance with this Resolution, directly upon the roof of the principal building, and shall not be mounted upon a spire, tower, turret, chimney, pole, or any appurtenances thereto attached; and,

e. The satellite dish apparatus shall be so designed and installed as to withstand wind forces up to seventy-five (75) miles per hour.

15.7.6 Variances on Locational Characteristics:

An applicant may request a variance from the accessory building requirements and the required height restrictions in compliance with the procedures of Article 18 of this Resolution. In addition to all requirements of these Sections, the applicant shall submit clear and convincing evidence that the requested variance is necessary in order for the satellite dish antenna to have a direct line of sight or unobstructed view to the satellite. In any case where this provision applies, the variance granted by the Board of Zoning Appeals shall be the minimum variance required to achieve the necessary direct line of sight to assure that the antenna can properly function.

15.8 REGULATION OF SWIMMING POOLS AS ACCESSORY USES

15.8.1 It is the purpose of this Resolution to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated or maintained as an accessory use. Sections 15.8.1 through 15.8.3 inclusive shall apply to the location and maintenance of swimming pools.

15.8.2 Private Swimming Pools:

a. Above Ground Swimming Pool Requirements:

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

a) Above Ground Swimming Pools in excess of 12 feet in diameter may be located anywhere on the premises except in required front yard, provided that it shall not be located closer than fifteen (15) feet to any property line;

b) Above ground swimming pools with a height of forty-eight (48) inches or higher, require no minimum four-(4) foot fence, if the following requirements are met.

1) If the pool is free of any cross bars.

2) The ladder is withdrawn when the pool is not in use and placed where small children cannot reach it, and place back into the pool.

c) Swimming Pools less than forty-eight inches in height shall require fencing around the perimeter of the pool a minimum of forty-eight-(48) inches in height to prevent uncontrolled access or falls into the pool. Measurement from common ground to top rail.

d) Above Ground Swimming Pools with a Platform, Deck or Terrace, shall not have direct access between the patio door and swimming pool. The enclosure shall block access to the pool, and shall be a minimum of forty-eight-(48) inches in height.

e) Owner shall be responsible for controlling the access to the Terrace or Platform area and is responsible to prevent accidental falls into the pool to prevent drowning by means of a self-locking gate and latch on the inner side of the gate.

b. In-Ground Swimming Pool Requirements:

1. In- Ground Swimming Pools shall be no closer than fifteen-(15) feet from any property line.

a) The in-ground swimming pool or the entire property area upon which it is located shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties.

b) Electronic pool cover shall not substitute the fence or wall requirement. * See Property Maintenance Code for additional details and requirements).

c) Swimming pools exceeding twelve (12) feet in diameter or length as applicable to the shape of the pool and has greater than two (2) feet of depth capacity for water shall be enclosed or protected by an adequate wall or fence at least forty-eight (48) inches high which the enclosure shall include a door with a locking device installed on the inner side, with automatic closing capability. Landscaping, hedges, or other soft fencing is not acceptable barrier.

c. Temporary Seasonal Swimming Pool Requirements (Coleman, Intex, Bestway as examples):

1. Temporary seasonal swimming pools are permitted and shall conform to setback requirements concerning placement consistent with above ground swimming pool regulations, i.e. 15 feet placement from all property lines.

2. Temporary Seasonal Swimming Pools in excess of twelve-(12') feet in diameter shall be required to meet the same setback placement requirements (15 feet from all property lines, with placement on side or rear yard area only) and the safety precautions as a permanent above ground swimming pool.

d. Maintenance:

1. Permanent In-Ground Swimming Pools, Above-Ground Swimming Pools and Temporary Seasonal Above-Ground Swimming Pools shall be maintained in a clean and sanitary condition, and shall not be allowed to degrade and harbor uncontrolled algae growth, green or and stagnate water, or harbor vegetation, debris, aquatic, or other insect infestation. (In addition to this being a zoning violation, the Allen County Board of Health will receive a referral and additional enforcement measures can and will be taken by that agency)

2. Temporary Seasonal Swimming Pools shall be cared for and present an up kept appearance, and shall not be allowed to remain collapsed, torn, partially disassembled or otherwise an apparently unusable condition within public view.

e. Spas and Hot Tubs:

2. Spas and hot tubs must be maintained in a clean and sanitary condition and be maintained in good condition.

f. Permit:

1. Above Ground Swimming Pools in excess of twelve-(12) feet in diameter and all In-Ground Swimming Pools require a zoning permit issued by American Township. An application and site drawing shall be required indicating location of all structures, pool location, any decking, fencing, and insurance information.

2. Above Ground Swimming Pools less than 12 feet in diameter do not require a permit.

3. Temporary Seasonal Swimming Pools do not require a permit.

g. Private Swimming Pools:

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

a) The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests;

b) The pool may be located anywhere on the premises except in front yards, provided that it shall not be located closer than twelve (12) feet to any property line or easement; and,

c) The swimming pool shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. Such fence shall be six (6) feet in height, and not to exceed more than ten (10) feet from the side wall of the swimming pool, and it shall be maintained in good condition with a gate and lock.

15.8.3 Community or Club Swimming Pools:

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

a. The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;

b. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than seventy-five (75) feet to any property line or easement;

c. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition;

d. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties; and,

e. Such pool facilities shall not be operated prior to 9:00 a.m. in the morning or after 10:00 p.m. in the evening.

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

Section 15.9 through 15.9.4 inclusive shall apply to the development of all structures which intentionally or unintentionally store, pool, retain and/or detain water as defined herein.

The purpose of these regulations is to guide the development, design, maintenance and structural integrity of ponds, lakes or other water detention/retention structures in American Township. It is the purpose of these regulations to promote the public's health, safety and welfare by minimizing local nuisances, as well as potentially dangerous health and safety concerns, and to further the general harmony between and amongst neighbors.

Ponds are considered permanent structures for the purposes of zoning administration and require a zoning permit. No pond shall hereafter be located, constructed, repaired, extended, enlarged, converted, or altered without full compliance with the terms of this Resolution. All maintenance, construction, and/or related improvements to pond structures must be designed by the Allen Soil and Water Conservation Service, a licensed landscape architect and/or a certified professional engineer (PE) and be presented to the Zoning Commission for review and approval prior to the issuance of a zoning permit.

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

15.9.1 Pond Definitions:

a. "Detention Pond" shall mean an artificially formed structure designed to hold storm water runoff, detaining it for a period of time before ultimately slowly discharging the water downstream. Detention ponds are to be designed to complement large-scale residential, commercial and industrial developments. Detention ponds must be designed and constructed to the specifications of a licensed landscape architect and/or a professional engineer.

b. "Retention Pond" shall mean an artificially formed structure designed to hold water year-round with the capacity to accommodate a limited amount of storm water runoff. Retention ponds are reservoirs of natural water designed to enhance aesthetic elements of large-scale residential, commercial and industrial developments. Retention ponds must be designed and constructed to the specifications of a licensed landscape architect and/or a professional engineer.

c. "Agricultural Ponds" shall mean a natural or artificially formed structure which serves as a reservoir of water for year-round agricultural use. Agricultural ponds are to be used for agriculturally based activities including aquaculture, hatcheries, hydroponics or irrigation and animal-related maintenance/production activities. Agricultural ponds may also support fire suppression due to the lack of access to municipal water services.

The use of such ponds are limited and restricted to those activities supported by the owners. Agricultural ponds shall not engage in off-farm commercial uses nor in any commercial recreational activities such as, but not limited to, fishing or swimming. Agricultural ponds shall not be located outside of an existing Agricultural District as identified by the Allen County Auditor. Agricultural ponds must be designed and constructed to the specifications of the Allen Soil and Water Conservation Service.

d. "Aesthetic, Garden or Recreational Ponds" shall mean a natural or artificially formed structure which is intended to serve as a permanent reservoir of water serving aesthetic desires and/or as an activity center for year-round use. Such ponds are to be designed for year-round enjoyment and to further such activities as wildlife habitats, swimming, fishing, ice skating, etc. Such ponds shall not engage in commercial uses nor in any commercial recreational activities without the appropriate zoning permit and requisite Health Department approval.

Such ponds open to the public shall be subject to the safety conditions of Section 12.11. Such ponds must be designed by the Allen Soil and Water Conservation Service, a licensed landscape architect or a professional engineer.

15.9.2 Ponds not located in platted subdivisions shall not be located closer than thirty-five (35) feet from any non-road right-of-way lot line and fifty (50) feet from the road right-of-way located on any parcel.

a. Ponds shall be measured from the lot line and/or road right-of-way to the perpendicular edge of the high-water line. See Illustration K.

b. Where mounding is present, ponds shall be measured from the base of the mound to the lot line and/or road right-of-way. See Illustration K.

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

15.9.3 Retention and Detention ponds shall be mandated in platted developments as approved by the Regional Planning Commission under the major subdivision process and engineered to further local concerns related to drainage, stormwater runoff and sediment control standards; such pond locations/designs shall be approved by the Allen County Engineer and considered exempt from minimum yard requirements as identified in the Official Schedule of District Regulations.

15.9.4 Retention and Detention ponds shall be mandated in commercial developments approved by the Allen County Engineer under the Allen County Stormwater & Sediment Control Regulations and engineered to further local concerns related to drainage, stormwater runoff and sediment control standards; such pond locations/designs shall comply with the minimum yard requirements as identified in the Official Schedule of District Regulations.

15.9.5 Ponds shall be permitted as accessory use in all districts, provided the plans, specifications and construction meet the demands of the respective authorized and approving bodies. Ponds shall be constructed with design and consultation with Allen Soil & Water Conservation District as well as Allen County Drainage Engineer. Construction plans for ponds shall be designed by a professional surveyor, engineer, or licensed landscape architect proficient in pond design. Certification seal shall be affixed onto drawings. Independent contractors and excavators shall follow the approved site plan and pond construction drawings. Deviation from approved plans, or site development plan may be grounds for cease work order and other potential civil or legal penalties from township or other departmental agencies.

15.9.6 A minimum of two-(2) or more acres of land is required for pond construction. Ponds shall be a minimum of one-quarter (1/4 acre) in size with an area of a depth of a minimum of twelve-(12) feet or greater as to prevent growth of unwanted water grasses. This excludes small residential decorative aquatic ponds, koi ponds and other similar water features.

15.9.7 Ponds located in residential subdivisions over 2 acres in size shall be suitably fenced or walled at a minimum height of four-(4) feet to prevent accidental drowning.

15.9.8 Ponds shall not be constructed within twenty-five-(25) feet of any structure to include principal structure on a lot.

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

15.9.10 Ponds for specific agricultural use as outlined in Ohio Revised Code, Section 519.21 are exempt from these requirements, however, shall still comply with roadway or road right of way set back requirements for Ohio Department of Transportation and Allen County Roadway Managements requirements.

15.10 REGULATION OF GROUP RESIDENTIAL FACILITIES

15.10.1 It is the purpose of Sections 15.10 through 15.10.6 inclusive of this Resolution to regulate the location, operation, and maintenance of group residential facilities in order to promote the public health, safety, and welfare. It is the intent of these Sections to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their care and/or rehabilitation.

15.10.2 Definition:

a. "Group Residential Facility" shall mean any community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two classes of Group Residential Facilities:

1. Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, the physically handicapped or disabled, or those with development disabilities or mental illnesses. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff; and,

2. Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug users, provided detoxification is expressly prohibited on such premises.

3. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

15.10.3 Conditional Use Permit Required:

A Class I Type B group residential facility is permitted by law in residential districts. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 17 of this Resolution. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:

a. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency;

b. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy;

c. Evidence is presented that the proposed facility will not generate an increase in traffic volume or require special off-street parking;

d. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located;

e. No such facility may be located within one thousand (1,000) feet of another such facility;

f. No signs shall be erected by such facility for purposes of identification except a permitted street address sign;

g. The exterior of all such facilities shall not be altered in character and shall be compatible with the aesthetics of other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible;

h. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents to include a structured procedure where by their grievances may be filed and resolved; and,

i. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

15.10.4 Zoning of Group Residential Facilities:

Group residential facilities shall be conditionally permitted uses as follows:

Class I Type A	R-3 Residential District B-1, B-2 Business District M-1 Manufacturing District
Class I Type B	All Residential Districts B-1, B-2 Business District M-1 Manufacturing Districts
Class II Type A	R-3 Residential District B-1, B-2 Business District M-1 Manufacturing District
Class II Type B	R-3 Residential District B-1, B-2 Business District M-1 Manufacturing District

15.10.5 Variance to Distancing Requirement:

The Board of Zoning Appeals may grant a variance with respect to the distancing requirement contained in Section 12.13.3(e) if the applicant clearly demonstrated that the proposed location has unique advantages with respect to proximity to employment opportunities, social services, public transportation, or similar amenities.

15.10.6 Uniformity with Respect to Granting of Conditional Use Permits:

The granting of conditional use permits for the establishment of Group Residential Facilities shall be uniformly and equitably done, irrespective of considerations beyond the scope of these regulations.

ARTICLE 16

SUPPLEMENTARY DISTRICT REGULATIONS

16.0 PURPOSE

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur in order to alleviate or preclude such problems and to promote the harmonious experience of property rights without conflict.

16.1 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:

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

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

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

16.1.4 The lot area per dwelling meets the lot area requirements for new structures in that district;

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

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

16.2 PRINCIPAL BUILDING PER LOT

No more than one (1) principal building or structure may be constructed upon any one lot for the purposes of this Resolution. Rear dwellings shall be prohibited and shall be considered nonconforming uses subject to the requirements of Sections 16.0 through 16.11 of this Resolution.

16.3 REDUCTION OF AREA OR SPACE

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Resolution. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this Section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Resolution.

16.4 CONSTRUCTION IN EASEMENTS PROHIBITED

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage waterways within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot except for those improvements for which a public authority or utility is responsible.

16.5 LANDSCAPING AND SCREENING PROVISIONS

` Screening or buffering in compliance with the provisions of this Section shall be provided for any permitted or conditionally permitted non-residential use which abut any residential use in addition to setback and yard requirements provided elsewhere in the Resolution.

Such a buffer must be complete within one (1) year of breaking ground or such date of occupancy whichever comes first. This may be extended at the Zoning Inspectors' discretion due to weather conditions.

Applicants for a Zoning Permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of the proposed screening plan and the requested dimensional variance with respect to their joint impact upon neighboring properties. Such requested variance for a conditionally permitted use shall be incorporated in the conditional use procedure specified in this Resolution. The following provisions shall apply with respect to screening.

a. Screening shall be provided for the following purposes:

1. A visual barrier to partially or completely obstruct the view of structures or activities;

2. An acoustic screen to aid in absorbing or deflecting noise; and/or,

3. A physical barrier to contain debris and litter.

b. Screening shall consist of one (1) of the following or a combination of two (2) or more as determined by the Board of Zoning Appeals in the event of an appeal, variance, or conditional use:

1. A solid masonry wall.

2. A solidly constructed wooden decorative fence.

3. A louvered fence.

4. Dense vegetative plantings; and/or,

5. Landscaped mounding.

c. Height of screening shall be in accordance with the following:

1. Visual screening walls, fences, plantings, or mounds shall be a minimum of six (6) feet in height in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater that two and one-half (2½) feet. Plantings shall be a minimum of four (4) feet in height at the time of planting; and,

2. A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least six (6) feet or greater or a solidly constructed decorative fence shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.

3. Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to redirect noise as determined by the Board of Zoning Appeals in relation to the nature of the use.

4. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles; and,

5. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

16.6 LANDSCAPING MOUNDS, RAISED BEDS AND OTHER EARTH WORKS

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

16.7 DRAINAGE

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

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

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

In conjunction with these regulations, drainage criteria for all construction on lots in American Township shall Management and Sediment Control Regulations.

16.8 CUL-DE-SAC DESIGN STANDARDS

Cul-de-sac streets, as defined herein, pose unique design issues with respect to traffic volume, appropriate access/egress and lot frontage requirements. Cul-de-sacs are encouraged to the extent that they support low traffic volumes and a certain development identity. Cul-de-sacs design is subject to the Allen County Subdivision Regulations.

The maximum number of lots fronting on the bulb portion of ***the cul-de-sac shall be limited to six (6) with those lots having a minimum of forty-five (45) feet lot frontage at the right-of-way line.*** Driveways on the bulb portion of the cul-de-sac shall not surpass more than fifty-three percent (53%) of the total lot frontage.

ARTICLE 17

SUPPLEMENTAL YARD AND HEIGHT REGULATIONS

17.0 PURPOSE

In addition to the regulations specified in Article 16 and in other Sections of this Resolution, Article 17.0 through 17.13 inclusive shall be used for clarification and interpretation.

17.1 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.

17.2 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

17.3 EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

The height of an accessory building in a R- Residential District, shall not exceed the height of the principal structure. A variance from the property owner to the Board of Zoning Appeals shall be required, justifying hardship requirements.

17.4 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.

17.5 OBSTRUCTIONS 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 roadways.

a. 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 (2½) 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;

b. On a corner lot at the intersection of two (2) alleys or at the intersection of an alley and a street, within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one-half (2½) feet and ten (10) feet above the center line grades of the intersection alleys, or of the intersecting alley and street, in the area bounded by the right-of-way lines of such corner lot and a line joining points along said alley lines, or alley and street lines, twenty-five (25) feet from the point of intersection; and,

c. On the right-of-way of any street, in any district, nothing shall be installed, erected, placed or planted.

17.6 REQUIRED REFUSE COLLECTION AREAS

The storage and collection of garbage and refuse within each district shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution. In all R-1 and R-2 Districts and Manufactured Home Parks, all garbage/refuse shall be stored in rust resistant, watertight, fly-tight, rodent-proof containers. In Manufactured Home Parks these containers shall be located no more than one hundred fifty (150) feet from any manufactured home lot and shall be collected at least once weekly.

The refuse collection areas provided by commercial, industrial, and all other residential uses for the collection of trash, garbage and other refuse shall be enclosed on three sides by a solid wall or fence. Such fence/wall will be at least six (6) feet in height and be suitably landscaped and screened or the area should be within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector. In addition, the following requirements shall be met:

a. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency;

b. Materials or waste which might cause fumes or dust or otherwise constitute a fire hazard or which may attract rodents or insects shall be stored only in enclosed containers constructed of impervious materials; and,

c. Storage areas in residential districts shall utilize such additional screening as required in this Resolution.

17.7 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised.

Specifically, the occupation or use of any land or building in any district shall be in violation of this Resolution if one (1) or more of the following conditions is found to exist at any time:

a. The use or storage of flammable or explosive materials not adequately protected by firefighting and fire-protection equipment or by such safety devices as are normally required for such activities.

b. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved.

c. Radioactivity or air pollution presents a violation of the regulations of the Ohio Environmental Protection Agency.

d. Hazardous waste presents a violation of the regulations of the Ohio Environmental Protection Agency.

e. Objectionable noise as determined by the Zoning Inspector due to volume, frequency or beat.

f. Vibration discernible by the Zoning Inspector without instruments present on an adjoining lot or property.

g. Direct or reflected glare which is visible from any street or from any property not within a manufacturing district.

h. Erosion caused by wind or water carrying objectionable substances onto any adjacent lot or property; or,

i. Water pollution or contamination presents a violation of the regulation of the Ohio Environmental Protection Agency.

17.8 PARKING AND STORAGE

No commercially licensed vehicles in excess of one (1) ton load-rating shall be parked or stored on any property or upon a public roadway within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking.

No automotive vehicles or trailers of any type that are inoperable or without current license plates shall be parked or stored on any residential property other than in a completely enclosed building.

A maximum of one (1) boat and/or one (1) unoccupied recreational vehicle may be stored in a residentially zoned property if it has a current license and meets the set-aside, setback and hard parking surfaces requirements of this Resolution.

17.8.1 Parking of Commercial Vehicles, Private and Commercial Trailers

a. Commercial Motor Vehicles.

No commercial motor vehicles in excess of one (1) ton, to include commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, or recreational vehicles shall be parked or stored on any property or upon a public roadway within a residential zoned district other than in a completely enclosed building. Exception noted for 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.

b. Private and Commercial Trailers.

No licensed and operable commercial dual axel trailer, single axel utility trailer, watercraft/trailer, camper or recreational vehicles, or equipment shall be parked ***on a public roadway, street, Cal de sac, or within the road right of way at any time for more than (72 hours.)*** – Refer to Exterior Property Maintenance Code).

Within residential locations, the parking or storage of any non-commercial trailer shall be permitted along the side or back yard providing it is on a hard parking surface. ***Parking of any trailer shall be prohibited within the front yard or front driveway in excess of (48 hours.)*** – Refer to Exterior Property Maintenance Code).

c. Within residential zoned locations, the parking or storage of any recreational vehicle, camper, house trailer, utility or recreational trailer shall be permitted along the side yard or back yard providing they are on a hard parking surface. Parking of any recreational vehicle, camper or house trailer shall be prohibited within the front yard, front driveway or upon public roadway in residential zoned district. Parking may be temporarily permitted for a period of 48 hours within the front yard or driveway for the purpose of upkeep and maintenance activities.

d. No living quarters shall be maintained, nor any business conducted in such recreation vehicle unless otherwise permitted in Subdivision Covenants and Deed Restrictions.

17.9 ACCUMULATION OF JUNK, GARBAGE, REFUSE AND DEBRIS PROHIBITED

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in Section 4737.05(A) of the Ohio Revised Code or in such statute as it may hereafter be amended shall be prohibited outside of a completely enclosed roofed facility or outside of an existing registered, approved salvage yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents. Refer to Section 505.87 of the Ohio Revised Code.

17.10 ASSURANCE REQUIREMENTS AND PLANS

Prior to the issuance of a Zoning Permit, the Zoning Inspector may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.

17.11 ENFORCEMENT PROVISIONS

Any occupancy, use, conditions or circumstances existing in violation of this Resolution shall constitute a violation of this Resolution and be subject to the enforcement procedures contained in this Resolution.

17.12 TEMPORARY USES

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the instigation of such use, an application for a Zoning Permit shall be made to the Zoning Inspector which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

a. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one (1) year, except that two (2) six (6) month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein or upon the expiration of the zoning permit, whichever occurs first.

b. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one (1) year, except that six (6) month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction or upon expiration of the zoning permit, whichever occurs first.

c. PODS / Portable on Demand Storage Units may be placed on the residential unit's driveway in a residential zone district for a 30-day period. In no case shall the PODs contain hazardous materials or environmentally unfriendly materials as defined in the ORC.

d. Casual sales of goods are commonly referred to as garage sales or yard sales. Provided that such sales shall not be conducted on more than six (6) days in any calendar year or for a period of more than three (3) consecutive days.

17.13 VENDORS / DOOR TO DOOR SOLICITATION

a. Refer to American Township Board of Trustees Resolution, #09292025-2 "A Resolution Requiring Registration and Regulation of Transient Vendors in American Township, Ohio". Contains the requirements for door to door solicitation, fees and other information. Non-Profit, Education, Political, and Food Trucks are exempt.

b. Ohio Revised Code, Section 505.94 effective September 29, 2017, addresses the registration and regulation of transient vendors conducting door-to door solicitation, soliciting orders, and future orders of goods for delivery.

c. Applications for vendors, solicitors and door to door sales is available at American Township Zoning Office.

d. A "No Solicitation / No Contact List" is available at American Township for residents. This list is provided to solicitors to advise them not to contact that particular residence for sales or service.

ARTICLE 18

POULTRY, LIVESTOCK AND ANIMAL HUSBANDRY

18.0 PURPOSE

The purpose of this section is to regulate and control agricultural poultry and livestock activities within residential subdivisions and unplatted areas of the Township. This section will address permitted and non-permitted activities associated with keeping poultry, livestock and other animals used for personal and educational purposes.

18.1 POULTRY AND ANIMAL HUSBANDRY IN ALL ZONING DISTRICTS

a. Permitted and Non-Permitted Use:

1. Poultry and Livestock Husbandry on lots of one acre or less within a residential subdivision;

   a) In accordance with Ohio Revised Code Section 519.21 the keeping and rearing of poultry, waterfowl, farm, and ranch animals to include but not limited to chickens, roosters, ducks, turkey, geese, ducks, rabbits, goats, pigs, swine, alpaca, llamas, cattle, horses, mules, buffalo, etc. shall be prohibited within these residential zoned locations or residential dwellings on commercial lots, when the lot area is less than one-(1) acre in size.

2. Poultry and Livestock Husbandry on lots greater than one-(1) acre but less than five-(5) acres, that are located within a residential subdivision **or** when over 35 % of the vacant lots in a newly developed subdivision have been developed for residential or commercial use.

   a) In this case then, dairying, animal, and poultry husbandry shall be considered as a non-conforming use of land and buildings or structures pursuant to section 519.19 of the Ohio Revised Code. Poultry and livestock husbandry would be prohibited. A variance requesting a "Conditional Use Permit" by the Zoning Board of Appeals would be required for keeping said animals by the homeowner.

3. Non-subdivision lots, parcels located in the outlining areas of the Township that are greater than one-(1) acre but less than five-(5) acres; dairying, animal, and poultry husbandry shall be permitted subject to the conditions listed below.

18.2 EXEMPTION FOR EDUCATIONAL PROJECTS

a. A temporary exemption, not to exceed twelve-(12) months may be permitted for 4H, FFA, or Middle/High School Educational Projects.

1. The purpose of this provision is to promote showmanship, life skills, leadership, citizenship, and other skills for the youth of American Township. This permitted use is focused on care, habitation and the showing of the animals in local fairs, 4H projects, and civic projects.

2. Application for the exemption shall be completed, by the landowner or tenant with the written authorization by the landlord / property owner. Upon completion, the said application and documentation shall be submitted to the Zoning Inspector for review and approval.

3. A **"Hutch / Pen Permit"** will be issued by the Zoning Inspector, and shall be valid for one-(1) year and subject to an annual renewal.

4. The annual permit fee is $25.00 per residence. Permit shall be required from the American Township Zoning Department **prior to** obtaining chickens, ducks, goats or rabbits.

18.3 POULTY AND LIVESTOCK HUSBANDRY REQUIREMENTS

a. The total number of animals approved **shall not exceed eight-(8) animals** per residence.

b. No predatory birds, guinea fowl or roosters are permitted.

c. All animals shall be kept confined within a coop or hutch constructed in such a manner to contain the animals and stop the introduction of vermin, dogs, cats and predatory wildlife. All livestock, animals and chickens shall be suitably fenced and contained upon the property owner's property.

d. No adult animals (poultry or farm livestock) shall be kept within a residence, garage, porch, or other ancillary structure not designed or intended for the keeping of such animals. Note, during the juvenile stage of development of the animals, the animal may be temporarily kept within the residence, garage, or ancillary structure to satisfy warmth requirements that ensure the proper health of the animals.

e. A coop for chickens and / or ducks shall be of sufficient size to accommodate at least one square foot of sheltered space per animal; further a coop shall include an attached run accessible to the animals and no larger than one hundred square feet.

f. A hutch and pen for rabbits or goats shall be constructed to provide a minimum of nine-9 SF of sheltered space per animal.

g. The coop or hutch shall be a minimum of **20 feet from all property lines.**

h. One-(1) coop or hutch is permitted per residence. Two-(2) may be permitted if different breeds are housed in the same area.

i. No coop or hutch shall be constructed in the front yard of a residence. In addition, no coop or hutch shall be constructed in the side yard of a residence if sufficient space is available in the back yard of the residence.

j. Feed ruminants, manure, litter, natural bedding materials, shall be composted, dug into the garden plots, or disposed of with natural garbage.

k. At no time shall offensive odors be noticeable that impinge upon the enjoyment of neighboring properties or present a nuisance condition at the property keeping chickens, ducks, goats, rabbits or other livestock.

l. All feed shall be stored in rodent proof containers.

m. No residential commercial sale of chickens, geese, ducks, rabbits or goats shall occur. Animals may be sold after fair program as part of the completion of the 4H or FFA Project.

n. No diseased or sick animals shall be kept without an attempt to provide veterinary or lawfully available owner administered medications, treatments, or other humane intervention.

o. Any order issued by the Ohio Department of Agriculture to destroy animals to limit or eradicate the spread of disease or veterinary condition shall be immediately complied with in a humane manner.

p. Any pre-existing harboring of chickens, geese or rabbits occurring in the Township, prior to the adopted date of this article, the owner / keeper shall be required to follow and shall be in compliance with this amended article within one hundred eighty-(180) days of adoption by the Board of Township Trustees.

q. The Zoning Inspector may revoke a coop / hutch zoning permit for failure to satisfy or maintain the conditions of animal husbandry prescribed in the article, failure to maintain the limitations upon the population of animals prescribed by the article, or misrepresentation / falsification of the information presented by the keeper of the coop / hutch permit application.

r. Failure to comply with the conditions imposed by the Board of Zoning Appeals will result in the Zoning Inspector or designee revoking a coop or hutch permit. The keeper of the animals shall be directed to remove the animals within thirty-30 days after the mailing of said notification, and the coop / hutch shall be removed from the premises within sixty-60 days after the mailing of said notification. The area formally occupied by a coop or hutch shall be returned to lawn, a landscaped condition, or vegetable production. No unsightly, muddy or nuisance conditions shall exist after the removal of the coop or hutch.

s. No coop or hutch permit shall be issued to another member of a revoked keeper's household for the purpose of circumventing a revoked permit.

t. The Zoning Inspector may at his discretion permit animal populations to be temporarily exceeded to accommodate a 4H or FFA project associated with the Allen County Fair.

u. Conditional Use Permit application fee shall be same fee amount as outlined in the American Township Administrative Fee Schedule.

v. On larger parcels, less than five-5 acres where dairying, animal and poultry husbandry is permitted within the Township; livestock and poultry husbandry shall be located no closer than one hundred (100) feet from adjacent property lines. Measurement is from property line to property line. No livestock or poultry shall be permitted in the front yard or side yard areas.

18.4 SUPPLEMENTAL CONDITIONS

a. The use shall not create a nuisance, disturb the peace; or result in a health or safety violation reported to or acted upon by the appropriate enforcement authority, and of which the animals shall be contained on the site of the property owner.

b. Agricultural structures shall comply with applicable accessory building setback and permitted square footage requirements; No such structure shall be located in the front yard, nor in an area required for on-site sewage treatment, water well isolation radius or any easement for drainage or utility purposes.

c. Colonies of bees shall not be located on lots of less than one-(1) acre in size. A minimum of one & one-half (1.5 acres) shall be required for each additional colony. Bee colonies shall not be located within one hundred-(100) feet of any property line as measured from parcel line to parcel line.

d. All livestock, farm animals and fowl shall be suitably fenced and contained within the property in such a manner as to not run at large, or free range about the property or encroach upon other adjacent properties or parcels.

e. Chicken coops, livestock shelters, or other accessory buildings greater than one-hundred-(100) square feet shall require a zoning certificate. Structures over two-hundred-(200) square feet shall be assessed applicable permit fees. Agricultural use structures shall not exceed the height of fifteen-(15) feet, as measured on common ground.

18.5 All health and sanitation requirements of the State of Ohio and Allen County Board of Health shall be followed.

18.6 On lots greater than five-(5) acres there is no zoning authority for agricultural uses.

ARTICLE 19

OFF-STREET PARKING AND LOADING FACILITIES

19.0 GENERAL

In all districts, except the Central Business District, at any time any building, structure or use of land is erected, enlarged, increased in capacity or use, there shall be provided for every use off-street parking space for automobiles in accordance with the provisions of Section 19.0 through 19.10 of this Article. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Zoning Inspector as a party of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

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

19.1 OFF-STREET PARKING DESIGN STANDARDS

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

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

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

a. For single or two-family residential dwellings, the access drive shall be a minimum of twelve (12) feet in width;

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

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

19.1.3 Setbacks: The location of off-street parking facilities for more than five (5) vehicles may be located in required yards as specified elsewhere in this Resolution notwithstanding the requirements specified in the Official and Supplementary Schedules of District Regulations and Dimensional Requirements. In no case, however, shall parking area be located on the road right-of-way.

19.1.4 Screening: In addition to the setback requirements specified in this Resolution for off-street parking facilities for more than five (5) vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with the requirements of Section 13.20 of this Resolution.

19.1.5 Paving: All required parking spaces, except for uses within any M-District if said parking area is at least seven hundred (700) feet from any Residential District, together with driveways and other circulation areas, shall be hard-surfaced with a pavement having an asphalt or concrete binder, provided, however, that variances for parking related to school auditoriums, assembly areas, sports fields and other community meeting or recreation areas may be granted. Paved areas shall be provided for daily use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained.

19.1.6 Drainage: All parking spaces, together with driveways, aisles, and other circulation areas, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such areas and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system pursuant to this Resolution.

19.1.7 Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line;

19.1.8 Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley;

19.1.9 Marking: All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Inspector and shall be maintained in a clearly visible condition;

19.1.10 Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris;

19.1.11 Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked; and,

19.1.12 Lighting: Any lights used to illuminate a parking lot shall be arranged so as to direct the light away from the adjoining property in any Residential District.

19.2 DETERMINATION OF REQUIRED SPACES

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

19.2.1 Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls, excluding stairs, washrooms, elevator shafts, and similar non-usable areas;

19.2.2 Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each eighteen linear inches of benches or pews, except where occupancy standards are set by the fire marshal;

19.2.3 Fractional numbers shall be increased to the next whole number; and,

19.2.4 The parking space requirements for a use not specifically specified in this Resolution shall be determined following the procedure for Substantially Similar Uses as required by Sections 17.11 to 17.15 inclusive of this Resolution.

19.3 JOINT OR COLLECTIVE PARKING FACILITIES

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

19.3.1 All required parking spaces shall be located on the same lot with the building or use served; except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than five hundred (500) feet from the building served;

19.3.2 Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses and up to one-hundred percent (100%) of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours such spaces are jointly or collectively used; and,

19.3.3 In any case where the required parking spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be approved as to form by legal counsel and filed with the application for a zoning permit.

19.4 OFF-STREET STORAGE AREAS FOR DRIVE-IN SERVICES

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

19.4.1 Photo pickups, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) storage spaces per window. Drive-thru restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each such stopping point;

19.4.2 Other commercial establishments such as banks, savings and loan offices or other similar facilities shall provide no less than four (4) storage spaces per window;

19.4.3 Self-serve automobile washing facilities shall provide no less than three (3) storage spaces per stall. All other automobile washing facilities shall provide a minimum of six (6) storage spaces per entrance; and,

19.4.4 Motor vehicle service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than twenty (20) feet to any street right-of-way line.

19.5 PARKING SPACE REQUIREMENTS

For the purpose of this Resolution the following parking space requirements shall apply, and the number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals following the Substantially Similar Use procedure.

19.5.1 Various Residential Uses Shall Require:

a. Single Family or Two-family dwelling units must have two (2) hard surface parking spaces, at least 9' x 18" (162 sq ft) for each dwelling unit. A space must be provided and properly maintained for each vehicle owned or operated by a member residing in the household. Adequate off-street parking shall be provided to ensure that all vehicles are parked on hard parking surface;

b. Apartments, townhouses or multi-family dwellings, two (2) hard surface parking areas for each unit; and,

c. Mobile homes, two (2) hard surface parking areas for each unit.

19.5.2 Various Business-Related Uses Shall Require:

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

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

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

d. Motor vehicle service stations - Two (2) for each service bay, one (1) for each employee and one (1) for every two (2) gasoline pumps;

e. Car washing facilities - One (1) for each employee;

f. Banks, financial institutions, post offices, and similar uses – One (1) for each two hundred fifty (250) square feet of floor area and one (1) for each employee;

g. Barber and Beauty shops - Three (3) for each barber or beauty operator;

h. Carry-out restaurants - One (1) for each two hundred (200) square feet of floor area and one (1) for each two (2) employees;

i. Drive-in restaurants - One (1) for each one hundred twenty-five (125) square feet of floor area and one (1) for each two (2) employees;

j. Hotels, motels - One (1) for each sleeping room plus one (1) space for each two (2) employees;

k. Boarding, Rooming, Tourist and Bed/Breakfast Home - One (1) for each sleeping room;

l. Furniture, appliance, hardware, machinery or equipment sales and service, and wholesale establishments - Two (2) plus one (1) additional space for each two hundred (200) square feet of floor area over one thousand (1,000) square feet;

m. Consumer and trade service uses not otherwise specified - One (1) for each employee;

n. Funeral homes, mortuaries and similar type uses - One (1) for each fifty (50) square feet of floor area in slumber rooms, parlors, or service rooms;

o. Laundromats - One (1) for every two (2) washing machines;

p. Administrative, business and professional office uses - One (1) for each two hundred (200) square feet of floor area;

q. Sit-down restaurants, taverns, night clubs, and similar uses – One (1) for each three (3) persons of capacity;

r. Retail stores - One (1) for each two hundred (200) square feet of floor area; and,

s. All other type of business or commercial uses permitted in any business district - One (1) for each one hundred fifty (150) square feet of floor area.

19.5.3 Various Recreational and Entertainment Uses Shall Require:

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

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

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

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

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

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

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

h. Tennis facilities, racquetball facilities or similar uses – Two (2) for each playing area; one (1) for each employee; and one (1) for each one hundred (100) square feet of other activity area.

19.5.4 Various Institutional Uses Shall Require:

a. Churches and other places of religious assembly - One (1) for each eight (8) seats in main assembly room or one (1) for each classroom, whichever is greater;

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

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

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

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

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

a. Elementary schools, and kindergartens - One (1) for every ten (10) students, one (1) for each additional non-teaching employee, and one (1) for every four (4) seats in auditoriums and/or assembly halls;

b. High schools and middle schools - One (1) for every four (4) students, and one (1) for each teacher and employee or one (1) for every four (4) seats in auditoriums, assembly areas and sports fields, whichever is greater;

c. Business, technical institution trade school or college - One (1) for each four (4) students; and,

d. Child care centers, nursery schools, and similar uses - Four (4) for each classroom.

19.6.6 Various Manufacturing Uses Shall Require:

a. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district - One (1) for every employee (on the largest shift for which the building is designed) and one (1) for each motor vehicle maintained on the premises.

19.7 PARKING AND PASSENGER LOADING FOR PERSONS WITH DISABILITIES

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

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

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

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

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

19.7.4 Signage - Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Such signs shall not be obscured by a vehicle parked in the space;

19.7.5 Passenger Loading Zones - Passenger loading zones shall provide an access aisle at least five (5) feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp with a slope not exceeding 1:20 shall be provided. Vehicle standing spaces and access aisles shall be level with surface slope not exceeding 1:50 in all directions; and,

19.7.6 Vertical Clearance - Provide minimum vertical clearances of one hundred fourteen (114) inches at accessible passenger loading zones and along vehicle access routes to such areas from site entrances;

19.8 ELDERLY HOUSING PARKING

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

19.9 OFF-STREET LOADING SPACE REQUIREMENTS

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

19.10 OFF-STREET LOADING DESIGN STANDARDS

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

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

19.10.2 Setbacks: Not withstanding other provisions of this regulation and the Official and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of any Commercial or Manufacturing District provided that not more than ninety percent (90%) of the required rear or side yard is occupied; and no part of any loading space shall be permitted closer than fifty (50) feet from any street or alley;

19.10.3 Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Section 13.20 of this Resolution;

19.10.4 Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion;

19.10.5 Paving: All required off-street loading spaces, except for uses within any M-District if said loading spaces are at least two hundred (200) feet from any Residential District, must be paved with an asphaltic or portland cement binder in order to provide a durable or dust free surface. Where paving is not required, proper dust control measures shall be undertaken and maintained;

19.10.6 Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system; and,

19.10.7 Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

ARTICLE 20

SIGNS AND OUTDOOR ADVERTISING STRUCTURES

20.0 PURPOSE

20.01 Purpose:

This Article regulates signage for the following specific reasons:

a. To protect the health, safety and welfare of the public from hazardous conditions which result from structurally unsafe signage;

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

c. To protect the public from sign blight and profuse signage which may cause a nuisance to adjacent properties and detracts rather than facilitate identification of businesses and other land uses; and,

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

20.02 General Intent:

American Township recognizes that signs are an important means of visual communication for the public convenience and that businesses, services and other activities have the right to identify themselves by using signs that are accessory and incidental to the use of the premises where signs are located.

The goal of the Article is to protect the general health, safety, and welfare of the community by providing an instrument for protecting the physical appearance of the community and for encouraging high quality, effective outdoor graphics for the purposes of navigation, information, and identification. Specifically, it is the intent of this section to provide businesses in the township with equitable sign standards in accord with fair competition and aesthetic standards acceptable to the community, and to provide the public with a safe and effective means of locating businesses, services, areas, and points of interest in the township.

This section is based on the premise that signs are as much subject to control as-noise, odors, debris and similar characteristics of land use, that if not controlled and regulated, can become a nuisance to adjacent properties or the community in general, or depreciate the value of other properties in the community. All signs located on land within the township and visible from any public right-of-way or adjacent property shall comply with this Article unless specifically exempted herein.

20.03 Regulatory Conflicts:

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

20.04 Severability:

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

20.1 DEFINITIONS

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

a. Abandoned Sign. A sign associated with an abandoned use, a sign that remains after the termination of the business, or a sign or its immediate premises not adequately maintained and not repaired with the specified time under Article 20.8.

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

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

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

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

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

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

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

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

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

k. Billboard. An off-premises sign owned by a company or person for the purpose of renting ad space to a specific business, product, service, entertainment or other activity sold, offered, or conducted off-site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

bb. Ground Sign. See Free-Standing Sign.

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

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

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

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

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

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

ii. Off-Premises. Are signs that are off the business premise.

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

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

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

mm. Pole Sign. See Free-Standing Sign.

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

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

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

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

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

ss. Pylon Sign. See Free-Standing Sign.

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

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

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

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

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

yy. Setback. The distance from the property line and/or right-of-way to the nearest part of the applicable building, structure, or sign, measuring perpendicularly to the property line and/or right-of-way line.

zz. Sign. A sign is defined as any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, whether permanent or temporary, which is affixed to, painted on, or represented directly or indirectly upon, or projected onto a building, structure, lot, or other device, whether mobile or affixed to the ground, and which directs attention to any object, product, place, activity, person, institution, organization or business. This definition includes all signs visible from any public right-of-way or adjacent property, including interior signs oriented towards the exterior facade of any building or structure as well as back-lighted translucent panels or strip lighting affixed to any wall or roof where any such panels or lighting serves to identify a business and attract attention rather than to illuminate space for human activity.

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

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

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

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

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

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

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

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

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

20.2 GENERAL REQUIREMENTS

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

20.2.1 Conformance to Codes: Any sign erected hereafter shall conform to the provisions of this Article and the provisions of the Ohio Building Code and of any other ordinance or regulation within this jurisdiction.

20.2.2 Location: No sign shall be located nor project into the right-of-way of any public or private road within the Township. Signs shall not prevent free ingress to or free egress from any door, window or fire escape. Said sign or signs shall be located in strict compliance with this Resolution, or in strict compliance with Article 20.10 of the American Township Zoning Resolution.

No sign shall be permitted in American Township that interferes with the vision or visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares. Refer to Illustration 1 for specific minimum sight triangle clearance requirements within the Zoning Resolution.

20.2.3 Size: Frames, bracing and structural members shall not be included in the computation of the surface area unless such support members are made a part of the message or face of the sign.

20.2.4 Height: No sign shall be erected to a greater height than permitted by the specific provisions of this Resolution and in compliance with Article 20.10. If no maximum height is otherwise set forth, no sign shall be erected at a height greater than twenty-five (25) feet. The height of a sign shall be the distance from the established grade line at the base of the sign to the highest point of the sign or sign structure.

20.2.5 Design:

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

b. Traffic Safety - Colors. etc.: Display signs shall not closely resemble or approximate emergency vehicles, or the shape, form and/or color of official traffic signs signals and devices.

20.2.6 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 street.

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.

20.2.7 Structure: All signs shall be so constructed that they will withstand a wind pressure of at least thirty (30) pounds per square foot of surface, and will be otherwise fastened, suspended or supported so that they will not be a menace to persons or property. Signs subject to the Ohio Building Code must also conform to applicable provisions therein.

20.2.8 Maintenance: All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. All signs shall be free of rust or corrosion, exposed wiring, chipped paint or faces, cracked, broken, or missing faces, or loose materials. The Zoning Inspector shall remove any off-premises advertising signs or structure found to be unsafe or structurally unsound within ten (10) days of issuing a notification. The Zoning Inspector shall remove any on-premises sign which is determined to be unsafe or structurally unsound within ten (10) days of issuance of notification.

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

20.2.10 Multi-Tenant Properties: For all buildings or complexes designed and/or intended for multi-tenant usage, a total sign plan conforming to the requirements of this Code must be submitted to the Zoning Inspector or designee before any sign permit for the complex or individual tenant will be issued. The sign plan shall address, at a minimum, the following:

a. Proposed sign locations;

b. Materials;

c. Type of illumination;

d. Design of free-standing structures;

e. Size;

f. Quantity; and,

g. Uniform standards for non-business signage, including directional and informational signs.

20.3 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 to be 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 the permitting requirements listed in Article 20.10 (Table).

20.3.1 Real Estate Signs for sale, lease or rent of the premises on which the sign is located shall be limited to one sign per street frontage. Such signs shall not be illuminated and shall not exceed six (6) square feet of area per side. All such signs shall be removed within thirty (30) days after occupancy. See Article 20.5 - Permit Required - for signs larger than six (6) square feet on parcels greater than fifteen (15) acres.

20.3.2 Directional Signs: Directional or other incidental signs pertaining to vehicular or pedestrian control on private property, provided the said signs are located outside the right-of-way of any public street or road, shall be permitted provided said signs do not exceed four (4) square feet of area per side, do not exceed four (4) feet in height, and do not interfere or obstruct visibility when entering or leaving property.

In M-1 and M-2 zones, the height may be increased to five (5) feet. Such signs may contain information such as “in”, “enter”, “entrance”, “out”, “exit”, “do not enter” or similar language as approved by the Zoning Inspector. Arrows indicating desired traffic movement may also be used for directional signage. No more than twenty-five (25) percent of the area of any directional signage shall be permitted to be devoted to business identification or logo, which area shall not be assessed against the permitted sign area.

No more than one directional sign shall be permitted per street entrance to any lot. Directional signs must be on the property to which they refer. Off-site directional signage shall require a variance from the Board of Zoning Appeals.

20.3.3 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 (I) sign shall be permitted.

20.3.4 Temporary Signs for Community Activities and Events shall be permitted in any district of the Township provided the said signs are located outside the right-of-way and that said signs:

a. Shall not interfere with visibility of traffic entering or leaving the highway;

b. Are erected or posted not more than thirty (30) days prior to an event and are removed within seven (7) days following said event;

c. Are capable of posting and removal without destruction of public or private property;

d. Are not attached to any structures including utility poles, light poles, and fences;

e. Designate the name and address of the landowner and/or person and committed charged with removal of the sign; and,

f. Shall not exceed five (5) feet in height and thirty-two (32) square feet in area per side.

Such signs include signs for the promotion of school, community service or church activities or a community event or election. No more than two (2) signs shall be permitted on anyone (1) lot or parcel of land. The location of the sign shall be in conformance with the requirements of Article 20.3. No one sponsor shall display such promotional signs for more than ninety (90) days in any one (1) year.

20.3.5 Business/Professional Signs: One (1) sign having not more than eight (8) 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.

20.3.6 Public Use Facilities: Signs designating public uses or facilities shall be in conformity with this Resolution.

20.3.7 Each and Every Premise within American Township shall be easily identified by street numbers visible from the street to assist Fire and Rescue Personnel.

20.3.8 Historical Signs, Commemorative Plague or Cornerstones placed by recognized historical agencies, provided that such signs are less than nine (9) square feet in area and not illuminated. Personal memorial signs shall not be restricted if not in excess of two (2) square feet or if not visible from the public right-of-way.

20.3.9 Yard, Garage, or Moving Sales: A sign advertising the sale of personal property may be temporarily erected on the same lot as the sale provided such sign is not located in the right-of-way of any public street or road and shall not interfere or obstruct visibility when entering or leaving property. The signs must be removed on the last day of the sale, not to exceed seven (7) days nor more than twenty-one (21) days in a year or a permit is required.

20.3.10 Construction Signs: Signs identifying a construction project may be temporarily erected upon the same lot as the project. Such signs shall be permitted only for the length of the construction project or for eighteen (18) months whichever is shorter. Any extension past the eighteen (18) months shall be subject to approval by the Zoning Inspector. Construction signs shall contain only the name of the construction project, the construction firm(s), the engineer, the architect and/or the subcontractors involved in the project, the address of the project and/or the lot number. Signs can be erected up to sixty (60) days maximum prior to the beginning of construction.

Only one (1) construction sign shall be permitted per project. Maximum sign area permitted shall be six (6) square feet for each single dwelling unit for residential structures up to a maximum of thirty-two (32) square feet per side for all principal structures. All signs shall be set back from the street right-of-way per Article 20.10.

20.3.11 Signs for Home Occupation: One (I) 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 American Township Zoning Resolution.

20.3.12 Property Control Signs: (No Hunting, Keep Off the Grass, etc.) shall be permitted not to exceed two (2) square feet in size.

20.3.13 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).

20.3.14 Signs incorporated in a window display of a business other than those addressed in Article 20.4.14, provided such window display signs are:

a. Limited to forty (40) percent of the total first floor window area;

b. Placed only in ground *floor* level windows; and

c. Illuminated only from a concealed source, and in accordance with Article 20.3.7.

20.3.15 Flags, pennants, or insignia of any nation, state, city, or other political unit.

20.3.16 Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, or warnings at railroad crossing.

20.3.17 Holiday Signs: Signs clearly in the nature of decorations customarily associated with any holiday, to be limited to an aggregate total of sixty (60) days in any one-(1) year, and to be displayed not more the sixty (60) consecutive days. Such signs may be illuminated, providing no safety or visibility hazards are caused by such illumination. Animated and flashing holiday signs are permitted for residential uses only, providing no safety or visibility hazards are caused by such illumination.

20.3.18 Security System Sign displaying information about the security system protecting buildings or property, provided that such signs do not exceed one (1) square foot in area.

20.3.19 Construction Trailer Signs painted on or affixed to construction trailers, vans, or other vehicles temporarily in use on a construction site.

20.3.20 Religious Symbols shall not be restricted.

20.3.21 Works of Art shall not be restricted provided they do not contain advertising messages other than the name of the artist and/or sponsor. Such message area shall not exceed two (2) square feet.

20.3.22 Transit Shelter Signage customarily applied to public transit facilities by the transit authority shall be permitted.

20.4 PERMIT REQUIRED

The erection or location of any sign within American Township shall require a Zoning Permit unless otherwise specified in Article 20.4. In addition, signs over nine (9) feet in height and / or forty (40) square feet shall require a Zoning Permit. Exemptions from the necessity of securing a zoning or building permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and a manner in accordance with all the other provisions of this Article.

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

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

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

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

Applications for a Building Permit for a sign must be submitted to the local certified building department and shall include the approved Zoning Permit and the applicable fee and submittals required by the building department.

20.4.2 Fees: The applicant for a Zoning Permit shall pay such fees as are prescribed by the American Township Trustees. Such fees shall be prescribed annually, or more often, by the Trustees.

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

20.4.4 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 this Township, or sign for which no 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 seven (7) days after notice by the Zoning Inspector, said sign may be destroyed. Any abandoned sign that no longer applies to the property 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, at the cost to the current owner, identified by Allen County Auditor's Office.

20.5 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:

20.5.1 Real Estate Signs

In All Zoning Districts: On Parcels exceeding fifteen (15) acres, one (1) sign not to exceed thirty-two (32) square feet per side and eight (8) feet in height. Signs identifying a property for sale, rent or lease may be placed on-site until thirty (30) days after occupancy.

Where a parcel has frontages on two (2) or more roads, one (1) sign may be permitted on each road on review by the Zoning Inspector. Such signs shall not be illuminated and shall be set back from the curb or berm edge a minimum of fifteen-(15) feet. Said signs may remain on a premise for a period not to exceed eighteen (18) months without renewal.

20.5.2 Subdivision Sale Sign

One (1) sign providing information on the sale of lots within an approved and recorded subdivision may be placed at each entrance to the subdivision until ninety (90) percent of the lots within the subdivision are sold. Subdivision sale signs shall contain only the name of the subdivision, the name of the owner, the name of the developer and information regarding price, terms and the location and telephone number of the sales office. All such signs shall not exceed thirty-two (32) square feet and shall be set back from the curb or berm edge by a minimum of fifteen-(15) feet.

20.5.3 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.

20.5.4 Permanent Subdivision Identification Signs

In all zoning districts shall be limited to two (2) signs per entrance along major thoroughfares and shall not obstruct the visibility at any intersection. Such signs shall contain only the name of the subdivision they identify. The signs shall not exceed eight (8) feet in height, nor shall they exceed thirty-two (32) square feet on either side and shall be properly maintained. Identification signs shall not contain any advertising of products or changeable copy.

20.5.5 Seasonal Business

One (1) sign per street frontage is allowed for a seasonal business. Such signs are limited to thirty-two (32) square feet in area and eight (8) feet in height. They must set back as least fifteen-(15) feet from curb edge or berm. Seasonal business signs may be displayed fifteen (15) days prior to opening the business and shall be removed within seven (7) days of when the business closes for the year.

20.5.6 Gasoline Stations

Gasoline stations, whose principal business is the sale of motor fuel, may display signs in addition to those herein authorized and any other signs as may be required by law.

20.5.7 Drive-thru Menu Board Signs

A drive-thru menu board sign is permitted when located on the property to which it refers. The size of the sign shall not exceed one hundred (100) square feet. A menu sign shall be permitted for each lane being served. A preorder menu board is permitted prior to traffic entering menu ordering lane. The combined signage total to include a pre-order menu order board sign shall not exceed the maximum one-hundred square foot requirement.

20.5.8 Business or Manufacturing Wall Signs

Wall signs are permitted for any business or use and shall comply with the following requirements:

a. The maximum size for business and manufacturing wall signs is 96 square feet, per wall face.

b. The maximum height for a wall sign shall be twenty-five (25) feet, measured from the established grade line to the top of the sign.

c. No portion of a wall sign shall extend higher than the roof line of the building.

d. Wall signs shall be limited to two-(2) wall signs permitted on each building side, except facing the front of building. The provision for a second sign does not apply to individual tenants in a multi-tenant building. Signage to front entrance of business may be utilized and designated as a separate marquee sign.

e. All wall signs shall be mounted on the building that houses the business establishment advertised by such signs, EXCEPT as otherwise specifically authorized by this Resolution. Such signs shall be located on or along one (1) wall of such building which faces a street, parking lot or service drive, and shall not project above the roof line or the cap of parapets of such building, whichever is higher.

f. Signs may be erected on a wall that is an extension of a building wall that faces a street, parking lot or service drive, provided that the design and construction of such extension are architecturally compatible with the building and such wall does not extend beyond any required building setback line of the building to which such extension wall is attached. The display area of the sign must be located either on the wall or extension. It may not-be located on both. All such signs shall be parallel to the wall on which they are installed, and shall not project more than eighteen (18) inches from such wall: and,

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

20.5.9 Free-Standing Signs in Business and Industrial

Districts A free-standing sign shall be permitted for any business or use based on the following conditions:

a. The maximum allowable size of a free-standing sign in a B-1 or B-2 District shall be such that the total of wall signage and free-standing signage does not exceed the maximum size allowed, and in no case shall it exceed ninety-six (96) square feet.

b. In an M-I or M-2 District, the maximum allowable size of a free-standing sign shall be one hundred twenty -120 square feet;

c. The maximum height of such signs shall not exceed twenty-five (25) feet above the established grade line of the street.

d. Not more than one (1) free-standing sign may be authorized for anyone (1) or single business operation or establishment. Where more than one (1) operation or establishment is located on a single tract of land, having an entrance or parking area or areas used in common by the customers of such operations or establishments, only one (1) free-standing sign may be authorized for the entire tract. Refer to 20.5.14 for additional requirements for Joint Identification Signs;

e. No part of such sign will be closer to any street curb edge or berm 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; and,

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

20.5.10 Projecting Signs

Projecting signs shall be permitted in lieu of free-standing signage along any street frontage limited to one (1) sign per occupancy along any business frontage with public entrance to such occupancy. Requirements regarding permitted locations, maximum size and height, setback and permit requirements shall be the same as for free-standing signs in business and industrial districts (refer to Article 20.5.9). Projecting signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of nine (9) feet.

20.5.11 Under Canopy Signs

Under canopy signs shall be allowed in any B-I or B-2 District, subject to the following conditions:

a. Under canopy signs shall be limited to no more than one (1) such sign per public entrance to any occupancy, and shall be limited to an area not to exceed eight (8) square feet;

b. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of nine (9) feet.

20.5.12 Temporary Special Event and Grand Opening Signs Temporary Special Event, Grand Opening Signs, and Political Elections

Signs temporarily displayed to advertise special promotions, events, grand openings shall be permitted and subject to the following limitations:

a. Such signs may be displayed for not more than thirty (30) days in any three (3) month period, and not more than sixty (60) days in any calendar year. The signs shall be erected no more than thirty (30) days prior to the event or grand opening, and shall be removed not more than one (1) day after

the event or grand opening; and,

b. The total area of such signs shall not exceed thirty-two (32) square feet nor exceed eight (8) feet in height.

c. Political election signs may be displayed for not more than thirty-(30) days prior to the election date. Signage shall not exceed thirty-two – (32) square feet in size and exceed eight-(8) feet in height. Political signs shall be displayed outside the road right of way (typically behind power pole line). Signage shall be removed no more than seven-(7) days after the event.

20.5.13 Joint Identification Signs

One free-standing sign identifying the name of a shopping center or other building complex shall be permitted, if there are multiple uses sharing the same site. The sign face area of a joint identification sign dedicated to the identity of the development shall not exceed (32) square feet. The sign face area of the sign dedicated to the identification of the individual occupants shall be twelve (12) square feet for each of the individual occupants of the development, with the total area of the sign not to exceed ninety (90) square feet and twenty (20) feet in height. A second joint identification sign of the same height and size is permitted if the site has frontage on two (2) streets. The signs shall be no closer than two hundred (200) feet. A total sign plan conforming to the requirements of this code must be submitted to the Zoning Inspector or designee before any sign permit for the complex or individual tenant will be issued.

20.5.14 ATM's

Signage for all ATM's (Automated Teller Machines) shall not be assessable against the allowable area for wall signage permitted in Article 20.5.9. Such signage shall not exceed six (6) square feet per ATM.

20.5.15 EMB / Electronic or Digital Message Boards

Electronic Message Boards and Digital Message Boards are permitted for use within a B-1, B-2, M-1, and M-2 Business District.

Such signage is prohibited in Residential Zoned locations, residential planned unit developments, and mobile home parks. In addition, the following restrictions for EBM's, Electronic Message Boards or Digital Boards shall apply:

a. Digital message boards shall not exceed forty-(40) square feet in size per business operation.

b. Digital message boards shall not be located within two hundred fifty-(250) feet of another digital message board.

c. The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any right-of-way or parking lot from which the sign may be viewed.

d. Light trespass from illuminated signage that extends ten (10) feet beyond the right-of-way or property line of the site shall not exceed one-half (0.5) foot candle in residential areas and one (1.0) foot candle in all other districts.

e. Change in display information shall be for a minimum of eight-8 seconds in duration, before alternating to different screen background.

f. Digital message boards illumination shall be reduced in intensity by a minimum at least fifty-50% between the hours of 11:00PM to 5:00AM.

g. When a digital message board becomes inoperable, the devise shall go to a "default" mode consisting of a black, non-informational screen, during the period of inoperability.

h. Property owner is responsible for care and upkeep of the digital message board and is responsible for notifying the sign company / installer when issues and concern arise in the operation of the devise.

20.5.16 Billboards & Electronic Outdoor Advertising Signage

Conditional Use Required for Billboards and Electronic Billboard Outdoor Advertising. Billboard and Outdoor Advertising Signs for one or more products or services located upon the premises of which the sign is located shall be classified as a business use and shall be permitted in all commercial and industrial zoned districts subject to the regulations set forth herein.

a. Billboards or Electronic Outdoor Advertising Signs may be approved in a B-1, B-2, M-1, and M-2 zoned district by the Board of Zoning Appeals after a public hearing. This is due to the potential issues and concerns with location, setback requirements, permitted sizes and other concerns.

b. No Billboard or Electronic Outdoor Advertising Signage shall exceed three hundred-(300) square feet per side, nor have no more than two-2 sides or surfaces.

c. No Billboard or Electronic Outdoor Advertising Signage shall exceed the height of thirty-five-(35) feet in height as measured from the ground to top of signage.

d. The use shall comply with the general regulations set forth in other provisions of this Resolution and Articles.

e. All Billboards shall comply with Federal, State, and Local Government Regulations. This shall include but not limited to (ODOT)-Ohio Department of Transportation regulations concerning distancing from other billboards, size, setback requirements, and other departmental / zoning regulations is indicated.

1. The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any right-of-way or parking lot from which the sign may be viewed.

2. Light trespass from illuminated signage that extends ten (10) feet beyond the right-of-way or property line of the site shall not exceed one-half (0.5) foot candle in residential areas and one (1.0) foot candle in all other districts.

3. Change in display information shall be for a minimum of eight-8 seconds in duration, before alternating to different screen background.

4. Digital message boards illumination shall be reduced in intensity by a minimum at least fifty-50% between the hours of 11:00PM to 5:00AM.

5. When a digital message board becomes inoperable or malfunction, the devise shall go to a “default” mode consisting of a black, non-informational screen, during the period of inoperability.

6. Property owner is responsible for care and upkeep of the digital message board and is responsible for notifying the sign company / installer when issues and concern arise in the operation of the devise.

f. Billboards are restricted in American Township to no more than one-1 billboard per parcel. Billboards shall not be located within a two hundred fifty-(250) foot radius of another billboard or impede the vision of existing billboards.

g. All Billboards shall be located behind the building setback lines as established for the district in which the sign is located, and setback distance from road right of way as established in this Article.

h. No Billboard or Outdoor Advertising Signage shall be located nearer than twenty-five (25) feet from side lot lines as well as fifteen-(15) from the curb or berm edge. Measurement shall be taken from edge of the billboard facing closest to roadway edge/berm. (See Table 20 for distances from road right of way, permitted size, and other information.)

20.5.17 Monument Style Signage Identifying Commercial Business or Office Complexes

A monument style sign is identified as free-standing signage, supported by and affixed directly to a base having a base width at least equal to the sign with no intervening openings, support posts, poles, pillars

upright braces may be permitted which identifies a commercial or business complex on the following conditions.

a. The maximum height of a monument sign shall not exceed nine-(9) feet in height.

b. The sign does not have more than two-(2) sides or surfaces.

c. The display area of any one side or surface does not exceed one-half of the total display area permitted.

d. The total display area of all surfaces does not exceed thirty-two square feet, or a maximum of sixteen-(16) square feet per side or surface when the sign is located fifteen-(15) feet from the primary frontage curb or berm line.

e. For each additional one-(1) foot setback from the curb or berm edge, and additional eight-(8) square feet of total display area (or maximum of four-(4) square feet per side or surface) will be permitted up to a maximum of one hundred twenty-eight (128) square feet of total display area or maximum of sixty-four (64) square feet per side as indicated below.

Total Display Area / SF:	**Max SF Area Per Side:**	**Required Additional Setback from Road Right A Way:**
32 SF	16 SF	15 Feet
40 SF	20 SF	16 Feet
48 SF	24 SF	17 Feet
56 SF	28 SF	18 Feet
64 SF	32 SF	19 Feet
72 SF	36 SF	20 Feet
80 SF	40 SF	21 Feet
88 SF	44 SF	22 Feet
96 SF	48 SF	23 Feet
104 SF	52 SF	24 Feet
112 SF	56 SF	25 Feet
120 SF	60 SF	28 Feet
128 SF	64 SF	27 Feet

f. Not more than five (5) colors are used. For the purposes of this Section, black and white shall not be considered colors.

g. No part of such sign will be closer to any street curb line or berm than fifteen (15) feet, nor closer to any other property line than the applicable building setback line, if the adjoining property is in a Residential District.

h. The function of such a sign is in keeping with the uses in the surrounding area.

1. Such a sign will be in harmony with the buildings on the site and will not detract from the appearance of the general neighborhood in which it is located or adversely affect property values in such neighborhood.

2. Such a sign will not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for such motorists.

3. In making its determination, the board shall take into consideration all pertinent factors relating to the compatibility of such sign with the surrounding neighborhood, including, but not limited to its size, shape, color, brightness, design and its general appearance.

4. Not more than one (1) monument style free standing sign may be authorized for any one business establishment. Where more than one business establishment is located on a single tract of land, having an entrance or entrances or parking area or areas used in common by the customers of such establishments, only one (1) monument style free standing sign may be authorized for the entire tract.

5. 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 shopping center or similar joint operation to one (1) monument style free standing sign, except in the case of a shopping center which is contiguous to two streets which do not intersect each other at a point adjacent to such shopping center, in which case one (1) monument style free standing sign, fronting each street, may be authorized.

20.5.18 Signs Approved Within R- or SP- Planned Unit Developments

Provided that the approved sign is constructed in strict compliance with the approved guidelines.

20.5.19 Temporary Signs Advertising Rea Estate for Sale, or Identification of Developer or Builder.

A temporary sign within a Residential Planned Unit Development, Commercial Planned Unit Development, or Industrial Park such sign shall not be constructed for permanent use, and supported by posts, pillars, columns, or other structures and advertising real estate for sale or identifying the builder or developer of the construction or development project with the following conditions.

a. Maximum height of such sign shall not exceed six-(6) feet in height from average grade to top of signage.

b. The sign does not have more than two-(2) sides or surfaces and the total display area of all surfaces does not exceed sixty-four-(64) square feet.

c. The display area of any one surface shall not exceed thirty-two-(32) square feet.

d. No more than five-(5) colors may be permitted. Black and white shall not be counted to paint color allotment.

e. No part of the sign shall be closer to the curb edge or berm than fifteen (15 feet, nor closer to any property line than the applicable setback line for the district that the sign is located.

f. The sign is to be located upon real estate which is offered for sale or upon which construction or development is taking place.

g. Such signs be in harmony with the buildings on the site and will not distract from the appearance of the general neighborhood in which it is located or adversely affect property values in such neighborhood.

h. The permit for such signage shall be valid for a period of six-(6) months and maybe renewed at the discretion of the Zoning Inspector upon findings that the real estate which is subject of such sign remains unsold or that the construction or development thereon is not substantially completed, and that the sign has been maintained in a state of reasonable repair.

i. Such signs shall not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorist using streets or driveways in the area, or by creating a visual distraction for such motorist.

j. Such sign shall be removed upon the sale of real estate or the completion of the construction or development.

20.6. CONDITIONALLY PERMITTED SIGNS - PERMIT REQUIRED

Any sign not specifically permitted in this Article 20 shall require a variance or conditional use permit from the Board of Zoning Appeals as provided in the American Township Zoning Resolution.

20.7 PROHIBITED SIGNS

The following signs shall be prohibited in American Township:

a. Signs not otherwise specifically authorized by this Resolution, signs installed without a required permit or zoning certificate, or signs installed which do not meet applicable regulations.

b. Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.

c. No sign or billboard shall be painted directly upon the roof of any building or structure EXCEPT identification signs on agricultural buildings.

d. 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.

e. No signs shall be posted, attached, mounted or otherwise applied on traffic control signs, fences, street signs, traffic signal poles, utility poles, or any other unapproved supporting structure.

f. No vehicle, trailer, or equipment of any type may be parked permanently for more than thirty (30) days, per twelve (12) month period, on a business premises or a lot for the purposes of advertising a business, product, service, event, object, location, organization or the like. A vehicle or trailer may be exempted from this restriction if the vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate. Vehicles and trailers shall not be used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

g. Signs may not be installed in any public right-of-way unless specifically authorized by the County Engineer. Signs may not be installed in any utility easement.

h. Signage depicting a marijuana plant leaf, or marijuana leaves, or language referencing marijuana, hemp, herb, 420, or other common wording for marijuana.

20.8 ENFORCEMENT: PROHIBITED, HAZARDOUS AND ABANDONED SIGNS

American Township shall require the removal of any sign that is determined to be prohibited, hazardous or abandoned in order to protect the public health, safety or welfare. It shall be the duty of the Zoning Inspector to maintain a photograph and file of any such sign together with the written report of his/her findings for submission to the Board of Zoning Appeals upon request.

20.8.1 Notification of Unlawful Signs: No prohibited, abandoned or defective sign shall be allowed within American Township, nor allowed to continue by variance.

a. Prohibited Signs:

Notice shall be given by certified mail, regular mail or personal service to the owner or lessee of any prohibited sign or the owner of the property on which it is located (Consistent with notification procedures for violations as addressed in Property Maintenance Code). The notice shall state that such prohibited sign shall be altered to conform with this regulation or be removed within seven- 7 days after the notice has been received. The time period may be stayed during any administrative appeal.

b. Hazardous Signs:

Hazardous signs are those signs that by reason of inadequate maintenance, dilapidated condition, obsolescence, or need of structural repair create an imminent hazard to public health, safety or welfare, as declared by the Zoning Inspector. Said signs are declared a nuisance and shall not be allowed within American Township. Notice shall be given by certified mail, regular mail or personal service to the owner or lessee of any defective sign or the owner of the property on which it is located. (Consistent with notification procedures for violations as addressed in Property Maintenance Code). The notice shall require defective sign removal or abatement within seven-7 days.

c. Abandoned Signs:

If any sign or billboard shall become abandoned in any manner. defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned or defective sign or billboard is any sign or billboard that meets any of the following criteria:

1. A sign that remains at the time a business (or use) identified by the sign discontinues the business or vacated the premises. A business has ceased operations if it is closed to the public for at least one hundred eighty (180) days. Seasonal businesses are exempt from this determination.

2. A sign or billboard associated with an abandoned non-conforming use.
3. Any sign or billboard that is not maintained in accordance with this Resolution.

4. Abandoned signs as herein above defined shall be declared a public nuisance by the Zoning Inspector. Notice shall be given by certified mail or personal service to the owner or lessee of any abandoned sign or the owner of the property on which it is located. The notice shall require the abandoned sign be removed or replaced within thirty (30) days as determined by the following circumstances:

   a) Signs that were used by a business which will be used by a new business re-occupying the structure may remain, but the sign face must be replaced by a blank panel. Such a sign must conform to this code; and,

   b) Signs that were used by a business which are found to be non-conforming with this code must be removed from the property, including all supporting structure.

20.8.2 Appeals of Notice to Remove:

The owner or lessee of a sign or the owner of the property on which a sign is located who has been notified by American Township that said sign is prohibited, hazardous or abandoned may appeal such decision to the Board of Zoning Appeals within five (5) days of the receipt of such notice for prohibited and hazardous signs and within twenty (20) days for abandoned signs. The appeal shall contain the appellant's name and address, the decision being appealed, and a brief explanation why the appellant should not be required to comply with the decision being appealed.

20.8.3 Failure to Comply with Notices: If the owner or lessee of a prohibited, hazardous or abandoned sign or the owner of the property on which such sign is located fails to comply with notice given pursuant to this section within the time specified, American Township is authorized to cause the action required by resolution and notice. All costs incurred by American Township shall be charged against the real property and its owners.

20.8.4 Other Remedies: Any unpaid charge plus all costs and penalties shall constitute a debt due American Township. The Prosecutor shall, at the direction of the American Township Trustees, institute civil suit in the name of American Township to recover such charges, cost and penalties. American Township may prevent by injunction and require removal of any sign erected without a permit. These remedies shall be cumulative with all the other remedies. No charge or conviction of violation of this regulation, or action, or remedy exercised hereunder, shall be exclusive, and none shall preclude the bringing of any charges of violation, or the exercise of any other remedy hereunder.

20.9 NON-CONFORMING SIGNS

A sign is a legal non-conforming if it complied with the sign regulations in effect at the time it was erected but no longer meets the requirements of new regulations. A sign is illegal non-conforming if it did not meet the requirements of the sign regulations when it was installed.

20.9.1 Termination of Legal Non-Conforming Signs: A legal non-conforming sign must be brought into conformance or terminate and cease to exist if any one of the following conditions occur:

a. Whenever the sign is damaged more than fifty (50) percent of its total replacement value, destroyed from any cause whatsoever, or becomes obsolete or substandard to the extent that the sign becomes a hazard or a danger;

b. The business to which the sign pertains expands the building gross floor area or parking area or loading area twenty (20) percent or more from the effective date of this resolution;

c. Whenever there is a request made for a permit to alter the structural support of the sign;

d. Whenever there is a request for a building permit to make improvements to the facade of the building on which the non-conforming sign is located excluding normal repair or maintenance efforts;

e. When a change in size or shape of a sign or a change in the area of sign copy occurs;

f. When a change in the sign copy occurs that does not apply to the original use or the original owner associated with the sign; and,

g. When a sign is relocated.

h. Rezoning of the parcel or change of use of the property.

20.9.2 Termination of Illegal Non-Conforming Signs: An illegal non-conforming sign is considered a prohibited sign under Article 20.7 and is subject to removal under Article 20.8.

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Article 20. 10 - Table of Sign Area, Height, and Setback Requirements – Page 1											
	Zoning Districts:							Requirements:			
Sign Type	R1	R2	R-3 PUD MHP	B1 & B2	M1 & M2	Max SF	Max Hgt.	Additional setback distance from the R.O.W	Permit Req.	Number of Signs Permitted	Notes
Real Estate Signs	Y	Y	Y	Y	Y	6 SF	4'	1'	No	1/Frontage	Non-illuminated
Real Estate on 15 acres +	Y	Y	Y	Y	Y	32 SF	8'	10'	Yes	1	Non-illuminated
Directional Signs	N	Y	Y	Y	N	4 SF	4'	1'	No	1/Entrance-	
Directional Signs – Manufacturing	N	N	N	N	Y	4 SF	5'	1'	No	-	
Off Premises Directional Signage	N	N	N	Y	Y	6 SF	4'	10'	Yes		Variance required
Name & Address Signs	Y	Y	Y	Y	Y	2 SF	8'	1'	No	1	
Temporary Community Event Signs	Y	Y	Y	Y	Y	32 SF	5'	1'	No	2	
Grand Opening & Special Event Signs	N	N	N	Y	Y	32 SF	8'	10'	Yes	1	
Farm Signs	Y	N	N	N	N	6 SF	4'	1	No	1	Agricultural Use Required
Advertising Signs on Farms	N	N	N	N	N	32 SF	8'	10'	No	see notes	See above
Business/Professional Signs	Y	Y	Y	Y	Y	4 SF	8'	on bldg.	No	1	
Historical/Commemorative Signs	Y	Y	Y	Y	Y	9 SF	8'	1'	No	1	Non-illuminated
Yard, Garage or Moving Sale Signs	Y	Y	Y	Y	Y	6 SF	4'	1'	No	1	7 days maximum
Construction Signs - single residence		Y	Y	Y	Y	6 SF	4'	1'	No	1	2 weeks after construction
Construction Signs - major structure	Y	Y	Y	Y	Y	32 SF	8'	10'	No	1	
Home Occupation Signs	Y	Y	Y	Y	Y	4 SF	8'	on bldg.	No	1	Non-illuminated
Property Control Signs	Y	Y	Y	Y	Y	2 SF	3'	1'	No	-	
Window Signs w/ hours & credit Info.	N	N	N	Y	Y	2 SF	8'	on bldg.	No	1	
Signs in Window Display	N	N	N	Y	Y	Note 1	1st Floor	on bldg.	No	-	Up to 40% of window area
Business or Industrial Wall Signs	N	N	N	Y	Y	96 SF	25'	see note	Yes	1 or 2 if having two frontages-	96SF per side is permitted, to include all (4) sides if business is in parking area.
Free Standing / Pole Signs	N	N	N	Y	Y	96 SF	25'	15'	Yes	1	
Monument Sign	N	N	Y	Y	Y	Note 1	9'	See Chart	Yes	1-Entrance	Refer to 15.5.17 Chart
Subdivision Sale Signs	Y	Y	Y	Y	N	32 SF	8'	10'	Yes	1/Entrance	
Model Home Signs	Y	Y	Y	Y	N	6 SF	6'	10'	Yes	1	
Permanent Subdivision Ident. Signs	Y	Y	Y	N	N	32 SF	8'	15'	Yes	2/Entrance	
Marquee Signs / Canopy Sign	N	N	N	Y	N	96 SF	20'	on bldg.	Yes	1	Cont. from previous version of Zoning Resolution (Marquee, Logo, or Trademark Identification above entrance of establishment)
Projecting Signs	N	N	N	Y	Y	16 SF	15'	15'	Yes	1	
Under Canopy Signs	N	N	N	Y	N	4 SF	15'	1'	Yes	1	Min. vertical clearance of 9'
Menu Boards	N	N	N	Y	N	100 SF	15'	15'	Yes	2	One menu board per ordering lane and pre-order signage approved in total SF
Changeable Copy Signs	N	Y	Y	Y	Y	15	8'	15'	Yes	1	
Seasonal Business	N	N	N	N	N	32 SF	8'	15'	Yes	1	

Joint Identification Sign	N	N	N	Y	N	32 SF	20’	15’	Yes	1/Frontage	Multi-occupancy developments
ATM Signage	N	N	N	Y	N	10 SF	15'	15'	Yes	See notes	1 lane use sign per ATM,1 sign on ATM and 1 identification sign per street frontage
Off- Premises / Billboard	N	N	N	Y	Y	300 SF Per Face	35 ‘	15’	Yes	1 Sign pole per parcel	Conditional Use / BZA approval required after public hearing. Shall comply with State, County and Township Regulations and ODOT Regulations. Measurement taken from sign edge (not pole) to R.O.W line.

ARTICLE 21

MEDICAL / ADULT USE CANNABIS

21.0 PURPOSE

The purpose of this article is to establish the prohibition of commercial cultivation and processing of Cannabis in all zoning districts in American Township and to establish guidelines and regulations for the dispensing of Cannabis to ensure the safety of residents and visitors of American Township and ensure said establishments do not have negative impact of residential, commercial or manufacturing districts, schools, and religious institutions.

21.1 DEFINITIONS

a. ADULT USE CANNABIS. Or “cannabis” or “marijuana” means marihuana as defined in Section 3719.01 of the Ohio Revised Code.

b. ADULT USE MARIJUANA CULTIVATOR(s) LEVEL I, LEVEL II, and LEVEL III- Commercial adult use marijuana cultivation shall be prohibited in American Township.

c. MARIJUANA. Means marihuana as defined in Section 3719.01 of the Ohio Revised Code.

d. MEDICAL MARIJUANA. It means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

e. MEDICAL MARIJUANA CULTIVATION. An establishment where medical marijuana is cultivated, harvested, and subsequently delivered to another medical marijuana establishment in accordance with the medical marijuana licensing laws in Chapter 3796 of the Ohio Revised Code.

f. MEDICAL MARIJUANA DISPENSARY. An establishment where medical marijuana products are obtained from a licensed cultivator or processing establishment, and subsequently sold to consumers in a retail setting, in accordance with the medical marijuana licensing laws in Chapter 3796 of the Ohio Revised Code.

g. MEDICAL MARIJUANA PROCESSING. An establishment where medical marijuana products are obtained from a licensed cultivator, processed into one or more consumable forms, and subsequently delivered to licensed dispensaries, in accordance with the medical marijuana licensing laws in Chapter 3796 of the Ohio Revised Code.

h. PERSON. Includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.

i. For any additional definitions see Ohio Revised Code 3796.01 and 3780.01.

21.2 STATE OF OHIO REGULATIONS OF MEDICAL / ADULT USE CANNABIS DISPENSARIES

a. Medical / Adult use Cannabis Dispensaries are regulated as provided in the latest version of Ohio Revised Code, Chapter 3796 “Medical” and Chapter 3780 ”Adult Use”.

b. Medical and adult use cannabis dispensaries shall adhere to all State of Ohio Laws, Rules, and Regulations in place and here after as adopted by the State of Ohio.

21.3 RETAIL CULTIVATION FACILITIES PROHIBITED

Medical, recreational or adult use cannabis cultivation facilities are prohibited in all zoning districts in American Township.

21.4 RETAIL PROCESSING FACILITIES PROHIBITED

Medical, recreational or adult use cannabis processing facilities are prohibited in all zoning districts in American Township**.**

21.5 PROPOSED USE STANDARDS

a. Marijuana Dispensaries, Adult Use & Medical

1. A Medical and/or Adult Use Cannabis Dispensary in a B-1, B-2, M-1, or M-2 zoned district may be permitted to operate in American Township, subject to a "Conditional Use Permit" approval by the Board of Zoning Appeals after a public hearing.

2. The Board of Zoning Appeals shall give due regard to the nature and conditions of all adjacent uses and structures; and in authorizing conditional use. The Board may impose such requirements and conditions with respect to location, construction, maintenance and operations in addition to those expressly stipulated in the Resolution, for particular conditional use as the Board may deem necessary for the protection of adjacent properties and public interest.

3. One (1) Medical or a Dual-Purpose Adult Use Cannabis Dispensary may be permitted to operate in American Township. This shall be comprised of either one-(1) single "adult use" dispensary or one-(1) dual use dispensary being a combined "adult usage" and a "medical use" dual purpose dispensary. No more than one-(1) business shall be approved to operate within American Township.

4. Adult use and medical marijuana dispensaries may be permitted to operate within American Township solely within the B-1, B-2, M-1 or M-2 Business and Industrial zoned district.

5. The parcel where the proposed dispensary is located shall be a minimum of five hundred (500') feet from any of the boundaries of a residential zone property. Measurement shall be taken from parcel line to parcel line taking the most direct route.

6. Appeals to any additional sections of Article 21 shall be by variance application by the owner / applicant / agent to the American Township Board of Zoning Appeals.

7. Dispensaries must meet state required 500 feet, setbacks from schools including post-secondary education facilities, child daycare as defined in ORC Section 5104.01, churches, libraries, playgrounds, parks or opiate rehabilitation facilities as described in O.R.C. 3796.30.

8. No adult use or medical marijuana dispensary shall be established, operated in the same building or portion thereof, or enlarged within 500 feet of another adult use or medical marijuana dispensary. Measurement shall be taken from parcel line to parcel line taking the most direct route.

9. No smoking, inhalation, or consumption of marijuana or marijuana derived products shall take place inside or outside parking lot of the business establishment.

10. Drive-in and drive through operations at an adult use or medical marijuana dispensaries shall be prohibited.

11. Adequate panel fencing or landscape soft screening a minimum of six-6 feet in height, and no greater than eight-8 feet in height shall be permitted. Fencing shall be required along the side and rear areas of the dispensary. Subject to review and approval by the Zoning Inspector.

12. Hours of operation for these uses shall be 9:00 AM to 9:00 PM, and may operate Monday through Saturday, Closed on Sunday as well as on Federal holidays.

13. All exterior lighting must be down-directed, fully shielded, dark sky compliant and be less than, or equal to 1.0 foot candle power at edge of any adjacent roadway or property lines adjoining a commercial or industrial use. All exterior lighting adjoining residential uses must also be down directed, and be less than, or equal to 0.5 foot candle power.

14. Any adult use or medical marijuana dispensary adjacent to a residential district or use shall contain a minimum six-foot high opaque fence along such abutting property line(s).

15. Location of such medical or adult use dispensary shall be consummate with the latest version of the American Township Comprehensive Plan.

16. A medical and/or adult use recreational marijuana dispensary shall further comply with the latest version of the Ohio Building Code requirements, Lima/Allen County Building Department requirements, certificate of occupancy requirements, as well as American Township Fire Department Fire / Safey Inspection Certifications and follow up / annual requirements.

17. The Owner of the uses as set forth herein shall be required to make a one-time payment to the Township representing an Impact Fee, to compensate the Township for public safety education, infrastructure improvements, and future development costs related to the use. The Impact Fee shall be established at ten-thousand ($10,000.00) dollars, which shall be deposited to the Township's General Fund. Any application fee, impact fee, or other collected fees related to Medical or Adult Use Cannabis establishments operating in the Township shall be deposited into a police budgetary line item, for use in drug prevention, education and enforcement.

    In the event a Court of competent jurisdiction rules that fees and taxes similar to those described within are unenforceable, the Owner of the business use and American Township shall negotiate in good faith for the return of such fees and taxes to the Owner of the use.

18. The Impact Fee payment shall be due to the Township prior to the issuance of a Zoning Permit for the use.

19. Since the medical or dual purpose (medical / adult use) establishment is a conditional use within American Township, an annual permit renewal fee shall be required to be paid annually, by January 15th of the year. Annual renewal fee shall be established by the Board of Trustees as part of the Administrative Fee Schedule for the township

20. The Applicant shall additionally enter into a "Community Benefits Agreement" with the Township, ensuring that local tax revenues in the amount of five-5 % of the gross sales be distributed back to the Township as contemplated by voters during the passage of Ohio Statewide Issue 2, for a long as the dispensary remains in operation, regardless of any change or amendment to State Laws governing the distribution of excise taxes levied by the State of Ohio upon the sale of either medical or adult use recreational marijuana.

    In the event that the Township receives local excise tax revenue distributions from the State of Ohio while the dispensary remains in operation, the Township will abate any excess or duplicate payments made by the Applicant, with the amount received from the State of Ohio credited towards the projected, aggregate ten-10% local excise tax distribution. The Community Benefits Agreement shall remain in effect for as long as the dispensary operates at this location, and shall bind the parties and subsequent heirs, assignees or operators.

21. An existing Medical or Recreation Marijuana Dispensary operating prior to enactment of these regulations or any such subsequent use receiving approval pursuant to this Section, that is discontinued or abandoned for more than three-hundred sixty-five (365) consecutive days shall be determined to be voluntarily discontinued and shall not be re-established except in conformance with these regulations.

21.6 PERMITTING REQUIREMENTS

a. The Applicant shall be required to comply with annual permitting requirements, which shall include but not limited to:

    1. Must apply a minimum of ninety-90 days prior to the current Zoning Certificate expiration.

        (a) Documentation of:

            (1) State Licensure
            (2) Ohio Board of Pharmacy Licensure
            (3) Employees with background check and CEU documentation
            (4) Ohio Automated Rx Reporting System (OARRS) documentation
            (5) Documentation of State of Ohio approved security plan.

        (b) Annual Fire and Life Safety Inspection from American Township Fire Department.

        (c) Annual Police Review and Inspection.

        (d) Annual permit fee renewal.

21.7 SUSPENSIONS, REPEAL, OR REVOKING OF CANNABIS DISPENSARY ZONING CERTIFICATE

a. The Applicant may be subject to suspension, repeal or revoking of the dispensary zoning certificate the the following reasons.

1. Failure to Maintain any State Required Licensure or documentation.

2. Failure to renew local zoning certificate at least 30 days prior to expiration of zoning certificate on file with the American Township Zoning Department.

3. Notification of any illegal activity on the property as reported by Local Police, County Sheriff or Ohio State Highway Patrol.

4. A public nuisance determination by a majority vote of the Board of Trustees, after a public hearing.

21.8 REQUIRED INSPECTION AND COMPLIANCE REQUIREMENTS FOR CANNABIS DISPENSARIES

Dispensaries are subject to random and unannounced inspections by the American Township Fire, Police or Zoning Officials during normal business hours of operation for cause. Inspections shall be based on complaint(s) filed with the Township Trustees, Fire Chief, Police Chief, or Zoning Inspector. Complainants will be required file their formal complaint in writing as well as to provide their name, address and phone number for investigative purposes.

The above stated agencies and its authorized representatives may as part of investigative process:

a. Inspect any Cannabis or Cannabis products within in plain view, as well as any labels or containers for Cannabis, or paraphernalia on site. Items found in violation of the Ohio Revised Code may be subject to confiscation and prosecution. Searches outside of plain view shall be subject to 4th amendment legal requirements.

b. The Township approved agencies may investigate pre-issuance of a permit, permit renewal, any dispensary with under a provisional license, a licensed dispensary, principal officer, dispensary employee, third party vendor or any other party associated with a dispensary for an alleged violation of Chapter 3796/3780. of the Revised Code.

c. The Zoning Department may require an applicant, a dispensary under a provisional license, or a licensed dispensary to produce documents, records or any other material pertinent to the investigation of an application or alleged violation of Chapter 3796/3780 of the Revised Code or this division. Failure to provide the required material may be grounds for immediate temporary suspension of business operations or other future actions.

d. Every cannabis related third party vendor in charge of preparation, obtaining or keeping records, logs, reports or other documents in connection with Chapter 3796/3780. of the Revised Code or this division, and every person in charge, or having custody of those documents shall, upon request by the approved Township Agencies, make the documents immediately available for inspection and photocopied documents as requested.

ARTICLE 22

REGULATIONS FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SOLAR ENERGY SYSTEMS

22.0 PURPOSE

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

The Township recognizes in some specific instances, under carefully controlled circumstances it may be in the public interest to permit the placement of solar energy facilities within certain areas of the Township. The Township also recognizes the need to protect its residents from unnecessary and unreasonable visual and sound interference. Recognizing that such solar energy facilities may have a negative health, safety, welfare and / or aesthetic impact upon adjoining and neighboring uses. Article XXII seeks to:

Protect residential and agricultural areas from potential adverse impacts from Solar Energy Systems:

Permit solar energy systems in selected areas by on-site residential, commercial, or industrial users, subject to the terms, conditions, and provisions hereof:

Ensure the public health, welfare, and safety of the Township's residents in connection with Solar Energy Systems, and:

Avoid potential damage to real and personal property from solar energy facilities or the failure of such facility structures and related operations.

22.0.1 Recognizing the importance of clean, sustainable, and renewable energy sources, the Township permits the use of residential, commercial and industrial solar energy systems under the following regulations to ensure the safety and welfare of all Township residents is met, and

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

22.1 DEFINITIONS

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

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

ADVERSE VISUAL IMPACT: An unwelcome visual intrusion that diminishes the visual quality of an existing landscape. Examples would include but limited to structures not designed to be in a defined Zoned Area and violations of property maintenance found in the American Township Zoning Resolutions and Property Maintenance.

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

COMMERCIAL SOLAR ENERGY SYSTEM: A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.

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

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

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

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

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

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

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

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

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

SOLAR COLLECTOR: A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

SOLAR ENERGY: Radiant energy (direct, diffuse, and reflected) received from the sun. Total Width Total Height Solar Panel Racking Structure Existing Ground Level.

SOLAR ENERGY SYSTEM: A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use. This being either Residential, Commercial or Industrial Use.

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

UTILITY GRID SOLAR ENERGY SYSTEM: A Utility Grid Solar Energy System is defined as an energy generation facility or area of land principally used to convert solar energy to electricity for resale at a profit.

WETLANDS: Lands on which water covers the soil or is present either at or near the surface of the soil or within the root zone, all year or for varying periods of time during the year, including during the growing season. Wetland area as defined and identified by Lima Allen County Regional Planning, Ohio Department of Natural Resources and Allen County Engineer's Office.

22.2 PERMITTED USE

22.2.1 Roof and Ground Mounted Solar Energy Systems are permitted in all Residential, Business, and Manufacturing Zoned Districts, as well as in a Flood Plain Hazard District. With proper permitting from the floodplain administrator prior to development.

22.2.1 A Utility Grid Solar Energy Systems – (under 50 megawatts) shall only be permitted in Manufacturing / Industrial Zoned Districts within the Unincorporated Territory of American Township and subject to zoning regulations. A Utility Grid Solar Energy System shall conform to all the application & site plan application requirements and all related regulations for utility grid solar energy systems, to include a decommissioning plan, when the system is no longer in operation.

22.3 GENERAL REQUIREMENTS

22.3.1 General Requirements of Solar Energy Systems.

a. Solar energy systems are considered accessory uses, and subject to permitting requirements by the Zoning Inspector. Commercial and industrial solar energy systems and utility grid solar energy systems are subject to permitting by the Zoning Inspector as well as Lima/Allen County Building Department.

b. Solar energy system may be installed on any surface of an existing structure, provided such installation does not result in violation of the permitted height requirements of Article 15.1.

c. Within all zoning districts, solar energy systems shall be repaired, replaced, or removed within 30 days of becoming non-functional.

d. The installation of a Solar Energy System shall not negatively impact adjacent properties with additional or excessive storm water run-off and or drainage.

e. All panels shall have tempered, non-reflective surfaces and shall comply with all Federal, State, and local construction & electrical codes.

f. Panels and building mounts shall be installed per manufacturer's specifications.

22.3.2 A solar energy ground mounted system may be installed as free-standing system, provided it meets all requirements for setback distances for accessory structures in that district. Construction shall not be installed within the road wight-of-way or an easement.

22.3.3 Solar Panels or Systems shall be installed so there is minimum glare onto adjacent properties or towards the road right-of-way.

22.4 REGULATIONS FOR ROOF MOUNTED & GROUND MOUNTED SOLAR ENERGY SYSTEMS

Solar Panels, either free-standing, building mounted or roof mounted, shall be permitted in all districts with zoning requirements related to visual appearance and appropriate safeguards.

22.4.1 Application and Site Plan Requirements:

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

a. Property lines and physical dimensions of the applicant's property.

b. Location, dimensions, and types of existing major structures on the property.

c. Location of the proposed Solar Energy System, foundations, guide wires and associated equipment

d. Location of easements, setbacks, obstructions, and square footage of the solar array area.

e. The right of way, of any public road that is contiguous with property.

f. Solar Energy System specifications, including manufacturer, and model.

g. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms with the National Electrical Code.

h. The design and site plan must be stamped by a professional engineer licensed to practice in the State of Ohio.

22.4.2 Roof and Building Mounted Solar Energy System Requirements:

a. Permitted Location. In residential and commercial zoning districts a roof or building mounted solar energy system may be located on the roof of the principal or accessory structure. Building mounted solar energy systems may be located on the side or rear of the structure.

b. Height Limitation. Solar energy collectors shall not project more than two-(2) feet above highest point of roof or exceed maximum building height limitations allowed in that zoning district.

c. Placement. For aesthetic reasons shall not be located on the front slope of a pitched roof and visible from the street facing side of street. Solar energy collectors shall not be located within three-(3) feet of any peak, eave, or valley to maintain adequate accessibility. For Commercial Applications, collectors shall be a minimum of 6 feet from any peak, eave, or valley to allow for accessibility per Ohio Fire Code.

1. Roof and Building Mounted Solar Energy Collectors shall be such a weight to be safely supported by the building. A solar energy system shall not exceed 50 percent of the footprint of the principal building served.

2. No solar energy system shall be mounted or affixed to any freestanding wall or fence.

3. All ground-mounted solar energy systems shall be placed so that concentrated solar radiation or glare does not project onto nearby structures or roadways.

d. Maximum area coverage. A solar energy system shall not exceed 50 percent of the footprint of the principal building served.

e. Permitting. A zoning permit is required for any ground-mounted solar energy system and for the installation of any thermal solar energy system.

f. Site Plan. Site plan is required along with application.

22.4.3 Ground Mounted Solar Energy System Requirements:

a. Permitted Location. Ground-mounted solar energy systems are only be permitted behind the rear building line of the principal building or structure. On corner lots ground mounted solar energy system shall be permitted within the side yard, and subject to corner lot set-back distance requirements for the street or roadway where construction site is located.

b. Height Limitation. Ground-mounted solar energy collectors shall not exceed ten-(10) feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.

c. Placement.

1. For Residential, Business, and Manufacturing Zoned Districts, a ground mounted solar energy system shall have a minimum set back distance of fifteen-(15) feet from all property lines.

2. There shall be a minimum of twenty-five-(25) foot distance from all-natural features including water courses, wooded lots, streams, wetlands, and 100-year floodplain locations. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation. All work within the floodplain must have a permit from the floodplain administrator prior to development taking place.

3. A ground-mounted system shall not be located over a septic system, leach field area or identified reserve area unless approved by the health department.

4. All ground-mounted solar energy systems shall be placed so that concentrated solar radiation or glare does not project onto nearby structures or roadways.

5. A ground mounted solar energy system shall have, to the extent required by the zoning authority, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing minimizes impacts of the solar energy system on the visual character to adjoining property owners.

d. Maximum area coverage. A solar energy system shall not exceed 50 percent of the footprint of the rear yard area being served.

e. Permitting. A zoning permit is required for any ground-mounted solar energy system and for the installation of any thermal solar energy system.

f. Site Plan. Site plan is required along with application.

22.5 REGULATIONS FOR UTILITY GRID SOLAR ENERGY SYSTEMS

A Utility Grid Solar Energy System (UGSES) is designed and built to commercially provide electricity to the electric utility grid. A UGSES shall only be permitted in Industrial Districts. In districts where permitted, a "utility grid solar energy system, facility, or solar farm, shall be subject to the following regulations:

22.5.1 Application and Site Plan Requirements:

The applicant shall submit to the Zoning Inspector, along with a zoning permit application, and a site plan containing the following information: A plot and development plan drawn in sufficient detail to clearly describe the following:

a. Physical dimensions of the property, existing structures and proposed structures.

b. Location of existing and proposed structures.

c. Location of the proposed Solar Energy System, foundations, guide wires and associated equipment.

d. Location of easements, setbacks, obstructions, and square footage of the solar array area.

e. The right of way, of any public road that is contiguous with the property.

f. Existing topography.

g. Existing wetlands.

h. Proposed grading, removal of natural vegetations and relocation of wetlands (if applicable).

i. Setbacks distances indicated from roadways, properties, property lines, major structures, etc.

j. Proposed ingress and egress roadways, entrances / exists, interior roads, etc.

k. Proposed safety fencing to prevent trespassing.

l. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems, and foundations for poles or racks.

m. The number of panels to be installed.

n. Waterlines, Fire Hydrant Locations, Sewer Lines and Utility Lines identified.

o. A description of the method of connecting the array to a building or substation.

p. Utility interconnection data and a copy of written notification to the utility of the proposed connection.

q. Specific information of the type, size, height, rated power output of each proposed unit, performance, safety, and glare characteristics of each solar unit and accompanying equipment, if any.

r. A soil boring report.

s. Storm Water Prevention Plan (SWP3) application submitted and approved by Allen County Engineer.

t. Any additional information as normally required by the Township as part of this Zoning Resolution.

22.5.2 <u>Additional Documentation Requirements:</u>

In addition to requirements for information to be provided during the site plan review and development permitting process, the facility shall not be approved for operation until the following are submitted:

a. Copy of all lease agreements and solar access easements.

b. Transference of Ownership Letter shall be submitted by the current Solar Energy System owner indicating that should the Solar Energy Facility / Solar Farm be sold to another private or public utility all specifications, requirements and terms and conditions applied by the Zoning Commission and Board of Trustees shall transfer with the new owner(s) and shall remain in force and effect.

c. The applicant shall submit, based on the most current and accurate information reasonably available a topography drawing of the property that indicates how stormwater drains from the property, identifies the location of discharge points or areas, and identifies conditions present on the property that may contribute to significant soil erosion.

d. List of protected wildlife that maybe on the property (if any). If protected wildlife is on the property a Wildlife Impact Statement from Ohio Department of Natural Resources; comprising of the potential impact to neighboring wildlife and any protected animals in the area shall be included.

e. Where interconnection to an electric utility grid is proposed, the applicant shall submit evidence that the electrical utility provider has been informed of the customer's intent to install an interconnection with the local electric utility grid. A copy of the approval from the local utility must also be provided before operation of an interconnected facility will be authorized.

f. All reasonable expenses incurred by the American Township Zoning Commission, The American Township Board of Zoning Appeals, and the American Township Board of Trustees to review and certify the UGSES project plan shall be paid for by the applicant.

g. A Performance Surety Bond shall be provided by the applicant or owner/operator to assure repairs to public roads which may be damaged by the construction of the UGSES project. The amount of this bond will be determined by mutual agreement of the applicant, owner or operator and the American Township Board of Trustees.

h. The manufacturer's engineer and another qualified engineer, who is certified in the State of Ohio shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

i. Any UGWES project shall abide by all applicable fees, charges and expenses as stated in the American Township Fee Schedule. This shall include but not limited to Zoning Commission or Board of Appeal Fees, Plan Review Fees, Fees for Project and Building Square Footage Fee, Fence Construction Fees and any other fees required to be paid for development of this project.

j. Decommissioning Bond in the amount determined by the Owner/Operator and Board of Trustees to offset costs for removing all site materials, such as solar collectors, mountings, hardware, buildings, fencing, and all other infrastructures.

k. American Township Board of Trustees may require other studies, reports, certifications, and/or approvals be submitted by the applicant to ensure compliance with this section.

22.5.3 Utility Grid Solar Energy System – General Requirements:

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

b. Setbacks. A Utility Grid Solar Energy System / Facility and its appurtenant components and structures shall be so maintained and situated to provide that no portion thereof shall be closer to the center of the nearest road pavement that one-hundred-(100) feet.

In addition, a solar energy facility and its appurtenant components and structures shall be set back a minimum of one-thousand-(1000) feet from all property lines.

c. Height Limitation. Freestanding solar panels or solar arrays shall not exceed 25 feet in height as measured from the grade at the base of the structure to the highest point.

d. Placement. When located in agricultural zoning districts, the solar energy facility shall be located as much as possible to minimize impacts on prime agricultural soils. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation. Components of the facility shall not be located over a septic system, leach field area or identified reserve area unless approved by the Health Department.

e. Screening. The facility shall be fully screened from adjoining properties and adjacent roads using the natural topography, or by installation of an evergreen buffers capable of reaching a height of six feet within three years of planting, with at least 75 percent opacity at the time of planting to an extent that is reasonably practical.

f. Security Fencing is required for the safety and security of the area and to prevent unauthorized access. Fencing shall be chain link industrial fence fabric with a height no less than ten-(10) feet. An additional three-(3) feet maybe installed on the top of the fence with three wires of barbed wire material facing outward towards roadways and structures. Anti-climb material shall be utilized for sensitive areas of the project site. Access gates and equipment cabinets must be locked when not in use. An emergency means of entry and lighting for first responders needing immediate access to facility shall be developed by owner and local fire authority.

g. Noise. Inverter noise shall not exceed 40 dBA, measured at the property line. Inverters shall be off and silent after dark.

h. Glare and Lighting. The solar energy system components shall be designed with an antireflective coating or at least shall not produce glare that would constitute a nuisance to occupants of neighboring properties, aircraft, or persons traveling adjacent or nearby roads. If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto any adjacent properties or into the night sky.

i. Maintenance and Upkeep Standards. Systems shall be maintained in accordance with manufacturer's specifications. The owner and operator of the facility shall maintain the facility, including all buffer screening, in compliance with the approved plans and shall keep the facility free from overgrown vegetation, weeds, trash and debris.

1. Repairs to solar panels and as an example after storm damage, shall be completed in a timely and reasonable fashion, but no later than 30 days after the event or as notified by officials.

2. In addition, the solar energy facility / solar farm shall be maintained in good condition and free of hazards, including but not limited to faulty wiring, loose fastenings, painting, structural repairs, and integrity of security measures. In the event of a violation of any of the foregoing provisions, the zoning inspector shall give written notice to the owner specifying the violation to the owner, and corrective action needed.

3. The owner or operator is responsible for the cost of maintaining the solar energy facility / solar and any access road(s), though out the complex unless accepted as a public way by the Township.

j. Weed Control / Plantings. The owner or designated individual of the Solar energy facility or solar farm shall have a weed prevention plan submitted to the Township to ensure the area remains free and clear of overgrown vegetation, noxious weeds, briers, and other forms of uncontrolled vegetation.

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

l. Local Fire Department. The applicant, owner or operator shall submit to the local Fire Department a copy of the site plan. Upon request of the local Fire Department, the owner or operator shall cooperate with the Fire Department to develop an emergency response plan.

m. Climb Protection. All UGSES platforms must be unclimbable by design or protected by anti-climbing devices.

n. Liability Insurance. The owner or operator of each UGSES facility shall maintain a current general liability policy covering bodily injury and property damage with limits of at least three million dollars per occurrence.

o. Compliance with Other Standards. All power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the American Township Zoning Commission in instances where shallow bedrock, water courses, or other elements of the natural landscape interferes with the ability to bury lines.

22.5.4 Decommissioning Plan:

a. Decommissioning plan shall be reviewed and updated as necessary every five-(5) years with the Owners, Board of Trustees and other stakeholders associated with this project. The owner of a solar electrical system is required to notify in writing.by certified mail, the Board of Trustees for American Township and Zoning Official within 90 days prior to discontinuation of the operation. The solar electrical system shall be perceived to be discontinued or abandoned if no electricity is generated by such system for a period of 3 continuous months.

b. The solar electrical system owner shall be notified in writing that they have twelve-(12) months in which to dismantle and remove the system including all solar related equipment or apparatuses related thereto included but not limited to buildings, cabling, electrical components, roads, foundations, and other facilities from the property. If the owner fails to dismantle and/or remove the solar electrical system within the established time frames, the Township may complete the decommissioning at the owner's expense.

c. As part of the decommissioning plan, all associated infrastructures shall be removed from the facility. This includes but not limited to removal of all infrastructure associated with the project. This includes but not limited to removal of all solar panels, solar panel support structures, structural bases, fencing, storage units, supply buildings, etc. In addition, the soil shall be returned to viable agricultural use, to include spading and tillage of hardened soil.

22.6 REGULATION OF WIND TURBINE GENERATORS AND ANEMOMETER TOWERS

The purpose of this section shall be to establish general guidelines for the location of wind turbine generators (WTG) and anemometer towers in order to protect the public health, safety, comfort, and general welfare of Township residents. The Township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators in certain areas of the Township. The Township also recognizes the need to protect residents from unnecessary and unreasonable visual interference and noise radiation.

Recognizing that such WTG may have negative health, safety, welfare, and/or aesthetic impacts upon adjoining and neighboring uses Section 12.15 inclusive seeks to: Protect residential and agricultural areas from potential adverse impact of WTGs; Permit WTGs in selected areas by on-site residential, commercial, or industrial users, subject to the terms, conditions, and provisions hereof; Ensure the public health, welfare, and safety of the Township's residents in connection with WTGs; and, Avoid potential damage to real and personal property from the WTGs or anemometer towers or the failure of such structures and related operations.

22.6.1 Recognizing the importance of clean, sustainable and renewable energy sources the Township permits the use of residential wind turbines under the following regulations to ensure the safety and welfare of all township residents is met.

22.6.2 No WTG or anemometer tower shall hereafter be located constructed, repaired, extended, enlarged, converted or altered without full compliance with the terms of this Resolution. Said construction, alterations, or modifications require a zoning permit.

22.6.3 Wind turbines shall be permitted as an accessory use in all districts under the following conditions:

a. Height and Density.

Wind turbine generators can only be erected on parcels of land five (5) acres or more and the maximum height of any turbine shall be 100 feet. For purposes of this section, the maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the ground level of the tower. No more than one (1) WTG shall be permitted on a parcel of land.

a. Setbacks.

Any turbine erected on a parcel of land will need to establish a "clear fall zone" from all neighboring property lines, structures, as well as any inhabitable structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at, and would not strike any structures including the primary dwelling, and any inhabited structures.

b. Maintenance.

WTGs and anemometers must be maintained in good working order. Turbines and anemometers that become inoperable for more than 12 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing turbine.

c. Decibel Levels.

All WTGs shall operate within a decibel range of 50 to 70 decibels. This information shall be included in a prescribed engineering report. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring property.

d. Wiring and electrical apparatuses.

All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground.

22.6.4 A permit shall be required before construction can commence on an individual wind turbine system. As part of the permit process, the applicant shall inquire with the Lima-Allen County Regional Planning Commission as to whether or not additional height restrictions are applicable due to the unit's location in relation to either the Allen County Airport, or Bluffton Airport. Applicant shall then provide the Township Zoning Inspector with the following items and or information when applying for a permit:

1. Location of all public and private airports in relation to the location of the turbine.

2. An engineering report signed and sealed by a professional engineer that shows:

    2. The total size and height of the unit;

    3. The total size and depth on the unit's concrete mounting pad;

    4. A list and / or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection;

    5. Data specifying the kilowatt size and generating capacity of the particular unit;

    6. The maximum decibel level of the particular unit (this information must be obtained from the manufacturer of the turbine unit);

    7. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right of ways, and neighboring properties;

    8. Evidence of a "clear fall zone" with manufacturer's recommendation must be attached to the engineering report; and,

    9. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

ARTICLE 23

ACCESSORY BUILDINGS AND USES

23.0 PURPOSE

It is the purpose of this section of the Resolution to regulate accessory buildings, in order to promote the public health, safety and welfare. It is the intent of these sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

23.1 DEFINITION

"Accessory Use" means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure.

Among other things, "Accessory Use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Resolution, accessory use shall be a permitted use.

23.2 ACCESSORY BUILDINGS, STRUCTURES AND OTHER USES

Except as otherwise provided in this Resolution, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

a. Be customarily associated with and incidental, subordinate, and secondary to a legally established principal permitted use and be in accordance with all requirements of this Resolution.

b. Be operated on the same lot as the principal use, unless otherwise provided.

c. Be compliant with deed restrictions, homeowner association rules, and neighborhood covenants governing accessory buildings and uses.

23.3 PERMITTING REQUIREMENTS

a. A zoning permit is required for all accessory structures such as sheds, garages, pole barns, outbuildings, sunrooms, greenhouses, or other similar structures regardless of the type of foundation or base, regardless of size or square footage.

b. A permit fee shall not be required for structures under two hundred (200) square feet in size. A permit fee is required for all accessory structures greater than two hundred (200) square feet in size.

c. No zoning permit shall be issued by the Zoning Inspector until the applicant for said zoning permit has applied for an accessory structure permit, along with a site plan drawing of the area upon which the applicant's use or structure is proposed.

    1. Said drawing shall show the type of proposed use, structural dimensions at the ground (Length, Width, and Height), lot dimensions, side, front and rear yard setback distances from property lines, compliance with all applicable development standards and a signed statement that said applicant will conform with all zoning regulations that are in force for said area.

23.4 SQUARE FOOTAGE DETERMINATION

a. Square footage of the accessory structure shall be determined by the outside wall length x the outside wall width of the structure.

23.5 LOT PLACEMENT

a. Accessory buildings or structures shall be located within the rear or side yard area and shall not be located forward of the front building line of the principal structure.

b. Accessory structures, including detached garages constructed on corner lots shall be required to have the front setback distance from each road center line they face. Corner lots have two-2 fronts and two-2 side yard areas, and no designated rear yard area.

c. Accessory buildings, garages, or structures shall be located at least fifty-five-55 feet from the center line of Township Roadways, and a minimum of ninety-90 feet from the center line of all County or State of Ohio maintained roadways.

d. Accessory buildings, garages, or structures shall be located at a minimum of ten-10 feet from rear property line, as well as a minimum of ten-10 feet from all side property lines. For clarification purposes, garages refer to detached garages or secondary garages when one is not incorporated with principal structure.

e. On panhandle, or flag shaped lot, the front set back distance for accessory structures, garages or structures shall be measured from the flag portion of the lot, not from the pole section of the lot at a distance determined by the type of roadway facing the structure, i.e. fifty-55 feet, or ninety-90 feet.

f. The setback distance of the structure upon a lot shall be measured from the vertical wall line to the ground. Roof lines may not extend into the permitted set back distance thus encroaching upon other properties.

g. Accessory buildings, garages or structures shall not be constructed, placed, or maintained within a utility, electrical, sanitary, gas, water, sewer, drainage, or other recorded easement; flood hazard area, riparian corridor, or other restricted area; regardless of the type of foundation or size of the structure.

h. Detached garages used to store motor vehicles shall have a driveway made of stone, concrete, asphalt, brick, or other material approved by the Zoning Inspector.

i. Grading and height elevation of the accessory buildings, garages or structure shall not cause any adverse storm water drainage conditions to adjoining properties. Elevation shall not be higher than the principal structure.

j. A principal residential structure shall be constructed prior to an accessory building being constructed on the same lot or parcel.

23.6 PERMISSABLE BUILDING SIZE BASED ON LOT AREA AND HEIGHT LIMITATIONS

	Lot Size:	**Building Size:**	**Wall Height**:	**Maximum Permitted Height:**
a.	0.01-1.00	1200 Square Feet	10 Foot Wall Height – 4/12 Roof Pitch	15 Feet
b.	1.01-3.00	1800 Square Feet	12 Foot Wall Height – 4/12 Roof Pitch	22 Feet
c.	3.01-5.00	2400 Square Feet	14 Foot Wall Height – 4/12 Roof Pitch	28 Feet
d.	5.01 Greater	3500 Square Feet	16 Foot Wall Height – 4/12 Roof Pitch	35 Feet

a. No variance filed with the Board of Zoning Appeals shall exceed these requirements by more than fifty-50% larger or taller in height.

b. Parcels greater than five-(5) acres and the use of the land is specific to agricultural activity as outlined in the Ohio Revised Code shall be exempt from height, size, and setback requirements, however, the construction shall remain outside road right-of-way distance and the minimum building set back distance for that roadway area, e.g., 55 feet residential streets and 90 feet on state and county roads.

23.7 ACCESSORY DWELLING UNITS, MOTHER IN LAW SUITES, BARNDOMINIUMS, & MIXED USES

Accessory dwellings units may be an accessory use in residential districts if located inside the principal home or if detached as a garage apartment, only if used as a residence by relatives or household employees and no rent is charged. Mobile home trailers shall not be permitted as accessory uses.

a. Accessory dwelling unit (multi-generational unit) used exclusively for habitation, shall be a single, and a secondary type of dwelling unit, not exceedingly more than four hundred-(400) square feet of living space.

b. An accessory dwelling unit shall be located on the same parcel as the main principal building and attached to the principal building, by means of a breezeway or other enclosed separation area. An accessory dwelling unit shall not be separated exclusively by a wall nor have the appearance of being a duplex or a two-family dwelling unit.

c. Accessory dwelling units shall further require utilities (electric, gas, water, sanitary) to be connected to the principal building or structure, and not operating separately. Accessory dwelling unit shall further be deeded with the principal building as one combined unit within the parcel.

d. No detached accessory building shall be converted and further occupied as a dwelling unit for purposes of human habitation or residency. Such accessory building and its use shall be considered conditional use with subsequent approval or denied by the Board of Zoning Appeals after a public hearing. In these circumstances all gas, electric, water, and sanitary systems shall be required to be part of the overall housing or occupancy plan for review by the Board of Zoning Appeals.

e. Accessory dwelling structures separate from principal structure and utilize for habitation shall require a Conditional Use Permit issued by the Board of Zoning Appeals after public hearing. An application, site plan, and any other documentation shall be required to be submitted to the Board of Zoning Appeals for review and conditional permit approval. Failure to secure a Conditional Use Permit will be cause for a stop work order to be issued by the Zoning Official.

f. Barndominiums, Morgan Homes, and similar mixed designed metal residential structure that have the overall appearance of a mixed residential structure use with a pole barn or other use component shall be permitted on lot sizes are greater than three (3) acres in size. This type of structure shall not be permitted in a platted residential subdivision or on lots less than 3.0 acres in size.

23.8 ACCESSORY BUILDINGS, SHIPPING CONTAINERS PROHIBITED, AND OTHER USES

a. All accessory structures shall be maintained in good condition. Any structure considered to be in disrepair, as determined by the Zoning Inspector, shall be repaired, replaced, or removed from the site.

b. The Zoning Inspector shall have the authority to determine if a proposed accessory building is of a scale and nature as to be considered a secondary principal or secondary residence on same lot.

c. No accessory building or structure shall be converted to a use other than what was stipulated in the permit application. Any change of use shall require approval by the Zoning Inspector.

d. No tractor truck trailer bodies, cargo shipping containers, old storage tanks, railroad cars, or similar type container(s) shall be considered as an accessory structure, storage building, or modified to be utilized as an accessory building within any residential zoning district. Their use may be permitted in commercial and industrial business locations.

e. PODS, MAXX Boxes, or similar structurers are permitted as temporary use for a period not to exceed 30 days. They shall be installed on concrete, stone, or other hard surfaces and subject to applicable permitting requirements.

f. Any accessory structure erected prior to the date of this section, which does not comply with these regulations, shall be determined to be a legally nonconforming use.

ARTICLE 24

FENCE REGULATIONS

24.0 PURPOSE

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

24.1 FENCE USE REQUIREMENTS

a. Fences shall require a permit issued by the American Township Zoning Office. After submitting the application, site plans and permit fees have been paid, permits will be issued. Any false, inaccurate or misleading information submitted in the application will be cause for the permit denial.

b. No fence, wall, or hedge planting shall interfere with visibility from a driveway. The Zoning Inspector/ Code Enforcement Officer is hereby empowered to cause all such obstructions to be moved in the interest of the public's safety. No fence may be placed such they interfere with street level visibility for 50 feet from any approach to an intersection. No Fence, or wall shall be higher than (32) thirty-two inches within the "sight triangle". See Appendix A-09, Illustration I.

24.2 RESIDENTIAL FENCES

a. Fences and walls shall always maintain a minimum setback within the property lines. This minimum one-1 foot setback may be waived by the Zoning Inspector, when written permission from the adjacent property owner is received, providing such fence, including its foundation, does not encroach onto adjacent property.

b. The property owner shall assume responsibility for determining the legal and proper placement of the fence upon his or her property. If the property lines are in dispute, then a property survey shall be required to verify legal property lines. Fences shall be constructed outside any identified utility, storm, sanitary, or other easement location. Fences, furthermore, should not be constructed within the road right of way of the Township.

c. Residential fences shall be constructed of wood, vinyl, composite, aluminum, iron, or chain link materials. Residential fences shall be constructed at a height not to exceed six-6 feet as measured from the common ground to the top of the fence panel, boards, or post. Chain link fences shall not exceed a height of four-4 feet in height as measured from common ground to the top of the fence within a platted subdivision and six-6 feet in height in non-platted areas. The supporting post for chain link fences may extend no more than 6 inches above the fence fabric height. Guardrails or pallets shall not be used as fencing material.

d. Fences may be constructed within the rear or side yard areas and shall not extend forward more than the rear corners or the rear of the building line of the principal structure. Fences shall furthermore be built consistently with current placement of adjacent property owners having existing fences so as to produce a uniform placement among property owners. Fences on corner lots, shall have same setback distance from each facing street, i.e. 55 feet from center of each facing street.

e. Fences shall be uniform and overall construction with the same or similar building materials. Fences may be constructed in either horizontal or vertical pattern, with the flat or finished side facing outward to adjoining properties, with support beams facing inward to the homeowner's property.

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

g. Fences shall be located outside of all visible triangles at intersections and ingress and egress points, and it should not be in such a manner as to constitute a Traffic Safety hazard. Any fence determined by the Code Enforcement Officer in consultation with the Township Roadway Supervisor, to constitute a visibility, safety or traffic hazard shall be removed by the property owner upon written notification and order of removal.

h. Fences shall not be electrified or topped with barbed wire in residential zone districts. Low voltage stun agricultural fences shall be in accordance with Ohio Revised Code Chapter 971. Fences shall not be constructed within any identified utility, storm, sanitary, or other easement location. Fences shall, furthermore, not be constructed within the road right away within the township.

i. On large estate type lots, open faced decorative wrought iron fencing made of steel, or aluminum may be permitted on lots greater than 5 acres in size based on the integration with the other landscaping scheme on a case-by-case basis and subject to site plan review and approval by the Zoning Inspector. Chain link, panel or shadow box type fencing would not be appropriate use under this section.

24.3 AGRICULTURAL FENCES

a. Agricultural style fences used for agricultural purposes shall be exempt from the following regulations, however, shall comply with the standards and regulations.

b. Kentucky 3 or 4 panel rail agricultural style fencing may be constructed along the front and sideline of a parcel, when the parcel is over 5 acres in size. Fence shall furthermore not exceed 60 inches in height. Low voltage stun agricultural fences shall be in accordance with Ohio Revised Code Chapter 971.

24.4 SWIMMING POOL FENCING

a. Fences around swimming pools or access areas where pool is located shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and adjacent properties.

b. Fences shall be required for in-ground swimming pools and shall be no less than 4 feet in height and no greater than 6 feet in height, constructed with a gate and lock.

c. Electronic pool covers do not satisfy the wall or fence requirement. Insurance underwriters may require additional fencing and security measures to be used around above and in-ground swimming pools.

d. Access to swimming pool and decking shall be secured in such a manner as to prevent unauthorized entry or unintentional falls. Examples would be locked gates, secured ladders, secured access to platforms or decking.

24.5 BUSINESS AND MANUFACTURING FENCING

a. Fences and walls may be erected in any business and manufacturing district shall be in compliance with requirements as set forth below.

b. Fences and walls shall always maintain a minimum setback within the property lines. This minimum one-1 foot setback may be waived by the Zoning Inspector, when written permission from the adjacent property owners received provide such fence, including its foundation, shall not encroach upon the adjacent property.

c. The property owner shall assume responsibility for determining the legal and proper placement of the fence upon his or her property. If the property lines are in dispute, then a property survey shall be required to verify legal property lines.

d. Fences shall be constructed outside any identified utility, storm, sanitary, or other easement location. Fences, furthermore, should not be constructed within the road right of way of the Township.

e. All fences shall be located outside all visible triangles at intersections and ingress and egress points and shall not be in such a manner as to constitute a Traffic Safety hazard. Any fence determined by the Code Enforcement Officer in consultation with their Township Roadway Supervisor as to constitute a visibility, safety or traffic hazard, shall be immediately removed by the property owner upon receipt of notification and order of removal.

f. Approved fencing material includes stone, brick, wood, iron, aluminum and synthetic look alike products. Chain-link shall only be permitted in the rear and side yard to a maximum height of six-6 feet above the natural grade at the fence location.

g. Stun style security fencing may be approved in Manufacturing Districts, subject to review and approval by the Zoning Inspector.

h. Anti-Climb and Barb Wire Topped Fences may be approved in Business and Manufacturing District subject to review and approval of the Zoning Inspector, based on nature of the business, need for additional security, and any other relevant factors.

i. Toppers shall not exceed the nine-9-foot height above the natural grade, nor extend beyond property lines, while positioned outwards. The Zoning Inspector upon review of the application and site plan may determine that fencing application requires further review and approval by the Board of Zoning Appeals based on the use of the barbed wire, stun or anti-climb fencing.

j. Razor wire shall be conditionally permitted by the Board of Zoning Appeals for detention and similar use facilities, located in Manufacturing Districts.

k. Fences shall be designated, constructed and finished so that the supporting members face the property of the owner of the fence. All fences on a single parcel shall have a unified style along a single plane and all fence segments visible from off premise from any single direction.

ARTICLE 25

NONCONFORMITIES

25.0 PURPOSE

Within the districts established by this Resolution, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution are considered nonconformities.

The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Resolution, or any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive.

Therefore, no nonconforming use or structure may be moved, extended, or expanded except as permitted in this Resolution. Such nonconformity shall not be used as grounds (rationale) for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

25.1 USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES

Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a nonconforming use in such district but shall without further action be considered a conforming use.

25.2 INCOMPATIBILITY OF NONCONFORMITIES

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use shall not be promoted by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

25.3 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution, although nonconforming, if completed within one (1) year of the effective date of this Resolution. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently be in compliance with the Zoning Resolution and completed within two and one-half ($25/_2$) years.

25.4 CERTIFICATES FOR NONCONFORMING USES

The Zoning Inspector may upon the Inspector's own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure or use of land and structure in combination that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use and shall include a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this Section is to protect the owners of lands or structures that are or has become nonconforming.

No fee shall be charged for such a certificate. One (1) copy of the certificate shall be returned to the owner, and one (1) copy retained by the Zoning Inspector who shall maintain, as a public record, a file of all such certificates.

25.5 SUBSTITUTION OF NONCONFORMING USES

So long as no structural alterations are made, except as required by enforcement of other codes or resolutions, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use.

In permitting such change, the Board of Zoning Appeals may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

25.6 SINGLE NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of requirements listed in Article 15 of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals.

25.7 NONCONFORMING LOTS OF RECORD IN COMBINATION

If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution; and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution; nor shall any division of any parcel be made which creates a lot with a width or area below the requirement stated in this Resolution.

25.8 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

If a use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

25.8.1 No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered to increase the square footage of the structure by more than fifty percent (50%) of the original square footage of the structure except in changing the use of the structure to a use permitted in the district in which it is located;

25.8.2 Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution;

25.8.3 If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;

25.8.4 Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

25.8.5 When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not hereafter be used except in conformity with the regulations of the district in which it is located; and,

25.8.6 Where non-conforming use status applies to a structure and land in combination, removal of the structure shall eliminate the non-conforming status of the land.

25.9 TERMINATION OF NONCONFORMING USES

Pursuant to Section 519.19 of the Ohio Revised Code or as in such statute as it may hereafter be amended, when any nonconforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

25.10 TERMINATION OF USE BY DAMAGE OR DESTRUCTION

In the event that any nonconforming building or structure is destroyed by any means, no restoration or rebuilding shall be permitted except in conformity with the following conditions:

25.10.1 A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and building shall be diligently pursued to completion; and,

25.10.2 Such restoration shall not increase the structure's cubic size or cause a new nonconformity, nor shall it increase the extent, degree, or scale of nonconformance or non-compliance existing prior to such damage or destruction, except as permitted in Section 25.8 of this Resolution.

25.11 REPAIRS AND MAINTENANCE

On any nonconforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing provided that the cubic footage existing when it became nonconforming shall not be increased, except as permitted in this Resolution. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

ARTICLE 26

PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; ACCESSORY USES

26.0 PURPOSE

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of Sections 26.1 through 26.10 of this Resolution.

26.1 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, who shall within seven days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

26.1.1 Name, address and phone number of applicant;

26.1.2 Legal description of the property;

26.1.3 Zoning district;

26.1.4 Description of existing use;

26.1.5 Description of proposed conditional use;

26.1.6 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;

26.1.7 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;

26.1.8 A list containing the names, phone numbers, and mailing addresses of all owners of property within five hundred (500) feet of the property in question;

26.1.9 A fee as established by a Resolution of the Board of Trustees; and,

26.1.10 A narrative addressing each of the applicable criteria contained in Section 26.3.

26.2 GENERAL STANDARDS FOR ALL CONDITIONAL USES

In addition to the specific requirements for conditionally permitted uses as specified in Section 26.4, 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 such use at the proposed location:

26.2.1 It is in fact a conditional use as established under the provisions of Articles 3 through 11 inclusive and appears on the Schedule of District Regulations adopted for the zoning district involved;

26.2.2 Will be in accordance with the general objectives, or with any specific objective, of the Township's comprehensive plan and/or the zoning resolution;

26.2.3 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;

26.2.4 Will not be hazardous or disturbing to existing or future neighboring uses;

26.2.5 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;

26.2.6 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;

26.2.7 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;

26.2.8 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,

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

26.3 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.

26.4 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 26.5, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing or notice shall be posted ten-10 days prior to the hearing on the township's website and social media page, with posting date indicated. The notice shall set forth the time and place of the hearing and shall provide a summary explanation of the conditional use proposed.

26.5 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 26.5, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, 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 or notice shall be posted ten-10 days prior to the hearing on the township's website and social media page, with posting date indicated. The notice shall contain the same information as required in Section 26.6 for notices published in newspapers.

26.6 ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the date of the public hearing required in Section 26.5, the Board of Zoning Appeals shall take one of the following actions:

26.6.1 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 findings may also prescribe supplementary conditions and safeguards as specified in Section 26.8 & 26.9. 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;

26.6.2 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,

26.6.3 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 18 and 20.

26.7 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting approval for any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformance with this Resolution. 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.

26.8 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.

26.9 PROCEDURE AND REQUIREMENTS TO DETERMINE THAT A USE IS SUBSTANTIALLY SIMILAR

Where a specific use is proposed that is not listed or provided for in this Resolution, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this Resolution. If the Board finds that a use is substantially similar to a specific use listed in this Resolution, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board of Zoning Appeals shall follow the procedures relating to appeals and variances as specified in Section 18 of this Resolution. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Township Trustees of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within thirty (30) days of its receipt by the Township Trustees, such substantially similar use determination by the Board shall become effective.

26.10 REMEDY BY APPLICATION FOR AMENDMENT

If the Board of Zoning Appeals determines that a proposed use is not substantially similar, such determination shall not be appealed to the Township Trustees, but remedy may be sought by the appellant through the submission of an application for amendment.

26.11 STANDARDS FOR CONSIDERATION OF SUBSTANTIALLY SIMILAR USES

The following standards shall be considered by the Board of Zoning Appeals when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

26.11.1 The compatibility of the proposed use with the nature and scope of adjacent uses;

26.11.2 The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Resolution as being permitted, or in the case of a conditional use, conditionally permitted in that district; and,

26.11.3 The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Resolution.

26.12 EFFECT OF DETERMINATION THAT A USE IS SUBSTANTIALLY SIMILAR

Should a use be determined to be substantially similar to a specific permitted or conditional permitted use provided for in this Resolution, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

26.13 RECORD OF SUBSTANTIALLY SIMILAR USES

The Zoning Inspector shall maintain, as a public record, a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in the Resolution, the use unlisted in the Resolution about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals or the Township Trustees. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.

ARTICLE 27

PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

27.0 PURPOSE

Appeals and variances shall conform to the procedures and requirements of Sections 27.1 to 27.11.5 inclusive of this Resolution. As specified in Article 20, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

27.1 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.

27.2 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed 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 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.

27.3 VARIANCES

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

27.4 APPLICATION AND STANDARDS FOR VARIANCES

Except as otherwise permitted in this Resolution, no variance in the strict application of the provisions of this 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:

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

27.4.2 Legal description of property;

27.4.3 Description or nature of variance requested;

27.4.4 A fee as established by Resolution; and,

27.4.5 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 in 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. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land;

d. There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created nor can it be established on this basis by one who purchases, with or without knowledge of the restrictions; it must result from the application of this Resolution. It must be suffered directly by the property in question and evidence of variances granted under similar circumstances need not be considered;

e. 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;

f. 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,

g. 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.

27.5 ADDITIONAL CONDITIONS AND SAFEGUARDS

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

27.6 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.

27.7 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 27.6, 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 **or** notice shall be posted ten-10 days prior to the hearing on the township's website and social media page, with posting date indicated. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal of variance.

27.8 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, before conducting the public hearing required in Section 27.6, written notice of such hearing shall be mailed by the Chairman of the Board of Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of adjoining properties or notice shall be posted ten-10 days prior to the hearing on the township's website and social media page, with posting date indicated. The notice shall contain the same information as required of notices published in newspapers as specified in Section 27.7.

27.9 ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing, required in Section 27.6, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 27.5, or disapprove the request for appeal of 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 20.6.

27.10 TERM OF VARIANCE

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months 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 within such period.

27.11 AUTHORIZED VARIANCES

Variances from the regulations of this Resolution shall not be granted unless the Board of Zoning Appeals makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 27.4, and Section 27.5 if applicable, have been met by the applicant.

Variances may be granted as guided by the following:

27.11.1 To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty percent (30%) of the required facilities;

27.11.2 To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance;

27.11.3 To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty percent (40%);

27.11.4 To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five percent (27%); and,

27.11.5 To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five percent (27%).

ARTICLE 28

AMENDMENTS TO THE ZONING RESOLUTION AND/OR THE ZONING MAP

28.0 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.

28.1 INITIATION OF ZONING AMENDMENTS

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

28.1.1 By adoption of a motion by the Zoning Commission.

28.1.2 By adoption and passage of a resolution by the Board of Township Trustees; or,

28.1.3 By the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township Zoning Commission.

28.1.4 The Board of Township Trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the Board of Township Trustees requires such a fee, it shall be required generally, for each application. The Board of Township trustees, upon the passage of such a resolution, shall certify it to the township zoning commission.

28.2 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT

Applications for amendments to the official Zoning Map adopted as part of this Resolution by Article 3 and Articles 4 through 11 inclusive shall contain at least the following information:

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

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

28.2.3 Present use;

28.2.4 Present zoning district;

28.2.5 Proposed use;

28.2.6 Proposed zoning district;

28.2.7 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;

28.2.8 A list of all property owners, their telephone numbers, and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that telephone numbers and addresses need not be included where more than ten (10) parcels are to be rezoned;

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

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

28.3 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:

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

28.3.2 The proposed amending resolution;

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

28.3.4 A statement explaining the ways in which the proposed amendment relates to the comprehensive plan; and,

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

28.4 TRANSMITTAL TO ZONING COMMISSION

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Zoning Commission, said resolution or application shall be transmitted to the Zoning Commission.

28.5 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 the motion by the Zoning Commission, transmittal of a certified resolution by the Board of Trustees, or the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment, the Zoning Commission shall transmit a copy of such motion, resolution or application, together with text and map pertaining to it to the Lima / Allen County Regional Planning Commission, for approval, disapproval, or suggestions.

The Lima-Allen County Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the Zoning Commission. The recommendation shall be considered at the public hearing held by the Zoning Commission on the proposed amendment.

28.6 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, upon the adoption of a motion by the Zoning Commission, the certification of a resolution by the Board of Township Trustees to the Commission, or the filing of an application by property owners or lessees with the Commission, the Commission shall set a date for a public hearing, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application.

28.7 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 28.7, 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 American Township at least ten (10) days before the date of said hearing or notice shall be posted ten-10 days prior to the hearing on the township's website and social media page, with posting date indicated. 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.

28.8 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 fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and include all of the following:

28.8.1 The name of the township zoning commission that will be conducting the hearing;

28.8.2 A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;

28.8.3 A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;

28.8.4 The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;

28.8.5 The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;

28.8.6 The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;

28.8.7 A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;

28.8.8 Any other information requested by the commission.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

a. The name of the township zoning commission that will be conducting the hearing on the proposed amendment;

b. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

c. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;

d. The name of the person responsible for giving notice of the hearing by publication;

e. A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;

f. Any other information requested by the commission.

28.9 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 28.7, 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. The written decision of the Zoning Commission shall indicate the specific reasons upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

28.10 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, the Board of Township Trustees, upon receipt of Zoning Commission recommendation, shall set a time for a public hearing on the proposed amendment, which date shall not be more than thirty days from the date of the receipt of that recommendation. Notice of the hearing shall be given by the Board by one (1) publication in one or more newspapers of general circulation in the township, at least ten (10) days before the date of the hearing, or notice shall be posted ten-10 days prior to the hearing on the township's website and social media page, with posting date indicated.

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

a. The name of the board of township trustees that will be conducting the hearing;

b. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

c. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;

d. The present zoning classification of property is named in the proposed amendment and the proposed zoning classification of that property;

e. The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;

f. The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;

g. Any other information requested by the board.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

a. The name of the board of township trustees that will be conducting the hearing on the proposed amendment;

b. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

c. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;

d. The name of the person responsible for giving notice of the hearing by publication;

e. Any other information requested by the board.

28.11 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 its public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification of them. If the board denies or modifies the Zoning Commission's recommendations, a majority vote of the Board of Township Trustees shall be required.

28.12 EFFECTIVE DATE AND REFERENDUM

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, the proposed amendment, if adopted by the Board, shall become effective in thirty (30) days after the date of its adoption, unless, within thirty (30) days after the adoption, there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township or part of that unincorporated area included in the zoning plan equal to not less than fifteen per cent (15.0%) of the total vote cast for all candidates for Governor in that area at the most recent general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety (90) days after the petition is filed.

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

ARTICLE 29

ADMINISTRATION

29.0 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.

29.1 GENERAL PROVISIONS

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

29.1.1 Zoning Inspector.

29.1.2 Zoning Commission.

29.1.3 Board of Zoning Appeals; and,

29.1.4 Board of Township Trustees.

29.2 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 people as the Board of Township Trustees may authorize and direct.

29.3 RESPONSIBILITIES OF ZONING INSPECTOR

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

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

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

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

29.3.4 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;

29.3.5 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;

29.3.6 Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the township offices;

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

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

29.3.9 Review and approve site plans pursuant to this Resolution;

29.3.10 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,

29.3.11 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.

29.4 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 assistance as it deems necessary.

The Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of the township. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until a successor is appointed and qualified. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term.

29.5 RESPONSIBILITIES OF THE ZONING COMMISSION

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

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

29.5.2 Initiate advisable Official Zoning District Map changes, or changes in the text of this Resolution where same will promote the best interest of the public in general; and,

29.5.3 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.

29.6 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 moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistance as it deems necessary.

29.7 RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS

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

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

29.7.2 Authorize upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest;

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

29.7.4 Revoke an authorized variance or conditional use certificate if any condition of the variance or certificate is violated.

29.8 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; 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 Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement stated in this Section and this Resolution.

Under this Resolution the Board of Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of schedule of fees and charges as stated in Section 29.8 of this Resolution. 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 2905 and 2906 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.

29.9 BOARD OF TOWNSHIP TRUSTEES

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

29.9.1 Approve the appointments of members of the Zoning Commission;

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

29.9.3 Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map.

29.3.4 Final action upon a suggested zoning amendment shall be undertaken at a public hearing; and,

29.9.5 Override 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.

29.10 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, plan approvals, 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 costs, 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 30

ENFORCEMENT

30.0 PURPOSE

The purpose of this article is to stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approval under this Resolution.

30.1 ZONING PERMITS REQUIRED

No building or other structure may be erected, moved added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance, or from the Zoning Commission approving a Planned Unit Development District, as provided by this Resolution. A Zoning Permit is not the same as a Building Permit.

PERMIT REQUIRED:

a. Most buildings that are intended for human, animal habitation or accessory uses.
b. Most remodeling, room additions, patio enclosures, car ports that change a building's footprint.
c. Commercial remodeling, internal remodeling and change of uses.
d. In-ground and permanent above-ground pools.
e. Ponds or lakes.
f. Accessory structures. (Greater than 200SF)
g. Building demolition.
h. Some signage.
i. Pods, Maxx Boxx's & similar storage unit(s).
j. Satellite dish.
k. Fencing.
l. Renewable energy systems.
m. Vendor registration
n. Outdoor commercial events.
o. Private communication or television tower.

NO PERMIT REQUIRED:

a. Residential Internal remodeling that does not change a building's external footprint.
b. Uncovered structures, including but not limited to decks, swimming pool aprons, patios, sidewalks, driveways, porches, and breezeways (An open roof or lattice is not a cover).
c. Temporary & seasonal above-ground pools.
d. Mailboxes and mailbox enclosures.
e. Basketball hoops.
f. Trellises.
g. Private utility poles.
h. Some signs.

30.2 CONTENTS OF APPLICATION FOR ZONING PERMIT

No zoning permit shall be issued by the Zoning Inspector until the zoning permit application shows that the property is being or is to be used in conformity with this Zoning Resolution and the official Zoning Map. In every case where the lot is not served and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Allen County Board of Health concerning the proposed method of water supply and/or disposal of sanitary wastes.

No zoning permit shall be issued by the Zoning Inspector until the applicant for said zoning permit has submitted a site plan drawing of the area upon which the applicant's use or structure is proposed. Said drawing shall show the type of proposed use, structural dimensions at the ground (Length, Width, and Height), lot dimensions, side, front and rear yard setbacks, compliance with all applicable development standards and a signed statement that said applicant will conform with all zoning regulations then in force for said area.

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 (2½) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

30.2.1 Name, address, and phone number of applicant;

30.2.2 Legal description of property;

30.2.3 Existing use;

30.2.4 Proposed use;

30.2.5 Zoning district;

30.2.6 Plans in drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration; (A stormwater drainage plan, approved by the Allen County Engineer, may also be required).

30.2.7 Building heights;

30.2.8 Number of off-street parking spaces or loading berths, and their layout;

30.2.9 Location and design of access drives;

30.2.10 Number of dwelling units;

30.2.11 Health Department permit for septic system;

30.2.12 If applicable, application for a sign permit or a conditional, special, or temporary use permit, unless previously submitted; and,

30.2.13 Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Resolution.

30.2.14 The determination of a buildings square footage shall be based on the floor area of principal structure or use, which shall include the following:

a. Residential Structures, and Accessory Building, Structures and Uses.

1. Includes first floor and second floor square footage.
2. Includes garage area square footage.

b. Shall <u>not include</u> the following:

1. Does not include basements (ceiling 5'-0" or more), finished and unfinished.
2. Does not include crawl space (ceiling less than 5'-0").
3. Does not include covered porches, breezeways, building extensions, etc.
4. Does not include open decks, atriums, walks, drives, or other uncovered areas.

c. Commercial and Industrial Structures.

1. Includes finished area under the roof, within outside walls.
2. Includes the sum of each floor.
3. Includes the area of <u>attached</u> garages, accessory structures, or other uses.

30.3 APPROVAL OF ZONING PERMIT

Within thirty (30) days after the receipt of an 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.

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 Trustees approving a Planned Unit Development District, as provided by this Resolution.

30.4 SUBMISSION TO DIRECTOR OF TRANSPORTATION

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed, as described in the certification to local officials by the Director of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that a zoning permit shall not be issued for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that acquisition of the needed land shall proceed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

30.5 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within one (1) 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 (2½) 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.

30.6 CERTIFICATE OF COMPLIANCE

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of compliance shall have been issued by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution. The issuance of a use certificate in no way relieves the recipient of compliance with all the requirements of this Resolution and other regulations.

30.7 TEMPORARY CERTIFICATE OF OCCUPANCY AND/OR TEMPORARY ZONING CERTIFICATE

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

30.8 RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY AND/OR ZONING CERTIFICATE

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

30.9 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY AND/OR ZONING CERTIFICATE

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

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

Zoning permits or certificates of occupancy 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 shall be allowed. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

30.11 LANDSCAPING AND ARCHITECTURAL REVIEW

Pursuant to Section 519.171 of the Revised Code, and in addition to all other authority provided in this zoning resolution or by law, the zoning inspector is delegated the authority to enforce compliance with any zoning standards pertaining to landscaping or architectural elements. Compliance with these standards is hereby incorporated as a condition of approval, additional to all other requirements of this zoning resolution, in the review of all applications for a zoning permit or certificate of compliance, and the review of all plats, construction drawings, restrictive covenants and other necessary documents submitted for administrative review. In exercising this authority, the Zoning Inspector may request counsel and advice from the township legal advisor, Township Trustees or Zoning Board of Appeals.

30.12 COMPLAINTS REGARDING VIOLATION

The Zoning Inspector shall investigate all complaints received from residents alleging illegal activity and shall report findings to the Township Trustees. The Zoning Inspector may require that all such complaints be submitted in writing.

30.13 ENTRY AND INSPECTION OF PROPERTY

The Zoning Inspector is authorized to make inspections of building exteriors and premises located within American Township for purposes of enforcing the provisions of this Resolution. Investigations and inspections shall be based on complaints received from residents within the community located within proximity to the violation, as well as those referred by the Board of Trustees, Department Heads, or other State, County or Municipal agencies.

The Zoning Inspector may at his/her discretion initiate an investigation as being the complainant in the case, which is based on the severity or flagrant nature of the violation or conditions observed upon the property. For the purpose of making such inspections, and upon showing appropriate identification, the Zoning Inspector is hereby authorized to examine and survey at any reasonable hour all residential, commercial, industrial, and other types of premises.

Prior to seeking entry into any structure for such an examination or survey, the Zoning Inspector shall attempt to obtain the of the County Prosecutor in securing a search warrant prior to entry.

30.14 STOP WORK ORDER

Subsequent to the 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. The property owner shall be given a stop work order fee assessment as indicated on the Administrative Fee Schedule. In addition, any permit issued after a stop work order is issued will further be subject to an additional permit fee assessment for construction without a permit, as indicated in the Administrative Fee Schedule. Removal of a stop work order, except by order of the Zoning Inspector, shall constitute a violation of this Resolution, and subject to civil and criminal action to be taken against the property owner.

30.15 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.

30.16 NOTICE OF VIOLATION

Whenever the Zoning Inspector determines that there is a violation of the provisions of this Resolution, he/she may give notice of such violation by means of a warning tag, notice of violation or administrative citation (As addressed in External Property Maintenance Code) to the person or persons responsible, therefore, and order compliance, as hereinafter provided. Such notice and order shall:

30.16.1 Be in writing.

30.16.2. Include a description of the real estate or vehicle sufficient for identification.

30.16.3. Include a statement of the reason or reasons why it is being issued.

30.16.4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the property or vehicle into compliance with the provisions of this code; and

30.16.5 A notice of violation shall be deemed to be properly served if any of one-(1) or more of the following methods are used:

a. (Personal Delivery)-By personal delivery to the owner or occupant of the premises or by leaving the notice at the premises with a person of suitable age and discretion; or

b. (Regular U.S. Mail Service Delivery) – Mail Service that the sent by ordinary mail delivery, to the intended recipient and addressed to the person or persons responsible at his / their last known address, as identified by the Allen County Auditor. The mailing shall be evidenced by a certificate of mailing, which shall be filed by the Zoning Inspector. Service shall be deemed complete when in the fact of mailing is entered in record, provided that the ordinary mail envelope is not returned by postal authorities with an endorsement showing failure of delivery; or

c. (Certified Mailing)-By certified mail deposited in the United States Post Office addressed to the person or persons responsible at his/their last known address, as identified by Allen County Auditor's Office with return receipt requested; or

d. (Ordinary Mail Service If Certified Mail Is Returned)- If a certified mail envelope is returned with an endorsement showing that the envelope is unclaimed, undeliverable, or refused and is returned back to American Township, 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 in record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or

e. (Posted on Structure)-By posting a copy of the notice form in a conspicuous place on the premises found in violation and mailing a copy of the violation notice by ordinary U.S. Mail delivery to property owner, as identified by the Allen County Auditor, who's agency is responsible for the mailing of property tax information to those owners or individuals responsible for the property identified and paying required property taxes. Camera photographs indicate date and time of the observed violation. (This generally occurs with vacant and abandoned structures);

f. (Posted on Motor Vehicle)-For a junk motor vehicle, as an addition or alternative to providing service as described above, the enforcement official may provide service by affixing a notice of violation in a conspicuous place to the exterior of the vehicle. (Camera photograph shall indicate date and time of the observed violation.); or

g. (Electronic Mail Delivery) – Electronic mail may be utilized to file a Notice of Violation or Administrative Citation to the owner, owner's representative, or agent with a copy of the Notice of Violation or Administrative Citation attached along with a narrative to the intended recipient, advising them of the owners responsible, last known address, address of violation, parcel number, nature of violation and date of required corrective action. Any supporting documentation may be additionally included. The Zoning Inspector will include a mail delivery and delivery receipt to substantiate electronic mailing of the violation.

30.16 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 Prosecutor for prosecution.

30.17 PENALTIES AND FINES

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, 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 such violation shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided.

30.18 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, 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 31

THIS SECTION BLANK FOR FUTURE USE

ARTICLE 32

(INTENTIONALL LEFT BLANK FOR FUTURE USE)

ARTICLE 33

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ARTICLE 34

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ARTICLE 35

EXTERIOR PROPERTY MAINTENANCE CODE FOR AMERICAN TOWNSHIP

ADOPTED:

January 8, 2024
Resolution 01-08-24-1

August 28, 2024
Resolution 08-28-2024-2

February 9, 2026
Resolution 02-09-2026-2

MOST RECENT EFFECTIVE DATE: **February 9, 2026**

PRIOR EFFECTIVE DATE: **September 28, 2024**

THE EXTERIOR PROPERTY MAINTENANCE CODE FOR AMERICAN TOWNSHIP, OHIO

35.0 PURPOSE

The purpose of this exterior property maintenance code is to protect the public health, safety, morals, and general welfare as it pertains to premises and buildings used for residential, commercial, and industrial purposes. This protection is hereinafter provided by:

a. Establishing minimum standards for maintaining residential, commercial, and industrial environmental quality to preserve and achieve the presentable appearance of existing structures and premises; avoiding blighting effects of the substandard maintenance of structures and premises and its negative impact on the value of surrounding properties; and eliminating hazardous conditions.

b. Fixing the responsibilities of owners, operators, and occupants of structures and their premises; and

c. Providing for enforcement measures.

35.1 TITLE

This Code shall be known as "The American Township Exterior Property Maintenance Code" and is herein referred to as above or as the "Exterior Property Maintenance Code", “Property Maintenance Code,” ATEPMC, or "This Code."

35.2 CONSTRUCTION OF LANGUAGE

a. TERMS

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

1. Words used in the singular shall include the plural, and the plural the singular.
2. Words used in the present tense shall include the future tense.
3. Words in the masculine gender shall include the feminine and neuter.
4. The word "shall" be mandatory and not discretionary.
5. The word "may" be permissive.
6. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"
7. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
8. The word "dwelling" includes the word "residence".

35.3 DEFINITIONS

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

BUILDING CODE: The most current edition of the State of Ohio building code, or such other code as may be officially designated by the Allen County Commissioners for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures.

EXTERIOR PROPERTY AREAS: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

JUNK OR INOPERABLE VEHICLE: a vehicle, including but not limited to cars, trucks, busses, trailers, and boats, shall be deemed a junk or inoperable vehicle whenever any of the following occur:

a. Left on private property without permission of the person having the right to the possession of the property.

b. Left on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way or any road or highway for forth-eight-(48) hours or longer.

c. Is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission.

d. Apparently inoperable.

e. Does not have a current license plate or validation sticker.

MOTOR VEHICLE: shall be as defined in Section 4501(b) of the Ohio Revised Code.

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

PUBLIC NUISANCE: includes the following:

a. The physical condition or use of any premises regarded as a public nuisance at common law; or any physical condition, use, or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to junk, inoperable or unlicensed vehicles, abandoned wells, shafts, basements, excavations, abandoned refrigerators; or

b. Any premises which have improperly working drainage facilities; or

c. Any premises designated as unsafe for human habitation or use, or

d. Any premises, which is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured as to endanger life, limb, or property; or

e. Any premises which are unsanitary, or which are littered with rubbish or garbage; or

f. The maintenance of a motor vehicle in violation of any of the provisions of this code; or

g. Permitting grass, weeds, or rank vegetation to exceed a height of eight-(8) inches; or

h. Permitting trees, bushes, shrubs, or other growth to overhand or block a public right-of-way as regulated herein. Public property: shall mean any street, highway, or public right-of-way and any other publicly owned property or facility.

RUBBISH: Rubbish is both combustible and non-combustible waste materials, including car parts, motors, and abandoned appliances. The term shall also include rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials, as well as the residue from the burning of wood, coal, and other combustible materials.

35.4 ADMINISTRATION AND ENFORCEMENT

35.4.1 APPLICATION OF EXTERIOR PROPERTY MAINTENANCE CODE

Pursuant to ORC Section 505.86, 505.87 & 505.73, in order to protect the health, safety and welfare of the inhabitants of the Township, it is necessary and desirable to adopt the American Township Property Maintenance Code to regulate the repair and maintenance of existing dwellings that are vacant, abandoned and/or apparently unoccupied in the Township, and to adopt the 2009 International Property Maintenance Code, as published by the International Code Council, Inc., with amendments by the Board of Trustees of American Township.

The provisions of the Exterior Property Maintenance Code shall apply to all premises and structures within American Township used for human habitation, commercial purposes, or industrial purposes which are now or may become in the future substandard with respect to structure, maintenance, proper drainage and sanitary conditions, or other similar conditions, factors or characteristics adversely affects public health, safety, morals and general welfare and leads to the continuation, extension and aggravation of blight and its attendant negative effect on surrounding property values. Therefore, adequate protection of the public requires the establishment and enforcement of these property maintenance standards.

35.4.2 SCOPE

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities; the responsibility of owners, operators, and occupants; and for administration, enforcement, and penalties.

35.4.3 INTENT

This code shall be construed to secure its expressed intent, which is to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and changes of occupancy in existing buildings shall comply with all applicable Codes and Standards.

35.4.4 MAINTENANCE

Equipment, systems, devices, and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered, or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment, or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress.

The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures, and premises.

35.4.5 APPLICATION TO OTHER CODES

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all applicable state codes, the Ohio Building Code, and the American Township Zoning Resolution. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the above referenced codes.

35.4.6 WORKMANSHIP

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a skillful manner and installed in accordance with the manufacturer's installation instructions.

35.4.7 PROPERTY IN AGRICULTURAL USE

The provisions of this code shall not apply to property in agricultural use which is exempt from township zoning control under Ohio Revised Code Sec.519.35, (5+ Acres of more) except that the provisions of this code shall apply to the residential, commercial, and industrial structures and outbuildings not used for specific agricultural purposes.

35.4.8 COMPLIANCE REQUIRED

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

35.4.9 CONFLICT OF LAWS

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

35.4.10 EXISTING REMEDIES

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

35.4.11 SEPARABILITY

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

35.4.12 SAVING CAUSE

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

35.4.13 ENFORCEMENT OFFICIALS

a. Code Enforcement Officers. The Township Trustees shall assign the duties of administering and enforcing this Code to the Code Enforcement Officer. The Code Enforcement Officer may call upon any department, division, or contractor of the Township for whatever assistance may be necessary to abate a violation of this Code. The American Township Zoning Inspector shall fulfill the duties and responsibilities of Code Enforcement Officer.

b. Liability. No officer, agent, or employee of American Township shall be personally liable for any damage that may accrue to persons or property because of any act required or permitted in the discharge of his duties under this Code.

35.4.14 INSPECTION OF BUILDING EXTERIORS

The Code Enforcement Officer is authorized to make inspections of building exteriors and premises located within American Township for purposes of enforcing the provisions of this Exterior Property Maintenance Code. Investigations and inspections shall be based on complaints received from residents within the community located within proximity to the violation, referral by Board of Trustees and Department Heads, or information relayed by State, County or Municipal agencies.

The Code Enforcement Officer may at his/her discretion initiate an investigation being the complainant in the case, which is based on the severity or flagrant nature of the violation or conditions observed on the property. For the purpose of making such inspections, and upon showing appropriate identification, the Code Enforcement Officer is hereby authorized to examine and survey at any reasonable hour all residential, commercial, industrial, and other types of premises.

35.4.15 NOTICE OF VIOLATION & 72 HOUR WARNING TAG

a. Violation Notice and / or Warning Tags. Whenever the Code Enforcement Officer determines that there is a violation of this Code, he / she may give notice of such violation by means of a 72-Hour Warning Tag or the issuance of a Notice of Zoning Violation or commonly referred to as a Notice of Violation. Due to the nature of the violation, severity, or frequency of violations the Code Enforcement Officer is authorized to forego issuing a warning and may issue the violation notice to the property owner.

b. Content. Whenever the Code Enforcement Officer determines that there is a violation of the provisions of this Code, he/she may give notice of such violation to the person or persons responsible, therefore, and order compliance, as hereinafter provided. Such notice and order shall:

1. Be in writing.
2. Include a description of the real estate or vehicle sufficient for identification.
3. Include a statement of the reason or reasons why it is being issued.
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the property or vehicle into compliance with the provisions of this code.
5. State the right of the violator to file an appeal of the notice with the Exterior Property Maintenance Code Appeals Board within ten- (10) calendar days of receipt of the notice.

c. Service: A notice of violation shall be deemed to be properly served if one-(1) or more of the following methods are used:

1. (Personal Delivery)-By personal delivery to the owner or occupant of the premises or by leaving the notice at the premises with a person of suitable age and discretion; or

2. (Regular U.S. Mail Service Delivery) – Mail Service that the sent by ordinary mail delivery, to the intended recipient and addressed to the person or persons responsible at his / their last known address, as identified by the Allen County Auditor. The mailing shall be evidenced by a certificate of mailing, which shall be filed by the Code Enforcement Officer. Service shall be deemed complete when in the fact of mailing is entered in record, provided that the ordinary mail envelope is not returned by postal authorities with an endorsement showing failure of delivery; or

3. (Certified Mailing)-By certified mail deposited in the United States Post Office addressed to the person or persons responsible at his/their last known address, as identified by Allen County Auditor's Office with return receipt requested; or

4. (Ordinary Mail Service If Certified Mail Is Returned)- If a certified mail envelope is returned with an endorsement showing that the envelope is unclaimed, undeliverable, or refused and is returned back to American Township, 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 Code Enforcement Officer. Service shall be deemed complete when the fact of mailing is entered in record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or

5. (Posted on Structure)-By posting a copy of the notice form in a conspicuous place on the premises found in violation and mailing a copy of the violation notice by ordinary U.S. Mail delivery to property owner, as identified by the Allen County Auditor, who's agency is responsible for the mailing of property tax information to those owners or individuals responsible for the property identified and paying required property taxes. Camera photograph shall indicate date and time of the observed violation. (This generally occurs with vacant and abandoned structures);

6. (Posted on Motor Vehicle)-For a junk motor vehicle, as an addition or alternative to providing service as described above, the enforcement official may provide service by affixing a notice of violation in a conspicuous place to the exterior of the vehicle. (Camera photograph shall indicate date and time of the observed violation.); or

7. (Electronic Mail Delivery) – Electronic mail may be utilized to file a Notice of Violation or Administrative Citation to the owner, owner's representative, or agent with a copy of the Notice of Violation or Administrative Citation attached along with a narrative to the intended recipient, advising them of the owners responsible, last known address, address of violation, parcel number, nature of violation and date of required corrective action. Any supporting documentation may be additionally included. The Code Enforcement Officer will include a mail delivery and delivery receipt to substantiate electronic mailing of the violation.

35.4.16 CODE ENFORCEMENT APPEALS BOARD (BOARD OF ZONING APPEALS)

a. Appeals Board. To implement the purposes and requirements of this Exterior Property Maintenance Code, there is hereby created the Code Enforcement Appeals Board, hereinafter referred to as the Board. For the purposes of this property maintenance code, the American Township Board of Zoning Appeals shall function as the Code Enforcement Appeals Board. This is a due process means of relief for any affected individual, business or company who wishes to appeal a Violation Notice or Citation Tag and subsequent fine.

b. Board members appointment:

1. The board is composed of five-(5) American Township residents.

2. A minimum of three-(3) members of the Board in attendance at any meeting shall constitute a quorum.

3. Board members are appointed by the Board of Trustees.

c. Procedure. Said Board may adopt rules of procedure consistent with this Code. No member of the Board shall take part in any hearing or determination in which he or she has a personal or financial interest.

d. Authority. The Board shall hear all appeals relative to the enforcement of this Code, and by a concurring vote of the majority of its members, may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed confirmation of the decision of the Zoning Inspector / Code Enforcement Officer.

e. Hearings. Any person affected by any notice of violation or citation tag that has been issued in connection with the enforcement of any provision of this Exterior Property Maintenance Code, may request and shall be granted a hearing on the matter before the Exterior Property Maintenance Code Appeals Board, provided that such person shall file in the office of the Code Enforcement Officer on appeal forms provided by the Township.

1. The appeal shall be filed within **twenty-(20) calendar days** (Per Ohio Revised Code Statute) after the date of the notice and order, revocation, or denial of the permit.

2. Upon receipt of such a petition, the Appeals Board shall set a time and place for a hearing before the Appeals Board and shall give the petitioner written notice thereof by first class mail postmarked at least ten-(10) days prior to such hearing.

3. The hearing shall be held no less than ten-(10) days and no more than thirty-(30) days from the date the petition was filed. At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why any item appearing on such notice and order should be modified or withdrawn.

4. The failure of the petitioner or his/her representative to appear and state his case at such a hearing shall have the same effect as if no petition or appeal was filed.

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

1. The violator was served with a Citation Tag and/or Notice of Violation as provided for in Sections 35.4.15 and 35.4.17.

2. The Citation Tag and/or Notice of Violation that was served stated the specific nature of the violation, the required corrective action needed to be taken to abate the violation, and a specific time for correction / abatement of the violation. Within the time stipulated in the Citation Tag and/or Notice of Violation, the violator failed to comply with the Notice of Violation by not abating the violation and/or by not bringing the use or violation into compliance with the American Township Exterior Property Maintenance Code.

3. Upon expiration of the date indicated for compliance in the Notice of Violation, the property was being maintained in violation of specific provisions of the American Township Exterior Property Maintenance Code and/or conditions imposed by the Appeals Board as a prerequisite to the modification of a previous compliance order.

g. Authority of Appeals Board. Within thirty-(30) days of the close of the public hearing, the Appeals Board shall render a decision sustaining, modifying, or withdrawing any item appearing on the notice .and order. The petitioner shall be notified in writing of such action.

h. Administrative Action. The “Code Enforcement Officer” shall take immediate action in accordance with the decision of the Code Enforcement Appeals Board.

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

35.4.17 ADMINISTRATIVE CITATIONS & FINES

a. Administrative Citations or citation tags are legal civil actions to bring compliance to a violation of this code, when a prior violation notice, or notices to the property owner has shown to be no deterrent and the zoning violation continues to exists on the property. Civil penalties approved by the Board of Trustees of American Township are assessed for each violation continually existing on the violator's property.

b. The Code Enforcement Officer is authorized and directed to provide citation tags which shall be used for the purpose of giving due notice and summons to the person or persons responsible for violations of this exterior property maintenance code. Citations are issued after one or more violation notices have been issued to the property owner and correction has failed to occur and violation(s) continues to exist.

1. Contents. Such citation tags shall be put in writing in an appropriate form, state the nature of the violation, refer to the section or sections of this resolution violated, and state the appropriate fine assessment or penalty, therefore. On multiple violations, example motor vehicles on property;

   The Code Enforcement Officer may, but is not required, to use discretion on the fine assessment on the first citation issued to the property owner in order to compel compliance and corrective action.

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

3. Correction Order / Directive. The Code Enforcement Officer shall provide to the property owner, a correction order and directive on what is necessary to be completed to bring the property into compliance with the Zoning Resolution. The Code Enforcement Officer shall provide a minimum of seven-7 to a maximum of thirty (30) calendar days to correct the violation. Correction period shall be at the discretion of the Code Enforcement Officer and based upon nature of violation, reasonableness of correction, and prior correction orders provided.

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

5. If the violation is not corrected by the required compliance date indicated in the administrative citation, the civil penalty shall be assessed upon the property owner. In addition, if the zoning violation continues to exist after the required compliance date, then any subsequent citation and civil penalty shall be assessed upon the property owner and shall continue until zoning compliance is obtained. Payment of civil penalties is separate from the required correction dates. Unpaid civil fine penalties shall be assessed upon property tax duplicate.

6. Establishment of Fee Schedule by Township Trustees. Prior to the issuance of any citation tag, the Township Trustees shall adopt by resolution a citation tag fee schedule assessment. From time to time and upon its own motion, the Township Trustees may modify the citation tag fee schedule assessment. See current Administrative Fee Schedule posted at, www.americantownship.com/code enforcement.

7. Civil Penalty Assessment. When a violation citation tag has been issued pursuant to this section, the amount established by the Township Trustees is hereby assessed on the violator. This shall be for each offense found on the property.

8. When a citation tag has been issued pursuant to this section, the amount established by the Township Trustees is hereby assessed on the violator. If the civil assessment is paid within ten-(10) calendar days immediately following the issuance of the citation tag, all civil assessments to include the administrative fee are reduced by fifty percent (50%) subject to completion of both conditions listed below:

   a) The **violation is corrected** on the property within the ten-10-day time period, (Date of receipt of certified mail, date of post mark if by ordinary mail, or date of posting on structure), and

   b) **Payment of the civil assessment is received by the American Township Fiscal Officer within the ten-10-day time period**.

   c) Any payment received after the tenth-10th day would be determined to be beyond the fifty-50% reduction time grace period. Full payment of the fine is required when received from day eleven-11 to thirtieth-30th which is the final day of required civil fine payment.

   d) Failure to pay the assessment within a period of thirty (30) days after the date of service of the citation tag shall constitute a minor misdemeanor, punishable as provided in this resolution.

   e) The civil assessments not paid by the property owner or responsible party having care, custody, or control of said property shall have the unpaid civil penalty assessment subsequently attached to the property taxes for the property in question.

9. Civil Fine Amounts. Any person, firm, or corporation who is issued a citation tag shall be penalized in the following amounts: A Board of Trustee Resolution shall approve fine amounts.

   a) In the amount of one hundred dollars-($100.00) for the first offense; and

   b) In the amount of two hundred fifty dollars-($250.00) for the second offense (within a 12-month period); and

   c) In the amount of five hundred dollars-($500.00) for the third offense (within a 12-month period); and

10. After the citation tag has been issued for a third offense, and compliance has not been obtained within the time limit provided, then the case **may be** referred to the Lima City Prosecutor's Office for filing of criminal charges and any other criminal or civil legal action, as directed by the Board of Trustees.

11. After the third citation tag and fine has been issued and compliance has not been obtained within the time limit provided, the third fine amount being five-hundred dollars-($500.00) shall be **repeated and subsequently continued** every thirtith-30 day while the case is in the legal system and / or until the violation is corrected upon the property.

12. An administrative service fee of fifty-($50.00) shall be assessed upon each citation issued to the property owner, for either a property violation or a motor vehicle violation.

35.4.18 PROSECUTION OF OFFENDER

Whenever the owner, agent, occupant, or operator of a structure or premises fails, neglects, or refuses to comply with the final citation tag and order, from the Code Enforcement Officer, he / she may present the case to the Lima City Prosecutor's Office for criminal charges to be filed against the owner to facilitate and compel compliance. The filing of criminal charges shall be under consultation and approval by the Board of Trustees and the Township Attorney.

In case any citation is not promptly complied with, the Code Enforcement Officer may additionally request the Township Attorney to institute an appropriate action or proceeding to recover the penalty provided in Section 4.99 of the American Township Zoning Resolution. The Code Enforcement Officer may formally request to the Board of Trustees to permit the Township Attorney to litigate and bring forth civil action to the owners, or person(s) responsible for the violation for the purpose of ordering him/her to abate such nuisance or other civil action to bring forth compliance.

35.4.19 ABATEMENT OF NUISANCE AND COST RECOVERY BY THE TOWNSHIP

Should the nuisance not be abated at the expiration of the time stated in the notice or order of the Code Enforcement Officer or any extensions granted or such additional time as the Exterior Property Maintenance Code Appeals Board may grant, the Code Enforcement Officer shall be authorized at any time thereafter to request a court to authorize entry to take such action as deemed appropriate to abate the nuisance.
In addition to any remedies provided elsewhere in this Exterior Property Maintenance Code. In abating such nuisance, the Code Enforcement Officer may call on any department, division, or contractor of the Township for whatever assistance may be necessary to abate the nuisance or may, by private contract, abate such nuisance, and the cost of the contract will be paid for from Township funds. All costs for abating such nuisance shall be recovered in the following manner:

a. The owner(s) shall be billed directly by certified mail deposited with the United States Post Office. In the event the certified mail envelope is returned with an 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 Code Enforcement Officer.

b. If the costs are not so recovered within thirty-(30) days of receipt of the mailing, the Township may collect the cost in accordance with the Ohio Revised Code.

35.4.20 CONDITIONAL TIME EXTENSION FOR COMPLIANCE

The Code Enforcement Officer may extend the time for correction or abatement of any violation for an additional period, not to exceed thirty-30 days, except where major capital improvements or renovations are involved, in which instance the time for completion may be extended for a period not to exceed ninty-90 days beyond the expiration date of the original notice.

35.4.21 NON-COMPLIANCE WITH VIOLATION NOTICE AND COMPLIANCE ORDER

Whenever the owner, agent, occupant or operator of a structure or premises fails, neglects, or refuses to comply with any notice of the Property Maintenance Officer that becomes a final order, the Code Enforcement Officer may advise the Township Attorney of such circumstances and request him or her to institute an appropriate legal action to compel compliance.

35.4.22 REFERRAL OF VIOLATION NOTICE TO OTHER AGENCIES

Any violation of any ordinance other than this code, discovered by the Property Maintenance Officer or his or her representative, shall be reported to the official or agency responsible for the enforcement of such ordinance.

35.4.23 EMERGENCY MEASURES

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

35.4.24 ADDITIONAL CIVIL REMEDIES BY THE TOWNSHIP TRUSTEES

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

35.4.25 RULE MAKING AUTHORITY

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

35.4.26 TRANSFER OF OWNERSHIP (PROPERTY)

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

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

35.4.27 ABANDONMENT OF CONSTRUCTION PROJECT

a. All construction work shall be diligently pursued to completion on any building or structure for which a zoning and/or building permit has been issued, unless forestalled by circumstances beyond the property owner's control (including but not limited to, labor issues, inclement weather).

b. Any construction project upon which no substantial work has been undertaken for a period of three-(3) months and which has not provided notification in writing to the Code Enforcement Officer as to lapse in construction, shall be deemed abandoned. Such notification shall be filed every ninety-(90) days with the Code Enforcement Officer with any project experiencing a lapse in construction.

c. Upon any construction project being deemed abandoned, the Code Enforcement Officer may cause all buildings or structures not completed to the degree such buildings or structures have been indicated on the plans submitted in support of a building permit, as well as all building materials and construction equipment, to be removed from the site within sixty-(60) days.

d. Upon approval from the Code Enforcement Officer the building structures shall be secured; any and all building material, equipment, and/or construction related items shall be secured and stored; and the property otherwise maintained in accordance with the characteristics of the surrounding neighborhood. The costs of removal and storage of any building, building materials, equipment, or construction related items will be billed to the property owner. If billed costs are not recovered within thirty-(30) days of receipt of the mailing the Township may collect the cost in accordance with the Ohio Revised Code.

35.4.28 ANNUAL REVIEW

a. Annually, the Zoning Inspector / Code Enforcement Officer shall review the Exterior Property Maintenance Code for any amendments or deletions needed to this Code, based on any issues or concerns from the previous year’s activities. These proposed changes shall be shared with the zoning commission members for additional feedback and recommendations.

b. The Zoning Inspector / Code Enforcement Officer shall additionally file a written report with the Board of Trustees of American Township with any proposed amendments or deletions to the Code. If these recommendations are reviewed and approved, the Board of Trustees during their regularly scheduled public meeting shall adopt these proposed changes and amendments through a Resolution, with adoption as soon as legally permitted.

35.4.29 RESPONSIBILITY OF OWNER

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

35.4.30 VIOLATION PENALTIES

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

b. Whoever violates any section of this Code may be subject to an Administrative Citation and administrative civil fine imposed upon the property owner, tenant or occupant as outlined under section 35.4.17 (e) & (f) of this Code. In addition, whoever violates any section of this Code, shall also be guilty of a minor misdemeanor and subject to be fined no more than five hundred-($500.00) dollars in accordance with Ohio Revised Code §519.99 within the court of jurisdiction. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

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

35.5.31 FINES FOR VIOLATION OF ZONING RESOLUTION (O.R.C 505.99)

a. No person shall violate any provision or fail to conform to any of the requirements of O.R.C 505.374 (Fire Code Violations), 505.74 (Model Standard Building Code Violations), 505.75 (Township Residential Building Code) 505.76 (Availability of Township Residential Building Code, 505.77 (Building Prohibitions), and 505.94 (Registration and Regulation of Transient Vendors) of this Exterior Property Maintenance Code or fail to comply with any order made thereunder.

b. Whoever violates any section of this Code shall be guilty of a minor misdemeanor and shall be fined consistent with penalties listed in the Ohio Revised Code. In addition, civil monetary penalties such as administrative civil fines and monetary penalty assessments as outlined in the Administrative Fee Schedule shall be permissible to be issued to the property owner, tenant, or occupant where the violation is or has occurred.

ARTICLE 35.5

RESIDENTIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

35.5.1 APPLICATION OF RESIDENTIAL MAINTENANCE STANDARDS

The following standards are applicable to all residential structures, dwelling units, residential portions of mixed-use structures, and all dwelling units located in commercial buildings. In addition, these standards shall be applicable for Residential Planned Unit Developments, Condominium Communities, and Mobile Home Park districts located in the Township.

The provisions of this Code set forth the minimum conditions and the responsibilities of every person and/or legal entity owning, leasing, occupying or having charge of any premises for the maintenance of structures, equipment, and exterior property to preserve and to achieve the presentable appearance of existing structures and premises and to avoid blighting effects of the substandard maintenance of structures and premises, and their negative impact on the value of surrounding properties, and to eliminate hazardous conditions.

35.5.2 RESPONSIBILITY

Every person and/or legal entity owning, leasing, occupying, or having charge of any premises shall keep such premises in compliance with these requirements, except as otherwise provided in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition, and which do not comply with the requirements of this Code.

35.5.3 ZONING PERMIT REQUIRED

No building or other structure may be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector.

35.5.4 APPLICATION OF MAINTENANCE STANDARDS

The following standards are applicable to all residential structures, dwelling units, residential portions of mixed-use structures and all dwelling units located in commercial buildings.

35.5.5 MINIMUM BUILDING SETBACK LINES

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

b. Exception shall be any building appurtenant to a non-conforming building shall be maintained and situated to provide that no portion thereof shall be closer to the center of the nearest road pavement than the existing non-conforming building erected before the adoption of this zoning resolution.

c. All residential structures, accessory buildings, other physical structures, fences, pools, and signs shall be located within the owner's property, and not extend beyond the owner's designated / deeded property lines nor onto other owner's property. Exception if owner has two or more lots or parcels, then the owner shall be required to merge these lots into a larger or single parcel of land, to meet additional setback distance requirements.

35.5.6 SETBACK REQUIREMENTS ON CORNER OR FLAG SHAPED LOTS

a. On a corner shaped lot, the main building and its accessory structures shall be required to be set back the same distance from all street or highway right-of-way lines as required for the front yard setback in the district in which such structures are located. The corner lot shall be designated as having two front designated areas and two side designated areas and no rear yard.

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

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

d. Other types of corner or interior shaped lots are identified in Illustration C – A 3. In those examples, front, side, and rear areas are identified for setback distance identification.

35.5.7 PRINCIPAL BUILDING PER LOT

No more than one-(1) principal building or structure shall be constructed upon any one parcel or lot for the purposes of this Resolution. A principal building or structure commonly is referred to as a dwelling unit.

a. In a Residential District, a dwelling, or multiple dwellings collectively (connected or separate), constitute a principal building. There must be a principle building or structure before an accessory structure is allowed to be constructed.

b. The principal structure shall be constructed within the boundary lines of a parcel, meeting all necessary front, side, and rear setback distance requirements within the zoning district the structure is located as outlined in the American Township Zoning Resolution. Should a principal building or accessory building extend outside the owner's property lines, then said parcels or lots shall be merged to form one larger land parcel to legally accommodate construction of the principal or accessory building. This shall be completed with the cooperation of the Lima/Allen County Regional Planning Commission, and / or Allen County Auditor's Tax Map Office.

c. It is the responsibility of the property owner to know the location of the property lines of their land or parcel. Disputes concerning property lines shall be resolved by means of a professional survey conducted by a Licensed Survey Engineer, certified in the State of Ohio. Copies of deeds, and old surveys may be used as supporting documentation. Property line disputes are a civil matter between those property owners and shall be referred to their own legal counsel for resolution.

35.5.8 CONVERSION OF DWELLING TO MORE THAN ONE UNIT

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

a. The conversion follows all other local codes and resolutions, and any applicable State or Federal regulations.

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

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

d. The lot area per family meets the lot area requirements for new structures in that district.

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

f. The conversion follows all other relevant codes and resolutions.

35.5.9 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS

Every foundation, exterior wall, and roof of every dwelling shall be constructed and maintained' and be kept in good repair and in safe condition to make all occupied rooms and other interior areas weather-tight, water-tight, rodent proof and so as to be fit for human habitation and so as to not adversely affect the neighborhood in which they are located. Good repair, maintenance and safe condition shall include but is not limited to the following:

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

b. Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, lose or rotting boards and timbers or any other condition which might admit rodents, rain, or dampness to the interior of the dwelling.

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

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

e. Roof. Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rainwater from causing dampness in the interior portion of the building.

f. Gutters. Rain gutters, downspouts, leaders, or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained to meet the original intent and appearance.

g. Chimneys. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.

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

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

j. Exterior Surfaces. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.

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

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

35.5.10 PAINT AND COATING MATERIALS

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from routine use by authorized federal, state, county, or local regulatory agencies for health and safety reasons.

35.5.11 EXTERIOR PROPERTY AREAS

All buildings and the exterior of all premises shall be properly maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

a. Exterior Space. The exterior open space around each dwelling shall be maintained or so improved to provide for:

1. The immediate diversion of water away from buildings and proper drainage of the premises.

2. Grass, plantings, or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, premises use or adjacent premises and structures.

3. Sidewalks, walkways, parking areas, and driveways of a concrete, asphalt, pavers, or similar surface which are of sound construction and properly maintained; and

4. Exterior steps which are of sound construction and properly maintained free of hazardous conditions.

b. Yards. All yards, courts, and lots shall be graded and kept free of overgrown grasses, debris and other materials which may cause a fire, health, safety hazard, or general unsightliness.

c. Hazards. Hazards and unsanitary conditions shall be eliminated.

d. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence or temporary residence in the Township.

e. Storage. Except as provided for in other regulations of the Township, all outdoor storage junk, refuse, garbage, or debris, of any kind shall be prohibited.

f. Grading. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water thereon, or within any structure located thereon.

g. Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except when such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.

h. Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant shrubs and/or trees, or discharge, empty, or place any material, fill, or waste into any swale to divert or impede drainage flow.

i. Fences and Walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a skillful manner, and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in a state of good structural repair.

j. Commercial Vehicle. No commercial vehicle with a gross vehicle weight rated more than 10,000 pounds, based on manufacturer's federal identification decal or serial number, or any commercial vehicle more than seven-(7) feet in height, may be parked on any residential property, except for commercial vehicles making service calls or vehicles being used to move personal goods to or from a subject property.

k. Furniture. No furniture intended for indoor use may be stored outside unless it is in a completely enclosed porch or patio room.

l. Off Street Parking on Lawns. Parking and/or storing of any vehicle within or on the front lawn of a residential property shall be prohibited after three (3) consecutive days.\

m. Street Numbers. Each structure to which a street number has been assigned shall have such a number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least four-(4) inches high and one-half (½) inch stroke and of a color contrasting to the background.

n. Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

o. Sanitation. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner, lessee, occupant, or person or entity having charge of the premises shall keep that part of the exterior property which such person or entity occupies or controls in a clean and sanitary condition.

p. Exhaust Vents. Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

q. Accessory Structures. All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair.

r. Gates. Gates which are required to be self-closing and self-latching in accordance with the Ohio Building Code or shall be maintained in such a manner that the gate will positively close and latch when released from a still position of six-(6) inches (152 mm) from the gatepost.

s. Swimming pools. Swimming pools shall be maintained in clean and sanitary condition and in good repair.

t. Firewood. Firewood shall be stacked and maintained in a neat and tidy manner.

u. Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any building, dwelling or structure on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

v. Semi-Trailers. No semi-trailer shall be used as a storage facility, except that semi-trailers parked on construction job sites may be used for storage related to the site but shall be removed upon completion of the project. No semi-trailer shall be used for the display of signs or banners.

35.5.12 EXTERIOR OF STRUCTURE

a. Exterior Soundness. The exterior of a structure shall be maintained in good repair, structural soundness, and a sanitary condition to prevent posing a threat to the health, safety or welfare of the occupant or the public.

b. Protective Treatment. All exterior surfaces including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition.

c. Exterior Members. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted.

d. Siding & Weather-Resistance. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather-resistant and watertight.

e. Metal Surfaces. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be established and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

f. Premises Identification. Buildings, dwellings, and structures shall have Township approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of three-(3) inches high with a minimum stroke width of one-half-(0.5 inch).

g. Structural Members. All structural members shall be maintained in a sound condition, free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

h. Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such a condition to prevent the entry of rodents and other pests.

i. Structural Protective Treatment Required. All exterior walls, eves, under-hangs, and other areas of residential structures shall be protected with some form of vinyl or aluminum siding, cement board, shingle, stucco, brick, stone, or other approved permanent exterior surface material. Weather wrap, Styrofoam boards, or similar pre-treatment is not a sufficient external permanent protective treatment. Exterior walls to structures shall be free from holes, breaks, and loose or wet or rotting materials, as well as free of evidence of infiltration of insect infestation, vermin, rodent or animal harboring. Weatherproofing materials and proper surface coating shall be required for exposed wood, logs, or wooden shingle or siding where required, to prevent deterioration.

j. Roofs and Drainage.

1. Roofs: The roof and flashing shall be sound, not have defects that admit rain, and shall be maintained weather tight. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure and shall be handled by suitable collectors and downspouts.

2. Drainage: Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance, nor in a manner that causes excess water to flow onto adjacent property or over sidewalks.

3. Connection of any pipe carrying roof water, yard drainage or foundation drainage to a sanitary sewer is prohibited.

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

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

m. Stairways, Decks, Porches, and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and shall be capable of supporting the imposed loads.

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

o. Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

p. Windows, Skylights and Door Frames.

1. Every window, skylight, door, and frame shall be kept in sound condition, good repair and shall be weather-tight.

2. Glazing: All glazing materials shall be maintained free from cracks and holes.

3. Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition.

q. Basement Hatchways. Every basement hatchway shall be maintained in a manner that prevents the entrance of rodents, rain, and surface drainage water.

1. Guards for Basement Windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

35.5.13 JUNK, GARBAGE, REFUSE, & DEBRIS PROHIBITED IN ALL ZONING DISTRICTS

a. Accumulation of junk, garbage, refuse or debris shall be prohibited in all zoning areas / districts. All exterior property and premises shall be kept free from any accumulation of rubbish, garbage, or debris.

b. Disposal of junk, garbage, refuse, and debris. Every owner a building, dwelling or structure shall dispose of all garbage, junk, litter, and rubbish in a clean and sanitary manner by placing such materials in approved containers, and shall require all occupants of said building, dwelling or structure to do the same. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

c. Disposal Facilities. The owner of every occupied building, dwelling, structure, or premises shall supply approved, covered containers for the disposal of garbage, junk, litter and rubbish, and the owner of the premises shall be responsible for the removal of the same. Commercial businesses are required to have trash collection areas suitably screened or fenced on at least three-(3) sides. Screening or fencing shall be at least six feet and no more than eight feet in height. It is impractical to have an open side not facing the street, as collection vehicles need ample areas to maneuver equipment during collection periods.

d. Containers. The owner of every business establishment shall provide, and at all times shall cause the business operator to utilize, approved, leak-proof containers provided with close-fitting covers for the storage of waste materials resulting from said business until removed from the premises for disposal.

35.5.14 EXTERMINATION

a. Infestation. All structures shall be kept free from insect and/or rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

b. Responsibility. The owner of any building, dwelling, structure, or premises shall be responsible for extermination, and shall be responsible for the continued rodent and pest-free condition of the building, dwelling, structure, or premises. Any agreement between the owner and the occupant of a building, dwelling or structure, whether written or oral, whereby the occupant is responsible for keeping the building, dwelling, structure, or any part thereof, free from insect and/or rodent infestation shall be enforced by the owner and not the Township.

35.5.15 GRASS, WEED & VEGETATION CONTROL REQUIRED

a. Grass, Weed, and Vegetation Control Required.

1. The owner of all premises, whether residential, non-residential, commercial, or industrial, and whether occupied or vacant, shall cut and remove therefrom all offensive and noxious weed, vines, and grass of a height of eight-(8) inches or more, as well as all weeds, vines and grass constituting a threat to the public health, safety, comfort, or welfare.

2. Undeveloped residential, commercial, industrial, and *former agricultural lots (*less than one-(1) acre) shall be required to be moved a minimum of three-(3) times a year during the growing season of April 1st to November1st, with the first mowing occurring no later than May 1st, second mowing occurring no later than August 1st and the last mowing occurring no later than November 1st.

3. The owner of all premises, whether residential, non-residential, commercial or industrial, and whether occupied or vacant, shall cut and remove therefrom feral trees, overgrown bushes, shrubs, or other growth that overhangs or blocks any part of a sidewalk for a height of seven-(7) feet above said surface; or to overhang or block any part of a paved street or unpaved, but traveled, portion of a street or traffic/safety sign for a height of fifteen-(15) feet above the surface.

4. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant materials shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and there are no evident signs of neglect. Trees that have fallen because of old age, decay, wind, or storm damage shall be removed in a timely fashion, within 30 days, and no longer than 90 days.

5. It is a prima-facie violation of this section if weeds or grass of a height of eight-(8) inches or more exist on any lot, parcel or premises within the Township between **April 1st and November 1st .** Weeds or grass of a height of eight-(8) inches or more shall be considered a nuisance.

6. The Code Enforcement Officer shall cause annual notice to be published, in March of each year, in a newspaper of general circulation in the Township notifying the Township residents of the requirements of this section, or notice shall be posted ten-10 days on the township's website and social media page, with posting date indicated.

b. Notice to Cut Grass & Weeds.

1. When the Code Official determines that such weeds or grass are growing in violation of this section, he shall serve written notice by either Certified Mail, Regular U.S. Mail Service or Posting Notice of Violation Upon the Structure, in accordance with Section 35.04.15 to the property owner of which such weeds or grasses are located, and subsequently ordering the owner to cut and remove such weeds and/or grass, within a reasonable period of time, not to exceed seven-7 consecutive calendar days from date of receipt of the Notice of Violation, or posting on the structure or lands.

2. If the certified mail notice is returned as unclaimed, or undeliverable, then, it is sufficient to serve the owner by sending the notice by ordinary mail.

3. Under 35.04.15 (B)(2), when the notice is provided by ordinary mail, the owner shall be provided no more than seven-(7) days to bring the property into compliance. Ten-10 days shall be provided from the postmark date of the envelope, to allow for sufficient time for USPS processing and mail service delivery.

4. If notice is provided by posting on the structure, a courtesy copy of the Notice of Violation shall be mailed by regular ordinary mail to the property owner, at the last known address as provided by the Allen County Auditor's Office. The owner shall be provided seven-(7) days from the date the violation notice is posted on the structure to abate the violation and bring the property into compliance.

5. If the address of the owner is unknown, it is sufficient to serve the owner by posting a copy of the notice form in a conspicuous place on the premises found in violation and publishing a legal notice in a newspaper of general circulation in the Township, or notice shall be posted on the township's website and social media page, with posting date indicated. The legal notice shall identify the owners of the property, the last address, if known, of the owners, the parcel identification, the location and nature of the violation, and date of required compliance.

6. The Zoning Inspector / Code Enforcement Officer is permitted to issue a 72-hour Warning Notice on the property found in violation. This is routinely given to residence where there has been no previous warnings or violation notices issued for overgrown vegetation, excessive lawn height, and noxious weeds upon the property.

7. The Zoning Inspector / Code Enforcement Officer is permitted and at his / her discretion the availability to issue an administrative citation and civil fine in conjunction with the abatement of the grass / weed violation on the property, when the initial notice of violation has not been complied with by the property owner within time period provided.

c. (Repeated Offender Violations) – Within a twelve-12-month calendar year, if the property owner has received two-2 previous violation notices and abatements of the property has occurred as directed by the Code Enforcement Officer for the offense of uncontrolled vegetation, excessive lawn height or noxious weed offense, and;

1. Owner was personally served and received the Notice of Violations; or,

2. Received Notice of Violations by means of Certified or Regular U.S. Mail Delivery to property owners last known address; or

3. Notices have been posted on the structure or lands owned by the property owner with further additional notification by regular ordinary mail service; and

4. The owner has failed to comply with directives to abate said nuisance violations upon the property which is under his/her control and the Township was required to abate said violation and assess said costs upon the property owner.

5. It shall be permissible for the Zoning Inspector / Code Enforcement Officer to directly abate any future violations of same / similar nature found on the owner's property WITHOUT any further written notices being provided to the owner(s), to remedy the situation. This practice shall continue until such time the property is on a routine maintenance schedule by either a property preservation company or new owner sufficiently maintains the property in compliance with this Code.

6. The abatement cost for maintenance and correction to the property found in violation shall be provided to the property owner by means of an invoice prepared by the Township and itemized by said contractor on file, who rendered the required services. All costs incurred in the abatement process to include administrative costs, mailings, inspections, milage, or other services shall be required to be paid back to American Township Fiscal Officer within 30 days of receipt of said notice by the owner of the property.

7. Failure to pay invoice costs back to American Township will result in the costs being placed on the property tax duplicate as a lien upon the property, and special code enforcement assessment by Allen County Auditor's Office.

d. Failure to Comply.

1. No owner shall fail to comply with the notice provided for in subsection (b) hereof within seven (7) days from the receipt thereof.

e. Procedure When Owner Fails to Comply with Notice to Mow or Destroy Grass, Weeds, and Uncontrolled Vegetation.

1. Abatement of Violation.

a) The Code Enforcement Officer or designee may cause the grass or noxious weeds to be cut by use of Township force and equipment or by the hiring of private contractors to abate said violations, when the property owner fails to comply with the written notice provided for in subsection (b) hereof.

b) Abatement will occur, on / after the date of required compliance. There will not be any additional notice provided to the property owner when the abatement occurs.

c) Should the property owner fail to permit staff or contractors to abate said violation on the property, the local jurisdiction (American Township Police Department) will be contacted to assist at the scene. In the event they are not available, then abatement may be postponed and implemented on a future date.

d) Upon completion of the cutting and removal of grass or noxious weeds, the Code Enforcement Officer or designee, shall determine the cost of abatement with cutting and / or removal of vegetation and shall cause a statement thereof to be provided to the owner of the land. Such statement of costs shall include but not limited to:

1) Mobilization of equipment and transportation charge.

2) Assessment of hazards upon the property.

3) Township equipment use charge, i.e., mower, bushwhacker, tractor, trimmers.

4) Administration and supervision charge. Administrative or supervisor review of abatement.

5) Employee wage charge based on hourly prevailing wage. Minimum of one-hour charge per employee.

6) Removal of equipment, debris, or hazards from the lot charge.

7) Costs for any damage to Township or contractors' property because of hazards placed on or within the property.

8) Charge of Certified Mailings, Regular Mail Mailings, Legal Newspaper Notices, etc.

9) Costs are routinely based on single sized lot; however, costs significantly increase for double residential size lots or lots over .50 acre. Costs are based on lot size and time.

10) Any Contractual Charges.

11) The costs incurred by the Township to cut said weeds, grass, or other vegetation, including the cost to serve notice, shall be charged to the owner, together with an administrative fee of fifty dollars ($50.00). Notice of such assessment shall be served upon the owner in accordance with the notice provision of Section 35.04.15.

12) If the bill is not paid within thirty-(30) days after submission to the owner, then the Township Fiscal Officer shall certify the costs, together with a fifty-($50.00) dollar penalty, to the Allen County Auditor for placement upon the tax duplicate. Such amounts shall be entered upon the tax duplication, shall be a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the Township into the General Fund pursuant to Ohio R.C. 731.54. The recovery of its costs by the Township pursuant to this section is a remedy in addition to the penalty provided in Section 4.99.

13) The Code Enforcement Officer is additionally permitted to issue an administrative citations and civil fines in the frequency and amount outlined in Section 35.4.17 (e) & (f) along with forced abatement of the grass and weed violation and all costs associated with that process.

14) Should the Code Enforcement Officer and Independent Contractor assigned to abating the grass, weed, and overgrown vegetation violations upon a property owners property find that upon inspection of the property that hazards exist that would result in damage to the contractors abatement equipment it is permissible for the Code Enforcement Officer to issue Citations and Civil Fines in the frequency and amount outlined in Section 35.4.17 (e) & (f) of this External Property Maintenance Code. Administrative citations and fines shall be issued and continued until such time voluntary compliance is obtained and / or case is referred to Lima City Prosecutor's Office.

2. Criminal Complaint.

The Code Enforcement Officer may further file a criminal complaint in a court of proper jurisdiction for any offense related to this chapter.

f. Responsibility of Adjacent Property Owner.

The owner of each lot adjacent to a street or alley shall be responsible for the area between the curb and the sidewalk, or between the edge of the street and the property line where there is no curb or sidewalk, and the area between the center line of the alley and the property line or the center line of an unimproved street and the property line.

g. Penalties.

The procedure outlined under subsection (d) hereof shall be the exclusive remedy for a violation of this section.

h. Exemptions.

1. Agricultural Exemption.

a. If, in the year 2018, prior to the effective date of these regulations, high grass and weeds were being grown upon the premises for use agriculturally as hay, the owner of the premises may apply to the Zoning Inspector, upon the form provided by the Zoning Inspector, for an exemption from these regulations.

b. Upon verification that tall grass and weeds were being grown upon the premises for use agriculturally as hay in the year prior to the effective date of these regulations, the Zoning Inspector shall grant the exemption.

c. If, in any year, the use of this exemption ceases, the exemption shall cease, unless the reason the exemption ceased was the use of the property for another pre-existing agricultural use.

d. Any premises granted an agricultural exemption under this section shall still maintain a front yard setback of fifteen-(15) feet from the curb or street edge in which the grass shall be kept at a height below eight-(8) inches.

2. Government-Owned or Protected Land.

These regulations shall not apply to land owned by the federal, state, or municipal government, or to land that is protected under federal or state regulations including, but not limited to, wetlands, nature parks, riparian zones, or land under conservation easements.

3. Undeveloped Lots.

Woodlands, nature parks, and naturalized areas within the Township shall be left in their natural condition, leaving tree canopies, and understory growth to retard runoff and prevent erosion.

4. Naturalization Area.

Large commercial and industrial lots may be used for bee pollination and butterfly habitat areas. A request for consideration for naturalized areas shall be sent to the American Township Board of Trustees for review and consideration before May 1st. Designated naturalized insect and / or wildlife areas shall be posted by the landowner with signage indicating these naturalized areas.

35.5.16 JUNK MOTOR VEHICLES PROHIBITED IN ALL ZONING DISTRICTS

a. The Outside Storage of a Junk Motor Vehicle in Excess of 30-Days Prohibited. No person shall store or park for longer than thirty-(30) days any junk motor vehicle motor vehicle in the Township other than inside a completely enclosed structure, garage or in a place that is not open to view from any residential, commercial, or industrial property, public street or alley, or any other public place.

1. A place that is not open to view includes any area where the unlicensed or inoperable vehicle is concealed from public view by means of buildings or fences. Vegetation or terrain is not a suitable obstruction. A junk or unlicensed or inoperable motor vehicle covered by a tarpaulin or other similar material is deemed to be open to public view unless it is in a garage or concealed as described herein.

b. Definitions.

For the purposes of this section, the following definitions shall apply.

1. Apparently Inoperable. A vehicle that is apparently not functioning or is in an inoperative or disabled state or cannot be lawfully operated upon public roads or highways.

a) Evidence of inoperability or damage includes, but is not limited to, any buildup of debris that hampers or obstructs use, or a flat or missing tire or tires, or a nonfunctional motor or transmission, or missing bumpers, or missing license plates, or expired vehicle license plate tabs.

b) In addition, the motor vehicle appears to be obviously in a disabled condition, if the motor vehicle has not been moved for an extended period in excess of thirty-(30) consecutive days, it is presumed to be in an inoperable condition.

2. Junk Motor Vehicle. A vehicle that meets all the following criteria as outlined in Ohio Revise Code:

a) Three model years or older.

b) Apparently inoperable; and

c) Extensively damaged, including, but not limited to, missing wheels, tires, engine, or transmission.

3. Unlicensed Motor Vehicle. An unlicensed motor vehicle means any motor vehicle not displaying a current, valid license plate, including any validation sticker, other than a motor vehicle exempt under Ohio R.C. Chapter 4503.

4. Collector's Vehicle. Any motor vehicle or agricultural tractor or traction engine of special interest having a fair market value of one hundred dollars-($100.00) or more, whether operable or not, that is owned, operated, collected, preserved, stored, maintained, or used essentially as a collector's item, leisure pursuit or investment, but not as the owner's principal means of transportation.

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

i. The vehicle shall be concealed from the public by means of buildings, screening, or fence.

ii. Tarpaulins, tents, vehicle socks or other items intended to cover a vehicle made from cloth or plastic will not constitute an appropriate obstruction.

5. Owner. Any person having a legal or equitable interest in property or otherwise having control of the property.

6. Vehicle. A vehicle is every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

7. Township. Township refers to American Township.

c. Removal of Junk Motor Vehicles on Public Property**.** The following procedures were outlined by Allen County Prosecutor's Office on October 35, 2019, addressing management of junk motor vehicles in the township. If a junk motor vehicle is located on public property, the Board of Township Trustees may provide, by resolution, for the immediate removal of the vehicle.

1. Nothing in this Section shall be construed to limit the Township's ability to remove any motor vehicle located on any street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any street.

d. Removal of Junk Motor Vehicles on Private Property.

1. Resolution and Notice Requirements. If a junk motor vehicle is located on private property, the Board of Township Trustees may provide, by resolution, for the removal of the vehicle not sooner than fourteen-(14) days after the Board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land. The notice provided shall, at a minimum, contain the following information:

a) A general description of the vehicle to be removed.

b) A copy of the resolution in which it was determined by the Board of Township Trustees that the vehicle is a junk motor vehicle.

c) A statement that if the owner of the land fails to remove the vehicle within fourteen-(14) days after service of the notice, the Board may remove or cause the removal of the vehicle; and

d) A statement that any expenses the Board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.

2. Service of Notice.

a) The Board shall serve the notice by sending it by certified mail, return receipt requested, to the owner of the land, if the owner resides in the Township or if the owner resides outside the Township and the owner's address is known or ascertainable through an exercise of reasonable diligence.

b) The Board also shall send notice in such manner to any holders of liens of record on the land.

c) If a notice sent by certified mail is refused or unclaimed within fourteen-(14) days of its mailing, or if an owner's address is unknown and cannot reasonably be ascertained by an exercise of reasonable diligence, the Board shall publish the notice once in a newspaper of general circulation in the Township before the removal of the vehicle, or notice shall be posted ten-10 days on the township's website and social media page, with posting date indicated. If the land contains any structures, the Board also shall post the notice on the principal structure on the land;

d) A notice sent by certified mail shall be deemed to be served on the date it was received as indicated by the date on a signed return receipt. A notice posted on a structure shall be deemed served on the date it was affixed on the structure, and a notice given by publication shall be deemed to be served on the date of the newspaper publication.

e. Methods for Removing Junk Motor Vehicles.

1. Removal From Property.

The Board of Township Trustees may cause the removal or may employ the labor, materials, and equipment necessary to remove a junk motor vehicle. All expenses incurred in removing or causing the removal of a junk motor vehicle, when approved by the Board, shall be paid out of the Township general fund from moneys not otherwise appropriated.

a) The Board of Trustees shall by resolution determine that the specific vehicle identified in the complaint is in fact a junk motor vehicle.

b) The Board of Trustees shall serve written notice upon the owner of land upon which the vehicle is located and upon any lienholders of record on the land. The notice shall state prior to the Board's prior determination that the specific junk motor vehicle exists upon the land, and if not removed within fourteen-(14) days after service of the notice the Board will act to remove the vehicle and place the expenses of such action as a lien upon the land.

c) The notice is required to be served certified mail if the recorded owner's address is known or ascertainable through an exercise of reasonable diligence. If the notice comes back "Refused" or "Unclaimed," or if the owner's address is unknown, then a one-time publication notice in the newspaper in the general circulation of the township is required, as well as posting the "Notice of Nuisance Determination – Junk Motor Vehicle" shall be posted upon the principal structure on the land. Camera shall document the date, and time of posting of said notice.

d) A certified letter is considered served on the date received, and a publication notice is effective from the date of publication.

e) If service is competed, and fourteen-(14) days have elapsed without the removal of the junk motor vehicle, the Ohio Revised Code allows for the Board of Trustees to act on its own or through hired contractor to remove the junk motor vehicle and place the expenses of the same on the tax duplicate, once such expenses are certified to the county auditor by the township fiscal officer.

f) The Board of Trustees are prohibited from enacting any resolution or regulation prohibiting junk motor vehicles with regard to licensed or legally existing or operating scrap metal facilities, salvage motor vehicle dealers, or towing recovery and storage businesses.

g) The Board of Trustees may pursue a contract with a motor vehicle salvage dealer or scrap metal facility for the removal or disposal of junk motor vehicles. A motor vehicle salvage dealer must be a person (or business) who engages in business primarily for the purpose of selling salvage motor vehicle parts and secondary for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal.

h) A scrap metal processing facility means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and sell or nonferrous scrap for sale for re-melting purposes.

2. If the Board of Trustees contract with a motor vehicle savage dealer, or scrap metal facility, a salvage title for a junk motor vehicle may be issued by the Allen County Clerk of Courts if the following conditions are met:

a) Trustees have entered into a contract with a motor vehicle salvage dealer or scrap metal processing facility for the disposal or removal of junk motor vehicles.

b) Fiscal Officer for the Trustees executes a junk motor vehicle affidavit from the Ohio BMV. This affidavit must be executed in triplicate.

c) One copy is retained by the Board of Trustees, and the two remaining copies are provided to the motor vehicle salvage dealer or scrap metal processing facility.

d) The motor vehicle salvage dealer or scrap metal processing facility must then present one copy of the affidavit to the Clerk of Courts, who will then issue a salvage certificate of Title, free and clear of all encumbrances.

3. All expenses related to the removal and impoundment of such junk motor vehicle by the Township shall be paid out of funds appropriated by the Fiscal Officer with approval by the Board of Trustees. The expenses shall consist of the following:

a) All direct costs for the removal and impoundment of the vehicle; plus

b) The costs for preparing and serving all notices; plus.

c) An administrative fee as set forth in this Code.

4. If the owner or other person in charge or control of such property, and/or the title owner of said vehicle, fails to pay such expenses within thirty days after being notified in writing, by regular mail then the expenses set forth may be collected using one or more of the following methods, provided, however, that the expenses may only be collected once:

5. Such expenses may be certified by Board of Trustees to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or

6. The Township Attorney is authorized to bring suit and take other necessary legal action to collect all such expenses.

7. The owner, lessee, agent, tenant, or person otherwise having charge or control of such premises, and the titled owner of such vehicle, are jointly and severally liable for all expenses incurred by the Township.

8. The movement of a vehicle in violation of this section to any other location within the Township that does not abate the violation under this section shall not constitute compliance with this section.

9. The provisions of this section shall not apply to the deposit, parking, storage, maintenance, or collection of junk motor vehicles in an enclosed building in a regularly established junk yard in any area of the Township in which the same is permitted under the zoning code, or a collector's vehicle as described hereof.

10. Any person in charge or in control of any premises within the Township, whether as owner, tenant, lessee, occupant or otherwise, shall completely conceal any collector's vehicle stored on the property by means of storage inside buildings or fences which comply with all building and zoning ordinances and all building codes.

11. Except in subsection (e) the deposit, parking, storage, maintenance, or collection of junk motor vehicles on private property is hereby declared to be a public nuisance and offensive to the public health, welfare, and safety of the residents of the Township.

f. Collection of Expenses Incurred in Removing Junk Motor Vehicles.

1. Placement of Liens Upon the Land. The Board of Township Trustees may utilize any lawful means to collect the expenses incurred in removing or causing the removal of a junk motor vehicle.

The Board shall direct the Township Fiscal Officer to certify the expenses and a description of the land to the county auditor, who shall place the expenses upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the Township general fund.

2. Reservations and Restrictions.

a) Reservations. Nothing in this Resolution affects the authority of the American Township Board of Township Trustees to adopt and enforce resolutions under Section 505.173 of the Revised Code to regulate the storage of junk motor vehicles on private or public property in the Township.

b) Restrictions. Vehicles removed pursuant to this Resolution are subject to the same restrictions specified in Section 505.173(A) of the Revised Code.

g. Issuance of Citation Tag and Fines.

1. The Code Enforcement Officer is permitted to issue all necessary Citation Tags to the owner, occupant and / or tenant having said junk motor vehicle for non-compliance to the directives of the violation notice in an attempt to achieve voluntary compliance with this Code.

2. Notices of Violation and/ or Citation Tags shall be issued to the property owner. In addition, the notice shall contain:

a) The name of the property owner and the property address at which the junk motor vehicle is located.

b) The make and model of the vehicle and the license plate number, if any.

c) The vehicle identification number (VIN), if available and a description of the condition of said vehicle.

d) A statement to the effect that the person in charge or in control of the private property upon which such vehicle is located and the titled owner of such vehicle are jointly and severally liable for all costs incurred by the Township for the removal, storage, and disposal of such vehicle, plus an administrative fee in the amount set forth by the Board of Trustees.

e) A notice of any right to appeal.

f) Such written notice shall be served in the manner prescribed in this Code.

3. Any person who has received notice to remove a junk vehicle may appeal to the “Code Enforcement Appeals Board.” An appeal must be filed within ten-(10) days after service of the notice, together with a fee for the cost of the appeal.

4. The scope of the appeal shall be limited to determining whether the person requesting such appeal is in charge or control of the private property involved, or is the titled owner of said vehicle, and whether such vehicle is a “junk motor vehicle” as allegedly charged.

5. At such an appeal, the appellant must appear in person, at the Township and the appellant may introduce such witnesses and evidence as each party deems necessary.

6. In addition, the Code Enforcement Officer is permitted to issue all necessary Citation Tags to the owner, occupant and / or tenant having said junk motor vehicle for non-compliance to the directives of the violation notice in an attempt to achieve voluntary compliance with this Code.

7. If the owner, lessee, agent, or person having charge of the land, or the title owner of the motor vehicle, served with the notice, fails to remove such junk motor vehicle, then.

a) The Board of Trustees shall by resolution determine that the specific vehicle identified in the complaint is in fact a junk motor vehicle.

b) The Board of Trustees shall serve written notice upon the owner of land upon which the vehicle is located AND upon any lienholders of record on the land. The notice shall state prior to the Board’s prior determination that the specific junk motor vehicle exists upon the land, and of not removed within fourteen-(14) days after service of the notice the Board will act to remove the vehicle and place the expenses of such action as a lien upon the land.

c) The notice is required to be served certified mail if the recorded owner's address is known or ascertainable through an exercise of reasonable diligence. If the notice comes back "Refused" or "Unclaimed," or if the owner's address is unknown, then a one-time publication notice in the newspaper in the general circulation of the township is required, or notice shall be posted ten-10 days on the township's website and social media page, with posting date indicated, with posting the "Notice of Nuisance Determination – Junk Motor Vehicle" shall be posted upon the principal structure on the land. Camera shall document the date, and time of posting of said notice.

d) A certified letter is considered served on the date received, and a publication notice is effective from the date of publication.

e) If service is competed, and fourteen-(14) days have elapsed without the removal of the junk motor vehicle, the Ohio Revised Code allows for the Board of Trustees to act on its own or through hired contractor to remove the junk motor vehicle and place the expenses of the same on the tax duplicate, once such expenses are certified to the county Auditor by the township Fiscal Officer.

8. The Board of Trustees are prohibited from enacting any resolution or regulation prohibiting junk motor vehicles with regard to licensed or legally existing or operating scrap metal facilities, salvage motor vehicle dealers, or towing recovery and storage businesses.

9. The Board of Trustees may pursue a contract with a motor vehicle salvage dealer or scrap metal facility for the removal or disposal of junk motor vehicles. A motor vehicle salvage dealer must be a person (or business) who engages in business primarily for the purpose of selling salvage motor vehicle parts and secondary for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal.

10. A scrap metal processing facility means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and sell or nonferrous scrap for sale for re-melting purposes.

11. If the Board of Trustees contract with a motor vehicle savage dealer, or scrap metal facility, a salvage title for a junk motor vehicle may be issued by the Allen County Clerk of Courts if the following conditions are met:

a) Trustees have entered into a contract with a motor vehicle salvage dealer or scrap metal processing facility for the disposal or removal of junk motor vehicles.

b) The Fiscal Officer for the Trustees executes a junk motor vehicle affidavit from the Ohio BMV. This affidavit must be executed in triplicate.

c) One copy is retained by the Board of Trustees, and the two remaining copies are provided to the motor vehicle salvage dealer or scrap metal processing facility.

d) The motor vehicle salvage dealer or scrap metal processing facility must then present one copy of the affidavit to the Clerk of Courts, who will then issue a salvage certificate of Title, free and clear of all encumbrances.

e) All expenses related to the removal and impoundment of such junk motor vehicle by the Township shall be paid out of funds appropriated by the Fiscal Officer with approval by the Board of Trustees. The expenses shall consist of the following:

i. All direct costs for the removal and impoundment of the vehicle; plus

ii. The costs for preparing and serving all notices; plus.

iii. An administrative fee as set forth in this Code.

12. If the owner or other person in charge or control of such property, and/or the title owner of said vehicle, fails to pay such expenses within thirty days after being notified in writing, by regular mail then the expenses set forth may be collected using one or more of the following methods, provided, however, that the expenses may only be collected once:

a) Such expenses may be certified by Board of Trustees to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or

b) The Township Attorney is authorized to bring suit and take other necessary legal action to collect all such expenses.

c) The owner, lessee, agent, tenant, or person otherwise having charge or control of such premises, and the titled owner of such vehicle, are jointly and severally liable for all expenses incurred by the Township.

d) The movement of a vehicle in violation of this section to any other location within the Township that does not abate the violation under this section shall not constitute compliance with this section.

e) The provisions of this section shall not apply to the deposit, parking, storage, maintenance, or collection of junk motor vehicles in an enclosed building in a regularly established junk yard in any area of the Township in which the same is permitted under the Zoning Code, or a collector's vehicle as described hereof.

13. Any person in charge or in control of any premises within the Township, whether as owner, tenant, lessee, occupant or otherwise, shall completely conceal any collector's vehicle stored on the property by means of storage inside buildings or fences which comply with all building and zoning ordinances and all building codes.

14. Except in subsection (s) the deposit, parking, storage, maintenance, or collection of junk motor vehicles on private property is hereby declared to be a public nuisance and offensive to the public health, welfare, and safety of the residents of the Township.

35.5.17 INOPERABLE MOTOR VEHICLES PROHIBITED

a. **Outside Storage of Inoperable, Disabled or Unlicensed Motor Vehicle in Excess of 30-Days Prohibited.**

1. No person shall store or park for longer than thirty-30 consecutive days any inoperable, disabled, or unlicensed motor vehicle in the Township other than inside a garage or in a place does not open to view from any residential property, public street or alley, or any other public place.

a) A place that is not open to view includes any area where the unlicensed or inoperable vehicle is concealed from public view by means of buildings or fences. Vegetation or terrain is not a suitable obstruction.

b) An unlicensed or inoperable motor vehicle covered by a tarpaulin or other similar material is deemed to be open to public view unless it is stored in a garage or concealed as described herein.

2. For the purpose of this Code, an Inoperable Motor Vehicle shall not meet the same definition as a “junk motor vehicle” however shall mean any motor vehicle that is incapable to being started and propelled under its own power or cannot be legally driven upon a roadway. In addition, any motor vehicle that has not been moved for a period of thirty-(30) consecutive days or more shall be presumed to be in an “inoperable condition”.

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

4. Documentation of the thirty-(30) consecutive days shall be substantiated by the Code Enforcement Officers camera documenting date and time of property inspections and observance of the inoperable, disabled, or unlicensed motor vehicle. Inspections do not need to be done every day. Evidence of vehicle(s) not being moved or remaining in the same location or close proximity location is sufficient to substantiate non-moveability, along with other identifiable criteria.

b. Removal of Inoperable Motor Vehicles on Public Property**.**

1. Procedure for removal If an inoperable vehicle is located on public property, the Board of Township Trustees may provide, by resolution, for the immediate removal of the vehicle.

2. Nothing in this Section shall be construed to limit the Township's ability to remove any motor vehicle located on any street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any street.

c. Removal of Inoperable Motor Vehicles on Private Property.

1. The Code Enforcement Officer is permitted to issue a Citation Tags and fines to the owner of the property where the inoperable motor vehicles are present, when the owner has failed to comply to the Notice of Violation and corrective action needed to remove the inoperable motor vehicle.

2. As part of the corrective action, the property owner shall be directed to substantiate operability by means of required movement of the motor vehicle or meeting with the Zoning Inspector at a date and time determined by the Inspector and owner shall be required to demonstrate motor vehicle operability.

3. Citation tags shall provide the owner sufficient time to bring the motor vehicle into zoning compliance with a minimum of seven-7 to a maximum of thirty-30 days provided. The amount of days for correction shall be based on reasonableness of the correction, physical damage, accessibility, terrain if out in open land area, and other factors.

a) On the first offense, a civil penalty assessment of one-hundred-$100.00 dollars for violation of this Code and shall be assessed to the owner of the property.

b) On the second offense, a civil penalty assessment of two-hundred fifty-$250.00 dollars for violation of this code and shall be assessed to the property owner.

c) On third and subsequent offenses, a civil penalty assessment of five hundred-$500.00 dollars shall be imposed for violation of this Code.

d) An additional administrative fee of fifty-$50.00 dollars is added to all citations for motor vehicles as well as general offense violations of this property maintenance code.

d. If the owner repeatedly fails to correct the violation after a reasonable amount of Citation Tags have been issues and civil fine assessments have shown no deterrent; the Code Enforcement Officer shall refer the case to the Lima City Prosecutor's Office for additional legal action against the property owner, to compel compliance.

e. The Code Enforcement Officer shall use discretion in the issuance in the civil penalty assessment for motor vehicle citation tags, based on the number of inoperable, disabled, or unlicensed motor vehicles found on property. The civil fine amount shall not exceed two-hundred-fifty dollars $250.00 for First Offense, five-hundred dollars $500.00 on Second Offense, and one-thousand $1000.00 for third and each subsequent offense thereafter including administrative fees. This affords a monetary ceiling cap in the event 3 or more motor vehicles are found to be in violation on a parcel or property.

After the Third-3rd Offense, and compliance is not obtained, the Code Enforcement Officer may refer the case to the Board of Trustees for a formal resolution to abate and remove the motor vehicle(s) from the property and / or refer the case to the Lima City Prosecutor's Office for filing of criminal / civil complaint.

f. Fines shall be paid to American Township Fiscal Officer within 30 days or date indicated on the citation notice. All fines and fees shall be reduced to 50% if the violation and fine amount is paid within 10 days of receipt or date indicated on notice. If fine is paid after the date indicated it shall be for the full amount indicated on notice. Corrections dates are separate from fine payment dates, and violations are required to be corrected by the date indicated on notice.

g. Nothing shall prevent the Board of Trustees from conducting a hearing with the property owner, prior to the issuance of a nuisance declaration and ordering abatement of the violation.

h. Any person in charge or in control of any premises within the Township, whether as owner, tenant, lessee, occupant or otherwise, shall completely conceal any inoperable motor vehicle stored on the property by means of storage inside a completely enclosed building or completely concealed by means of fences which comply with all building and zoning ordinances and all building codes.

i. The deposit, parking, storage, maintenance, or collection of inoperable vehicles on private property is hereby declared to be a public nuisance and offensive to the public health, welfare, and safety of the residents of the Township.

35.5.18 IMPOUNDING OF ABANDONED OR JUNK MOTOR VEHICLES

Notwithstanding other provisions of this code, the Code Enforcement Officer may order into storage any vehicle maintained in violation of any provision of this code. Prior to the removal of any junk motor vehicle, the enforcement official shall record the vehicle's make and model when available. The place of storage shall be designated by the enforcement official.

An "Abandoned Motor Vehicle" is a motor vehicle left on private property for more than seventy-two-(72) hours without the permission of the property owner, or on public property for a period of forty-eight-(48) more than seventy-two-(72) hours without the permission of the property owner or on public property for forty-eight-(48) for seventy-two-(72) hours, or longer without the written permission of the Code Enforcement Officer of American Township.

A "Junk Motor Vehicle" is any motor vehicle three years old or older and extensively damaged or inoperative due to missing parts.

a. No person shall: (1) Leave an abandoned motor vehicle or junked motor vehicle on private property; or (2) Leave an abandoned motor vehicle or junked motor vehicle on public property.

b. If necessary, abandoned motor vehicles or junked motor vehicles will be towed at the owner’s expense.

35.5.19 OUTSIDE STORAGE OF ABANDONED REFRIGERATORS OR OTHER AIRTIGHT CONTAINERS PROHIBITED

a. No person shall abandon, discard, or knowingly permit to remain on premises own or controlled by him any abandoned or discarded refrigerator or other airtight container, or semi-airtight container, except in a completely enclosed and secured building. If such container has been placed on the property for removal by a trash collector, the container shall be secured or otherwise rendered harmless to human life in a manner to prevent any other person from being confined therein.

35.5.20 BLANK / FOR FUTURE USE

35.5.21 STANDING WATER & PUTRID SUBSTANCES PROHIBITED

a. No person shall allow or permit stagnant water or putrid substances to be and remain upon his property in a way that is prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood. “Stagnant” means a long-term gathering of water that has no place to drain, not a short-term gathering of water in insignificant indentation from ground saturation after a heavy rain.

b. No person shall fail to remove all obstructions from culverts, covered drains, or private property, laid in any natural watercourse, creek, brook, or branch, which obstructs the water naturally flowing therein, causing it to flow back or become stagnant, in a way that is prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood.

c. Should any person fail to comply with any order of the Code Official under this section, the Township may proceed with enforcement in accordance with Ohio Revised Code Section 715.47.

35.5.22 NOXIOUS ODORS & CONDITIONS PROHIBITED.

a. No person shall erect, continue, use, or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment, or business, or for the keeping or feeding of an animal that, by occasioning or emitting noxious exhalations or noisome or offensive smells, becomes injurious to the health, safety or welfare of individual properties or of the public.

b. No person shall allow or permit offal, filth, or noisome substances to be collected or remain upon his property in a way that is prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood.

c. This shall not include the use of ammonia, urea, manure, or similar type of fertilizer compound directed related to specific agricultural use.

35.5.23 POULTRY AND ANIMAL HUSBANDRY IN ALL ZONING DISTRICTS (From Art. 18.)

a. Permitted and Non-Permitted Use:

1. Poultry and Livestock Husbandry on lots of one acre or less within a residential subdivision;

a) In accordance with Ohio Revised Code Section 519.21 the keeping and rearing of poultry, waterfowl, farm, and ranch animals to include but not limited to chickens, roosters, ducks, turkey, geese, ducks, rabbits, goats, pigs, swine, alpaca, llamas, cattle, horses, mules, buffalo, etc. shall be prohibited within these residential zoned locations or residential dwellings on commercial lots, when the lot area is less than one-(1) acre in size.

2. Poultry and Livestock Husbandry on lots greater than one-(1) acre but less than five-(5) acres, that are located within a residential subdivision **or** when over 35 % of the vacant lots in a newly developed subdivision have been developed for residential or commercial use.

a) In this case then, dairying, animal, and poultry husbandry shall be considered as a non-conforming use of land and buildings or structures pursuant to section 519.19 of the Ohio Revised Code. Poultry and livestock husbandry would be prohibited. A variance requesting a "Conditional Use Permit" by the Zoning Board of Appeals would be required for keeping said animals by the homeowner.

3. Non-subdivision lots, parcels located in the outlining areas of the Township that are greater than one-(1) acre but less than five-(5) acres; dairying, animal, and poultry husbandry shall be permitted subject to the conditions listed below.

b. Exemption for Educational Projects

1. A temporary exemption, not to exceed twelve-(12) months may be permitted for 4H, FFA, or Middle/High School Educational Projects.

a. The purpose of this provision is to promote showmanship, life skills, leadership, citizenship, and other skills for the youth of American Township. This permitted use is focused on care, habitation and the showing of the animals in local fairs, 4H projects, and civic projects.

b. Application for the exemption shall be completed, by the landowner or tenant with the written authorization by the landlord / property owner. Upon completion, the said application and documentation shall be submitted to the Zoning Inspector for review and approval.

2. A **"Hutch / Pen Permit"** will be issued by the Zoning Inspector, and shall be valid for one-(1) year and subject to an annual renewal.

a) The annual permit fee is $25.00 per residence. Permit shall be required from the American Township Zoning Department **prior to** obtaining chickens, ducks, goats or rabbits.

c. Poultry and Livestock Husbandry Requirements.

1. The total number of animals approved **shall not exceed eight-(8) animals** per residence. *(This is for 4H, FFA, Education Exemption Permit) -* Note Non-subdivision lots, parcels located in the outlining areas of the Township that are greater than one-(1) acre but less than five-(5) acres; dairying, animal, and poultry husbandry shall be permitted subject to these conditions).*

2. No predatory birds, guinea fowl or roosters are permitted.

3. All animals shall be kept confined within a coop or hutch constructed in such a manner to contain the animals and stop the introduction of vermin, dogs, cats and predatory wildlife. All livestock, animals and chickens shall be suitably fenced and contained upon the property owner's property.

4. No adult animals (poultry or farm livestock) shall be kept within a residence, garage, porch, or other ancillary structure not designed or intended for the keeping of such animals. Note, during the juvenile stage of development of the animals, the animal may be temporarily kept within the residence, garage, or ancillary structure to satisfy warmth requirements that ensure the proper health of the animals.

5. A coop for chickens and / or ducks shall be of sufficient size to accommodate at least one square foot of sheltered space per animal; further a coop shall include an attached run accessible to the animals and no larger than one hundred square feet.

6. A hutch and pen for rabbits or goats shall be constructed to provide a minimum of nine-9 SF of sheltered space per animal.

7. The coop or hutch shall be a minimum of **20 feet from all property lines.**

8. One-(1) coop or hutch is permitted per residence. Two-(2) may be permitted if different breeds are housed in the same area.

9. No coop or hutch shall be constructed in the front yard of a residence. In addition, no coop or hutch shall be constructed in the side yard of a residence if sufficient space is available in the back yard of the residence.

10. Feed ruminants, manure, litter, natural bedding materials, shall be composted, dug into the garden plots, or disposed of with natural garbage.

11. At no time shall offensive odors be noticeable that impinge upon the enjoyment of neighboring properties or present a nuisance condition at the property keeping chickens, ducks, goats, rabbits or other livestock.

12. All feed shall be stored in rodent proof containers.

13. No residential commercial sale of chickens, geese, ducks, rabbits or goats shall occur. Animals may be sold after fair program as part of the completion of the 4H or FFA Project.

14. No diseased or sick animals shall be kept without an attempt to provide veterinary or lawfully available owner administered medications, treatments, or other humane intervention.

15. Any order issued by the Ohio Department of Agriculture to destroy animals to limit or eradicate the spread of disease or veterinary condition shall be immediately complied with in a humane manner.

16. Any pre-existing harboring of chickens, geese or rabbits occurring in the Township, prior to the adopted date of this article, the owner / keeper shall be required to follow and shall be in compliance with this amended article within one hundred eighty-(180) days of adoption by the Board of Township Trustees.

17. The Zoning Inspector may revoke a coop / hutch zoning permit for failure to satisfy or maintain the conditions of animal husbandry prescribed in the article, failure to maintain the limitations upon the population of animals prescribed by the article, or misrepresentation / falsification of the information presented by the keeper of the coop / hutch permit application.

18. Failure to comply with the conditions imposed by the Board of Zoning Appeals will result in the Zoning Inspector or designee revoking a coop or hutch permit. The keeper of the animals shall be directed to remove the animals within thirty-30 days after the mailing of said notification, and the coop / hutch shall be removed from the premises within sixty-60 days after the mailing of said notification. The area formally occupied by a coop or hutch shall be returned to lawn, a landscaped condition, or vegetable production. No unsightly, muddy or nuisance conditions shall exist after the removal of the coop or hutch.

19. No coop or hutch permit shall be issued to another member of a revoked keeper's household for the purposes of circumventing a revoked permit.

20. The Zoning Inspector may at his discretion permit animal populations to be temporarily exceeded to accommodate a 4H or FFA project associated with the Allen County Fair.

21. Conditional Use Permit application fee shall be same fee amount as outlined in the American Township Administrative Fee Schedule.

22. On larger parcels, less than five-5 acres where dairying, animal and poultry husbandry is permitted within the Township; livestock and poultry husbandry shall be located no closer than one hundred (100) feet from adjacent property lines. Measurement is from property line to property line. No livestock or poultry shall be permitted in the front yard or side yard areas.

d. Other Conditions

1. The use shall not create a nuisance, disturb the peace; or result in a health or safety violation reported to or acted upon by the appropriate enforcement authority, and of which the animals shall be contained on the site of the property owner.

2. Agricultural structures shall comply with applicable accessory building setback and permitted square footage requirements; No such structure shall be located in the front yard, nor in an area required for on-site sewage treatment, water well isolation radius or any easement for drainage or utility purposes.

3. Colonies of bees shall not be located on lots of less than one-(1) acre in size. A minimum of one & one-half (1.5 acres) shall be required for each additional colony. Bee colonies shall not be located within one hundred-(100) feet of any property line as measured from parcel line to parcel line.

4. All livestock, farm animals and fowl shall be suitably fenced and contained within the property in such a manner as to not run at large, or free range about the property or encroach upon other adjacent properties or parcels.

5. Chicken coops, livestock shelters, or other accessory buildings greater than one-hundred-(100) square feet shall require a zoning certificate. Structures over two-hundred-(200) square feet shall be assessed applicable permit fees. Agricultural use structures shall not exceed the height of fifteen-(15) feet, as measured on common ground.

e. All health and sanitation requirements of the State of Ohio and Allen County Board of Health shall be followed.

f. On lots greater than five-(5) acres there is no zoning authority for agricultural uses.

35.5.24 COMMERCIAL VEHICLES AND CONSTRUCTION EQUIPMENT

a. Commercial vehicles including vehicles and equipment used for construction shall be regulated as follows.

1. Not more than one-(1) commercial Truck, limited to a two-axle, four-tired pickup or light Truck typically classified as Class 1, or 2 by the Federal Highway Administration Vehicle Inventory and Use Survey, and which has operating characteristics similar to those of a passenger car, shall be allowed per one-(1) Dwelling unit in any Residential Zoning District, or any Residential component within a Planned Unit Development.

2. This section shall not apply to the personal ownership and use of one or more light Truck or passenger van provided said vehicle does not bear any advertisements and is registered as a non-commercial vehicle.

3. Trucks having dual tires on one-(1) or more axles or having more than two-(2) axles, typically classified as Class 3, 4, 5, 6, 7, or 8 by the Federal Highway Administration Vehicle Inventory and Use Survey, designed for the transportation of cargo and including tractor-trucks, trailers, and semi-trailers shall not be allowed in any Residential zoned district, or Planned Unit Development district.

4. Commercial vehicles making temporary house calls or deliveries shall not be prohibited under the terms of this section.

5. The parking or storage of commercial motor vehicles, as defined above including those vehicles having commercial signage, commercial equipment, or structures for commercial equipment attached to the motor vehicle permanently or temporarily, shall not be permitted in the front yard of any district except industrial, for periods exceeding seventy-two-(72) hours, except when parked or stored in an enclosed garage.

35.5.25 PARKING OF TRAILERS, BOATS AND RECREATIONAL VEHICLES

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

b. Boats, trailers, or recreation vehicles may be stored in the driveway for a period of seventy-two (72) hours for routine maintenance and then moved to the side or rear yard after the seventy-two-(72)-hour period.

c. Boats, trailers, or recreation vehicles may be parked on the street in front of the residence or road right-of-way within a residential district for a period not to exceed seventy-two-(72) hours. Boats, trailers or recreation vehicles parked in the roadway shall not constitute a hazard to approaching or on-coming traffic.

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

   1. Connections of power cables or power connection lines, as well as connections of any type of sanitary lines to the principal structure, or septic / sewage system is prohibited and is prima-facia evidence of occupancy or habitation. Exception is in an approved mobile home park or campground, which is licensed by the Ohio Department of Commerce.

e. The wheels or similar transporting devices of any such trailer permitted within any Residential District shall not be removed, nor shall any trailer be temporarily or permanently affixed to the ground or attached to something having a temporary or permanent location on the ground.

35.5.26 PORTABLE STORAGE UNITS – PODS / MAXX BOXES

a. Portable storage units shall be subject to the following requirements:

   1. A portable storage unit placed on any residential property in any district shall not exceed one-hundred seventy-(170) square feet in size (total floor Area) and eight-(8) feet in height.
   2. Portable storage units used for the purpose of storing tools, materials, and equipment on commercial and industrial properties under construction may exceed one-hundred seventy-(170) square feet.

   3. A zoning permit is required for portable storage units, such as Maxx Box's, PODS, and any other temporary portable storage unit. Permit valid for thirty-(30) days, with a sixty-(60)-day extension for good cause. After sixty-(60) days, an accessory building permit shall be required, and storage shall be on a stone, concrete, asphalt, or other hard surface within the rear yard only. Shall not be placed on bare ground.

   4. Construction storage units may only be permitted on property currently under construction and shall be removed immediately upon completion of the construction work. On properties where construction work has halted for a period greater than four-(4) consecutive weeks all storage units and storage trailers shall be removed.

   5. Not more than one-(1) portable storage unit shall be permitted on any property at any time, except for commercial or industrial properties currently under construction, or where approved as an accessory use on an industrial property zoned for use as a storage or warehouse facility for personal or business property.

   6. No portable storage unit shall be in a public right-of-way.

7. Portable storage units shall be located no closer to an adjacent property than ten-(10) feet, or the required minimum side or rear yard setback for buildings in the district in which the unit is located, whichever is greater.

8. Portable storage units shall only be used for the storage of personal property and for no other purpose whatsoever, except where used for the storage of tools, materials, and equipment on commercial or industrial properties under construction, or where approved as an accessory use on an industrial property zoned for use as a storage or warehouse facility for personal or business property.

9. The placement of portable storage units shall be in such manner as not to create a public nuisance.

10. A portable storage unit is not permitted as a permanent accessory storage structure regardless of the proposed location on a property.

11. Cargo shipping containers, sea can, semi-tractor trailer, railroad box car or other similar portable storage unit is strictly prohibited within residentially zoned (R-1, R-2, or R-3) district as well as any residential planned unit development locations, condominiums communities or mobile home parks.

35.5.27 STORM WATER DRAINAGE

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

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

c. Drainage swales to include driveway drain swales and piping, are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant shrubs and/or trees, or discharge, empty, or place any material, fill, soil, or waste into any swale so as to divert or impede the natural drainage flow.

35.5.28 SUMP PUMP DRAINAGE

a. The owner and/or resident/occupier of any residential or commercial property shall not discharge sump pump drainage into any sanitary system, including but not limited to, sanitary sewer system, sewage septic system, and aeration systems, unless the septic or aeration system is designed by the manufacturer, and approved by the Allen County Health Department, to accept the discharge from a sump pump system.

b. The township may at its sole discretion require that a property owner connect a sump pump drain to the public storm sewer, or to a collector line when provided, when it is adjacent to the property owner's property.

35.5.29 DRAINAGE CONTROL

a. Lot drainage onto adjoining property shall not be diverted, channeled, or increased to cause damage, decrease property values, or increase liability to adjoining properties.

b. Vacant undeveloped lots in the process of development for use shall be graded and developed with due consideration to storm run-off drainage.

c. Examples include but not limited to downspout extensions placed on property lines, sump pump line discharging to adjoining property owner lots and storm run-off from primary or accessory structures diverted to neighboring properties, as to increase to cause damage to adjoining property owners' structure or land.

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

35.5.30 MOUNDING, RAISED BEDS AND OTHER EARTH WORKS

a. In all zoning districts, no land shall be graded, cut, or filled so as to create a mound with a slope exceeding a vertical rise of one-(1) foot for each three-(3) feet of horizontal distance between abutting lot lines. Base of mounding shall not be closer than three-(3) feet from adjoining property lines, to prevent debris and storm water runoff.

b. Major cuts, excavation, grading, and filling, where the same materially changes the site and its relationship with the surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading and filling will result in a slope exceeding a vertical rise of one-(1) foot for each three-(3) feet of horizontal distance between abutting lot lines or adjoining tracts of land, except where the Code Enforcement Officer has determined that adequate provision is made to retain runoff and eliminate the negative consequences of standing water.

c. No fill material shall be permitted in a flood plain district, flood plain area, or riparian corridor without the expressed written permission of the Code Enforcement Officer, Allen County Drainage Engineer, Allen County Flood Plain Coordinator, and Lima/Allen County Regional Planning Commission. A detailed site plan shall be required to be submitted by the owner showing all tentative fill areas, elevations, watercourses, and other pertinent information before any approvals shall be given.

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

a. Ponds shall be permitted as accessory use in all districts, provided the plans, specifications and construction meet the demands of the respective authorized and approving bodies.

b. Ponds shall not be located closer than thirty-five-(35) feet from any lot lines. In addition, ponds shall not be located within the road right of way, or roadway easement area, and shall be constructed beyond the minimum building setback line. Example is minimum of fifth-five-(55) feet from center of roadway on any Township Road, or ninety-(90) feet from center of County or State maintained roadway.

c. Ponds shall not be constructed within twenty-five-(35) feet of any structure to include principal structure on a lot.

d. Ponds shall be constructed with design and consult with Allen Soil & Water Conservation District as well as Allen County Drainage Engineer. Construction plans for ponds shall be designed by a professional surveyor, engineer, or licensed landscape architect proficient in pond design. Certification seal shall be affixed onto drawings. Independent contractors and excavators shall follow the approved site plan and pond construction drawings. Deviation from approved plans, or site development plan may be grounds for cease work order and other potential civil or legal penalties from township or other departmental agencies.

e. A minimum of two-(2) or more acres of land is required for pond construction. Ponds shall be a minimum of one-quarter (1/4 acre) in size with an area of a depth of twelve-(12) feet or greater as to prevent growth of unwanted water grasses. This excludes decorative aquatic ponds, koi ponds and other similar water features. Ponds located in platted subdivisions shall be suitably fenced or walled at a minimum height of four-(4) feet to prevent accidental drowning.

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

g. Storm water retention / detention ponds as part of a subdivision development are not applicable to the above restrictions and are reviewed and approved as part of an overall development plan for subdivision / P.U.D. use. Commercial and Industrial retention and detention ponds are further not applicable to these restrictions as indicated above, due to varying degree of water levels as a result of storm water drainage.

h. Ponds for specific agricultural use as outlined in Ohio Revised Code, Section 519.35 are exempt from these requirements, however, shall still comply with roadway or road right of way set back requirements for Ohio Department of Transportation and Allen County Roadway Managements requirements.

35.5.32 FENCE USE REGULATED

a. Permit Required:

1. Fences shall require a permit issued by the American Township Zoning Office. After submitting the application, site plans and permit fees have been paid, permits will be issued. Any false, inaccurate or misleading information submitted in the application will be cause for the permit denial.

b. Roadway Obstruction & Visibility Required:

1. No fence, wall, or hedge planting shall interfere with visibility from a driveway. The Zoning Inspector/ Code Enforcement Officer is hereby empowered to cause all such obstructions to be moved in the interest of the public's safety. No fence may be placed such they interfere with street level visibility for 50 feet from any approach to an intersection. No Fence, or wall shall be higher than (32) thirty-two inches within the "sight triangle". See Appendix A-09, Illustration I.

c. Residential Fences

1. Fences and walls shall always maintain a minimum setback within the property lines. This minimum one-1 foot setback may be waived by the Zoning Inspector, when written permission from the adjacent property owner is received, providing such fence, including its foundation, does not encroach onto adjacent property.

2. The property owner shall assume responsibility for determining the legal and proper placement of the fence upon his or her property. If the property lines are in dispute, then a property survey shall be required to verify legal property lines. Fences shall be constructed outside any identified utility, storm, sanitary, or other easement location. Fences, furthermore, should not be constructed within the road right of way of the Township.

3. Residential fences shall be constructed of wood, vinyl, composite, aluminum, iron, or chain link materials. Residential fences shall be constructed at a height not to exceed six-6 feet as measured from the common ground to the top of the fence panel, boards, or post. Chain link fences shall not exceed a height of four-4 feet in height as measured from common ground to the top of the fence within a platted subdivision and six-6 feet in height in non-platted areas. The supporting post for chain link fences may extend no more than 6 inches above the fence fabric height. Guardrails or pallets shall not be used as fencing material.

4. Fences may be constructed within the rear or side yard areas and shall not extend forward more than the rear corners or the rear of the building line of the principal structure. Fences shall furthermore be built consistently with current placement of adjacent property owners having existing fences so as to produce a uniform placement among property owners. Fences on corner lots, shall have same setback distance from each facing street, i.e. 55 feet from center of each facing street.

5. Fences shall be uniform and overall construction with the same or similar building materials. Fences may be constructed in either horizontal or vertical pattern, with the flat or finished side facing outward to adjoining properties, with support beams facing inward to the homeowner's property.

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

7. Fences shall be located outside of all visible triangles at intersections and ingress and egress points, and it should not be in such a manner as to constitute a Traffic Safety hazard. Any fence determined by the Code Enforcement Officer in consultation with the Township Roadway Supervisor, to constitute a visibility, safety or traffic hazard shall be removed by the property owner upon written notification and order of removal.

8. Fences shall not be electrified or topped with barbed wire in residential zone districts. Low voltage stun agricultural fences shall be in accordance with Ohio Revised Code Chapter 971. Fences shall not be constructed within any identified utility, storm, sanitary, or other easement location. Fences shall, furthermore, not be constructed within the road right away within the township.

9. On large estate type lots, open faced decorative wrought iron fencing made of steel, or aluminum may be permitted on lots greater than 5 acres in size based on the integration with the other landscaping scheme on a case-by-case basis and subject to site plan review and approval by the Zoning Inspector. Chain link, panel or shadow box type fencing would not be appropriate use under this section.

d. Agricultural Fences

1. Agricultural style fences used for agricultural purposes shall be exempt from the following regulations, however, shall comply with the standards and regulations.

2. Kentucky 3 or 4 panel rail agricultural style fencing may be constructed along the front and sideline of a parcel, when the parcel is over 5 acres in size. Fence shall furthermore not exceed 60 inches in height. Low voltage stun agricultural fences shall be in accordance with Ohio Revised Code Chapter 971.

e. Swimming Pool Fences

1. Fences around swimming pools or access areas where pool is located shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and adjacent properties.

2. Fences shall be required for in-ground swimming pools and shall be no less than 4 feet in height and no greater than 6 feet in height, constructed with a gate and lock.

3. Electronic pool covers do not satisfy the wall or fence requirement. Insurance underwriters may require additional fencing and security measures to be used around above and in-ground swimming pools.

4. Access to swimming pool and decking shall be secured in such a manner as to prevent unauthorized entry or unintentional falls. Examples would be locked gates, secured ladders, secured access to platforms or decking.

f. Business & Manufacturing Fences

1. Fences and walls may be erected in any business and manufacturing district shall be in compliance with requirements as set forth below.
2. Fences and walls shall always maintain a minimum setback within the property lines. This minimum one-1 foot setback may be waived by the Zoning Inspector, when written permission from the adjacent property owners received provide such fence, including its foundation, shall not encroach upon the adjacent property.

3. The property owner shall assume responsibility for determining the legal and proper placement of the fence upon his or her property. If the property lines are in dispute, then a property survey shall be required to verify legal property lines.

4. Fences shall be constructed outside any identified utility, storm, sanitary, or other easement location. Fences, furthermore, should not be constructed within the road right of way of the Township.

5. All fences shall be located outside all visible triangles at intersections and ingress and egress points and shall not be in such a manner as to constitute a Traffic Safety hazard. Any fence determined by the Code Enforcement Officer in consultation with their Township Roadway Supervisor as to constitute a visibility, safety or traffic hazard, shall be immediately removed by the property owner upon receipt of notification and order of removal.

6. Approved fencing material includes stone, brick, wood, iron, aluminum and synthetic look alike products. Chain-link shall only be permitted in the rear and side yard to a maximum height of six-6 feet above the natural grade at the fence location.

7. Stun style security fencing may be approved in Manufacturing Districts, subject to review and approval by the Zoning Inspector.

8. Anti-Climb and Barb Wire Topped Fences may be approved in Business and Manufacturing District subject to review and approval of the Zoning Inspector, based on nature of the business, need for additional security, and any other relevant factors.

9. Toppers shall not exceed the nine-9-foot height above the natural grade, nor extend beyond property lines, while positioned outwards. The Zoning Inspector upon review of the application and site plan may determine that fencing application requires further review and approval by the Board of Zoning Appeals based on the use of the barbed wire, stun or anti-climb fencing.

10. Razor wire shall be conditionally permitted by the Board of Zoning Appeals for detention and similar use facilities, located in Manufacturing Districts.

11. Fences shall be designated, constructed and finished so that the supporting members face the property of the owner of the fence. All fences on a single parcel shall have a unified style along a single plane and all fence segments visible from off premise from any single direction.

35.5.32 SWIMMING POOLS, SPAS, HOT TUBS REGULATED

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

b. Pool water shall be maintained in a clean and sanitized manner.

c. All required fencing at a height of no less than four-(4) feet in height and no greater than six-(6) feet in height as measured from average ground or a walled area of no less than four-(4) feet shall be required for all in-ground swimming pools as a safety protocol. Openings, gaps, and holes greater than 4 inches are prohibited.

d. The property owner shall be responsible for contacting his / her insurance company if the required fence or wall installation is delayed due to material shortage or scheduling issues. The owner shall be responsible for providing to the Township all necessary insurance information to include a declaration page providing proof that the owner's pool is insured.

e. Temporary fencing such as snow fencing, soccer fencing, farm wire fencing or another medium is not an acceptable barrier. Electronic pool covers do not fulfill the fence or wall requirements and may not be used exclusively as a barrier to prevent pool intrusion.

f. The property owner is responsible and liable for any injuries as a result of not having the required wall or fencing around the in-ground swimming pool. The property owner is additionally responsible for ensuring adequate safety measures are in place to prevent falls, injuries, or accidental drowning during the time the area is void of the required fence or walled areas. The owner shall further hold harmless, American Township with respect to any claim filed against the owner in reference to the absence of any appropriate barrier surrounding the swimming pool.

g. Private In-Ground Swimming Pools. Private in-ground swimming pools shall be surrounded by a fence or walled barrier a minimum of forty-eight-(48) inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching.

h. Where the self-latching device is less than fifty-four-(54) inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six-(6) inches from the gatepost.

i. Private Above Ground Swimming Pools. Private above ground swimming pools more than forty-eight-(48) inches in height do not require fencing or walled barrier at least forty-eight-(48) inches in height above the finished ground level.

j. If mounding is utilized around the above ground swimming pool, and the height of the ground to top rail is less than forty-eight-(48) inches in height at any point then fencing shall be required around the above ground swimming pool.

k. Above Ground Swimming Pools do require a means of controlling unauthorized access or unintentional falling into the pool. Private above ground swimming pools shall have controlled access such as a locking or removable swim ladder, or if connected to a deck or swim platform a self-closing and self-latching gate or barrier. If the swimming pool is not in use the ladder shall be retracted or removed to prevent intrusion or fall into the pool.

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

m. No existing pool enclosures shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier. Private swimming pools, spas, and hot tubs must also have a cover over the surface of the water when the swimming pool, spa, or hot tub is not being used.

n. Electronic pool covers do not satisfy the fence or wall requirement for in-ground swimming pools. They may be incorporated into the safety protocols with any wall or fencing.

o. Upon determination that an in-ground or above ground swimming pool is abandoned, structurally damaged, unusable condition, or property where the swimming pool is located is vacant, abandoned, or no signs of habitation, then the swimming pool shall be drained, and entire swimming pool shall be secured with a suitable semi-permanent cover to prevent accidental falls, and drowning.

35.5.33 MAINTENACE OF ACCESSORY STRUCTURES

a. Structures accessory to dwellings, including detached garages, storage and utility sheds shall be structurally sound, neatly maintained, in good repair, and properly affixed to the ground containing a sound concrete foundation, block, paver or stoned base. Accessory structures shall not be situated on bare earth and shall be level in appearance.

b. Shipping containers, cargo boxes, railroad box cars, or similar types of structure shall be prohibited in residential districts. Any accessory structure in blighted, deteriorated, structurally unsound, disrepair, or apparently unsafe to ordinary observer shall be razed and removed from the property as directed by the Code Enforcement Officer.

35.5.34 UPKEEP OF VACANT LAND AND STRUCTURES

a. All vacant land, either residential, commercial, or industrial zones, shall be maintained in a clean, safe and secure condition. These vacant lands shall be free of junk, refuse, garbage, or debris. Vacant lands shall not become overrun with overgrown vegetation, weeds, trees, or briars.

This shall include but not limited to the prohibited dumping of garbage, refuge, or other debris; disposal or storage of abandoned motor vehicles; junk motor vehicles, abandoned vehicles and equipment; metal machinery; junk parts, general junk; discarded furniture; motor vehicle or farm tires; motor parts; tanks; drums; concrete; lumber, drywall, roof materials, shingles, wiring, pipes, hoses, and any other discarded debris or objects.

b. All vacant structures, either residential, agricultural, commercial, or industrial shall be maintained in a clean, safe and secure condition. This shall include but not limited to, vacant residences and structures, commercial and industrial vacant buildings, vacant accessory buildings, vacant sheds, and vacant pole barns.

c. Vacant structures shall be structurally sound, neatly maintained, in good repair, and properly affixed to the ground containing a sound concrete foundation, block, paver or stoned base. Doors and windows shall be intact, free of openings, or breakage. The roof shall be in good condition, without obvious holes, openings, or signs of structural failure or potential collapse. Side walls shall be intact without openings, doors, garage doors, and other openings shall be structurally sound, intact, and functional. Structure shall not have obvious signs of openings where animals, vermin, insects, and weather can infiltrate the structure, causing further structural decay.

d. The vacant land surrounding said vacant structure shall be fee of junk, garbage, refuse and other debris. All land shall be maintained and not overrun by overgrown vegetation, weeds, feral trees, briars and other noxious vegetation consistent with paragraph (a.).

35.5.35 BURNING OF TRASH OR OTHER NOXIOUS CONDITIONS AND THE DISMANTILING OF MOTOR VEHICLES PROHIBITED

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

b. The dismantling or wrecking of used motor vehicles, manufactured homes, recreational vehicles or the storage, sale, or dumping of dismantled, partially dismantled, wrecked, scrapped, ruined, or discarded motor vehicle(s) or parts shall be prohibited within a residential or commercial zoned district, with the exception when contained within an approved and licensed motor vehicle salvage or junk yard.

35.5.36 BLIGHTED CONDITIONS OF STRUCTURES OR LOTS PROHIBITED

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

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

c. Property owner shall be issued a Notice of Violation, by the Zoning Inspector / Code Enforcement Officer detailing the date / time of violations observed, current property conditions, length of time said conditions have previously existed on the property, and the owner's failure to correct said property conditions on their own and required corrective action to bring the structure into compliance to avoid abatement.

d. The owner shall be provided a minimum of thirty-30 days to facilitate such repairs to the structure(s), with an extension of thirty-(30) additional days upon application by the property owner and for good cause, but no more than sixty-(60) consecutive days provided for repairs.

e. At the conclusion of the thirty-30 days or (sixty-60 days extension) and no significant repairs have been facilitated by the property owner to correct the blighted or deteriorated conditions, of said building, structure, lot or condition then the Zoning Inspector / Code Enforcement Officer may initiate Citation Tags and fines consistent with the procedures outlined in this Code to bring the building, structure(s) or lot into compliance.

f. At any time during the citation phase, and upon advice of the Zoning Inspector, the Board of Trustees may hold a public hearing with the property owner prior to declaring such building, structure, or condition to be a public nuisance, and ordering abatement of such building, structure, lot.

g. In addition, the failure to comply with the correction order(s), may cause the Zoning Inspector to file said case with the Lima City Prosecutor to further compel compliance by the property owner.

35.5.37 NUISANCE CANINE ACTIVITY

a. No person shall harbor or maintain within the township any dog which by loud and frequent or habitual barking, howling, or yelping shall cause annoyance or disturbance to the neighborhood.

1. Any person who shall allow any dog habitually to remain, be lodged or bed within any dwelling, building, yard or enclosure which he occupies or owns, shall be considered as harboring such dog.

2. None of the provisions of division (A) hereof shall apply to owners, operators, or employees or duly licensed veterinary hospitals; owners, operators, or employees of duly licensed kennels or animal boarding establishments unless said veterinary hospital, kennel, or boarding establishment is located within a residential district of the township; and blind persons when the dog serves as a guide or leader.

b. No person being the owner of or having charge of any dog or other animal, whether wearing a registration tag or not, shall permit it to run at large upon any public place or upon the premises of another. No owner, keeper or harborer of any female animal shall permit such animal to go beyond the premises of such owner or keeper at any time such animal is in heat, unless such animal is properly in leash.

1. The running at large of any such animal or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

35.5.38 PREVIOUS VERSIONS OF THIS PROPERTY MAINTENANCE CODE VOIDED / DEEMED NON-CONFORMING USES

a. Previous versions of this property maintenance code are null and void with passage of this most recent version. All previous property maintenance codes for American Township are superseded by this most current version.

b. All previous approvals shall be considered non-conforming use at this time.

ARTICLE 35.6

PROPERTY MAINTENANCE STANDARDS SPECIFIC TO COMMERCIAL AND INDUSTRIAL PROPERTIES

35.6.1 APPLICATION OF COMMERCIAL AND INDUSTRIAL PROPERTY STANDARDS

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

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

35.6.2 STRUCTURAL SOUNDNESS AND MAINTENANCE OF COMMERCIAL STRUCTURES

All structures shall be maintained as follows:

a. Foundations. Foundations shall support the structure at all points and shall be free of all holes and cracks to prevent the entrance of rodents, water, or dampness to the interior of the structure or lessen the capability of the foundation to support the building.

b. Exterior walls and surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, lose or rotting boards and timbers or any other condition as to prevent the entrance of rodents, rain, or dampness to the interior of the building.

c. Windows. Windows shall be fully supplied with window glass, or a Lima / Allen County Building Department approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, and maintained to exclude adverse weather elements from entering the structure.

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

e. Roofs. Roof members, covering and flashing shall be structurally sound and tight to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rainwater from causing dampness in the exterior portion of the structure.

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

g. Chimneys. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.

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

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

j. Exterior Surface. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective coverings. Surfaces shall be maintained to be kept clean and free of flaking, loose, or peeling paint or covering.

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

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

35.6.3 PAINT AND COATING MATERIALS

a. All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized Federal, State, County, or Local Regulatory Agencies for health and safety reasons.

35.6.4 EXTERIOR PREMISIS

All premises shall be properly maintained as follows:

a. Exterior space. The exterior open space around each structure shall be maintained or so improved to provide for:

1. The immediate diversion of water away from structures and proper drainage of the premises.

2. Grass, plantings, or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot premises or adjacent premises and structures; and

3. Yard-walks, parking areas, driveways and exterior steps which are of a permanently hard, dust free surface of sound construction and properly maintained.

b. Maintenance. The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, store fronts, signs, windows, doors, awnings, marquees, and all surfaces thereof, and shall be painted or protected where necessary for the purpose of preservation. All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, and their supporting structures which are exposed to public view, shall be maintained in good condition, and shall not show evidence of ripping, tearing, or deterioration.

Prohibited and obsolete signs shall be removed or replaced pursuant to the applicable sections of the American Township Zoning Resolution.

c. Fences and walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner, and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good repair.

1. If any fence, retaining wall, or similar structure is found not to be in the state of good repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals to retard deterioration.

2. Commercial and industrial fences shall be constructed in accordance with American Township Zoning Resolution, as well as this External Property Maintenance Code as it relates to setback distance, location, material, height, and topper areas.

d. Yards. All yards, courts, and lots shall be graded and kept free of noxious weeds, debris and other materials which may cause fire, health, or safety hazard.

e. Hazards. Hazards and unsanitary conditions shall be eliminated.

f. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence or temporary residence in the Township.

g. Storage. Except as provided for in other regulations of the Township, all outdoor storage junk, refuse, garbage, or debris, of any kind shall be prohibited.

h. Grading. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water thereon, or within any structure located thereon.

i. Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any structure except where such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.

j. Drainage Swales. Swales are to be maintained by the owners of the premises on which they are located, and at no time will anyone plant shrubs and/or trees, or discharge, empty, or place any material, fill, or waste into any swale so as to divert or impede drainage flow. Swales should be mowed as part of the yard. In meadow situations the swales should be mowed less frequently to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving understory growth to retard runoff and prevent erosion.

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

l. Conduct of Business.

1. All business activity, except for off-street loading, shall be conducted within completely enclosed buildings.

2. All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view. All storage of materials, goods, or products, including inoperable vehicles, shall be within a completely enclosed building.

3. Exception: Those businesses which are permitted or conditionally permitted under the terms of the American Township Zoning Resolution to conduct business or maintain outdoor storage of materials, goods or products out-of-doors are excepted from compliance with this section.

m. Exterior Light Fixtures. Exterior lighting fixtures oversteps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties. All lighting fixtures shall comply with American Township Zoning Resolution.

n. Vegetation. The owner of commercial and industrial property shall be responsible for routine grass, weed and vegetation control and maintenance in compliance with Section 35.5.15 of this property maintenance code.

1. The owner of all premises and lots, whether commercial/residential mixed use, non-residential, commercial, or industrial, whether occupied or not in nature shall cut down and remove therefrom all offensive and noxious weed, vines, and grass of a height of eight-(8) inches or more, and any and all weeds, vines and grass constituting a threat to the public health, safety, comfort or welfare.
2. Undeveloped, commercial, industrial, and *agricultural lots (*less than one-(1) acre) shall be required to be moved a minimum of three-(3) times a year during the growing season of April 1st to November1st, with the first mowing occurring no later than May 1st, second mowing occurring no later than August 1st and the last mowing occurring no later than November 1st.

3. The owner of all premises, whether residential, non-residential, commercial or industrial, and whether occupied or vacant, shall cut down and remove therefrom trees, bushes, shrubs, or other growth that overhangs or blocks any part of a sidewalk for a height of seven-(7) feet above said surface; or to overhang or block any part of a paved street or unpaved, but traveled, portion of a street or traffic/safety sign for a height of fifteen-(15) feet above the surface.

4. Plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and no evidence signs of neglect.

Trees that have fallen as a result of old age, decay, wind or storm damage shall be removed in a timely fashion, within thirty-(30) days, and no longer than ninety-(90) days.

5. It is a prima-facie violation of this section if weeds or grass of a height eight-(8) inches or more exist on any lot, parcel or premises within the Township between April 1 and November 1. Weeds or grass of a height eight-(8) inches or more shall be considered a nuisance.

6. The procedures for identification of violation, providing notice of violation, requiring compliance, deadlines for completion, abatement, and processing of costs shall be consistent with the procedures outlined in Section 35.4.28 of this property maintenance code.

o. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence or temporary residence in the Township.

p. Storage. Except as provided for in other regulations of the Township, all outdoor storage junk, refuse, garbage, or debris, of any kind shall be prohibited.

q. Grading. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water thereon, or within any structure located thereon.

r. Furniture. No furniture intended for indoor use may be stored outside, unless it is in a completely enclosed porch or patio room.

s. Street Numbers. Each structure to which a street number has been assigned shall have such a number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least four-(4) inches high and one-half (½) inch stroke and of a color contrasting to the background.

t. Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

u. Sanitation. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner, lessee, occupant, or person or entity having charge of the premises shall keep that part of the exterior property which such person or entity occupies or controls in a clean and sanitary condition.

v. Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

w. Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

x. Gates. Gates which are required to be self-closing and self-latching in accordance with the Ohio Building Code or shall be maintained in such a manner that the gate will positively close and latch when released from a still position of 6 inches (152 mm) from the gatepost.

y. Commercial Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition and in good repair.

z. Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any building, dwelling or structure on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

aa. Semi-Trailers. No semi-trailer shall be used as a storage facility, except that semi-trailers parked on construction job sites may be used for storage related to the site but shall be removed upon completion of the project. No semi-trailer shall be used for the display of signs or banners.

35.6.5 GARBAGE, JUNK, LITTER, AND RUBBISH PROHIBITED

a. Accumulation of Garbage, Junk, Litter, Rubbish and Debris shall be prohibited in all zoning areas. All exterior property and premises, and the interior of every building, dwelling and structure, shall be kept free from any accumulation of rubbish or garbage.

b. Disposal of Garbage, Junk, Litter and Rubbish. Every owner a building, dwelling or structure shall dispose of all garbage, junk, litter, and rubbish in a clean and sanitary manner by placing such materials in approved containers, and shall require all occupants of said building, dwelling or structure to do the same. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

c. Disposal Facilities. The owner of every occupied building, dwelling, structure or premises shall supply approved, covered containers for the disposal of garbage, junk, litter and rubbish, and the owner of the premises shall be responsible for the removal of the same.

d. Containers. The owner of every business establishment shall provide, and at all times shall cause the business operator to utilize, approved, leak-proof containers provided with close-fitting covers for the storage of waste materials resulting from said business until removed from the premises for disposal.

35.6.6 BURNING OF TRASH OR OTHER NOXIOUS CONDITIONS AND THE DISMANTLING OF MOTOR VEHICLES PROHIBITED

a. The outside burning of trash, rubbish or other objectionable debris is not permissible within a commercial or industrial / manufacturing zoned district.

b. The dismantling or wrecking of used motor vehicles, manufactured homes, recreational vehicles or the storage, sale, or dumping of dismantled, partially dismantled, wrecked, scrapped, ruined, or discarded motor vehicle(s) or parts shall be prohibited within a commercial or manufacturing zoned district, with the exception when contained within an approved and licensed motor vehicle salvage or junk yard.

35.6.7 BLIGHTED CONDITIONS OF STRUCTURES OR LOTS PROHIBITED

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

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

c. Property owner shall be issued a Notice of Violation, by the Zoning Inspector / Code Enforcement Officer detailing the date / time of violations observed, current property conditions, length of time said conditions have previously existed on the property, and the owner's failure to correct said property conditions on their own and required corrective action to bring the structure into compliance to avoid abatement.

d. The owner shall be provided a minimum of thirty-30 days to facilitate such repairs to the structure(s), with an extension of thirty-(30) additional days upon application by the property owner and for good cause, but no more than sixty-(60) consecutive days provided for repairs.

e. At the conclusion of the thirty-30 days or (sixty-60 days extension) and no significant repairs have been facilitated by the property owner to correct the blighted or deteriorated conditions, of said building, structure, lot or condition then the Zoning Inspector / Code Enforcement Officer may initiate Citation Tags and fines consistent with the procedures outlined in this Code to bring the building, structure(s) or lot into compliance.

f. At any time during the citation phase, and upon advice of the Zoning Inspector, the Board of Trustees may hold a public hearing with the property owner prior to declaring such building, structure, or condition to be a public nuisance, and ordering abatement of such building, structure, lot.

g. In addition, the failure to comply with the correction order(s), may cause the Zoning Inspector to file said case with the Lima City Prosecutor to further compel compliance by the property owner.

35.6.8 EXTERMINATION

a. Infestation. All structures shall be kept free from insect and/or rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

b. Responsibility. The owner of any building, dwelling, structure, or premises shall be responsible for extermination, and shall be responsible for the continued rodent and pest-free condition of the building, dwelling, structure or premises. Any agreement between the owner and the occupant of a building, dwelling or structure, whether written or oral, whereby the occupant is responsible for keeping the building, dwelling, structure, or any part thereof, free from insect and/or rodent infestation shall be enforced by the owner and not the Township.

35.6.9 SIGNAGE (COMMERCIAL)

a. If any sign is determined to be unmaintained, abandoned, or defective in any manner defined herein, such signs are hereby declared to be a public nuisance by reason that continued lack of use and maintenance results in a blighting influence on nearby properties and is an overall detriment to the Township. An abandoned or defective sign is any sign or billboard that meets any of the following criteria:

1. A sign associated with an abandoned non-conforming use.

2. Any sign that remains after a business has ceased operations or is closed to the public for one hundred eighty-(180) consecutive days. Seasonal businesses are exempt from this determination.

3. Any sign that is not maintained in accordance with this Code.

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 as permitted by law.

b. When the Code Enforcement Officer finds, upon investigation, that a sign has been abandoned or defective, the Enforcement Officer shall notify the owner of said sign, together with the owner of the land on which the sign is located, of his/her findings. Such notice shall advise the owners that the sign and its supporting structure has been declared abandoned or needs repair and must be removed or repaired within thirty-(30) days from the date of the said notice at the owner's expense.

c. Sign Maintenance. All signage and incidental landscaping and/ or lighting shall be maintained in good condition and shall not show evidence of deterioration. Neither lighting nor signage shall be permitted to be posted on trees or utility poles.

d. Right of Way. All signs regardless of size, either temporary or permanent shall not be placed within the road right of way. Signs found in this restricted shall be determined to be a hazard and subject to removal by the Township.

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

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

35.6.10 COMMERCIAL AND INDUSTRIAL STANDARDS

Within this property maintenance code document are listed several foregoing standards which are applicable to all commercial and industrial structures, commercial and industrial units, as well as portions of mixed-use structures which are devoted to commercial and/or industrial use, including all exterior and structural requirements, soundness, and maintenance standards. Please refer to those additional standards within this document.

ARTICLE 35.7

DEMOLITION OF STRUCTURES

35.7.1 GENERAL

a. The Code Enforcement Officer may order the owner of the premises upon which is located any structure or part thereof, which in the Code Enforcement Officer's judgment, is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation occupancy or use, and so that it would be unreasonable to repair the same to raze and remove such structure or part thereof or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at owners option.

b. An inspection and recommendation for demolition of a structure shall be made by the American Township Fire Chief, and / or Allen County Board of Health Inspector. A structural engineer may be consulted to determine structural fortitude, prior to abatement and demolition of a structure.

c. A final recommendation report for demolition shall be prepared by the Code Enforcement Officer and presented to the Board of Trustees. Recommendation reports from agencies involved in inspection of the property shall be included along with documented photographs, and any other evidence to support demolition recommendation.

d. Procedures as outlined in Ohio Revised Code; Section 505.86 shall then be followed. In lieu of posting notices in newspaper, notification shall be made on the townships website and social media page a minimum of ten-10 days with date of posting indicated.

35.7.2 ORDER

a. The Order shall specify a time in which the owner shall comply therewith and specify repairs, if any shall be required to bring the structure into compliance with American Township Zoning Resolution and Ohio Building Code.

b. It shall be served on the owner of record or an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record.

c. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building or by publishing it once each week for three consecutive weeks in a newspaper of general circulation authorized to provide service by publication.

35.7.1 RESTRAINING ACTIONS

a. Anyone affected by any such Order after having appealed to the Board of Zoning Appeals, shall within thirty (30) days after service of such Order may apply to a court of record for an Order restraining the Code Enforcement Officer from razing and removing such structure or parts thereof.

b. The court shall determine whether the Order of the Code Enforcement Officer is reasonable and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order to modify it as the circumstances may require.

35.7.2 FAILURE TO COMPLY

a. Whenever the owner of the property fails to comply with a demolition order within the time prescribed, the Code Enforcement Officer may cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be a charge against the real estate upon which the structure is located and shall be a lien upon such premises.

ARTICLE 35.8

EMERGENCY ORDERS

35.8.1 GENERAL

a. Whenever the Code Enforcement Officer finds that an emergency exists on any un-occupied premises, or in any un-occupied structure or part thereof, or on any defective equipment which requires immediate action to protect the public's health and safety or that of the occupants thereof, the Code Enforcement Officer may, with proper notice and service in accordance with this Code, issue an order citing the existence of such emergency and requiring the vacating of the premises or such action taken as the Code Enforcement Officer deems necessary to meet such emergency.

b. Notwithstanding other provisions of this Code, such an Order shall be effective immediately, and the premises or equipment involved shall be placarded immediately upon service of the Order.

35.8.2 HEARING

a. Any person to whom such Order is directed shall comply therewith. They may thereafter, upon petition directed to the Appeals Board, be afforded a hearing as prescribed in this Code. Depending upon the findings of the Appeals Board at such a hearing as to whether the provisions of this Code and rules and regulations adopted pursuant thereto have been complied with, the Township Trustees shall continue such order or modify or revoke it.

Resolution # 02-09-2026-02

A RESOLUTION AMENDING THE ZONING TEXT OF THE AMERICAN TOWNSHIP ZONING RESOLUTION.

WHEREAS: On December 16, 2025, the American Township Zoning Commission conducted a public hearing, at the American Township Administration Building, 102 Pioneer Road, Elida, Ohio. The public hearing concerned the proposed additional zoning amendments to the American Township Zoning Resolution. Meeting was called to order by Mr. Miller and roll call was conducted, with all members of the Zoning Commission present.

WHEREAS: This case was Zoning Commission case number ZC2025-04, the applicant being the American Township Zoning Commission, c/o Mr. M. Bishop, Zoning Inspector / Code Enforcement Officer. In the proceeding zoning amendment, September 10, 2025,, Articles 1 through 11 and Article 23 were amended by the Zoning Commission.

WHEREAS: During this review, some the preceding zoning amendments were found to be non-compliant to some sections of the Ohio Revised Code sections, the section on short term leasing was determined to be unenforceable, and another review of updates was needed.

WHEREAS: The following American Township Zoning Resolution zoning text amendments were developed, during several months of Zoning Commission study sessions held at the American Township Administration Building. (See attached document of proposed zoning amendments).

WHEREAS: On December 16, 2025, this case was reviewed by the DCC, (Developmental Controls Committee) of the Lima Allen County Regional Planning Commission. In the meeting, the committee noted, that American Township had submitted to LACRPC a series of amendments to the existing zoning resolution. Sections amended include Articles 1,2,4,5,7,8,9,10,11,12,13,15,22,24,35, and Table of Contents. The DCC Committee recommended approval of these zoning amendments.

WHEREAS: The DCC Committee noted that the Township submitted these changes to the majority of these sections, which were recommended for approval by the DCC Committee (Developmental Controls Committee) on August 5, 2025. The new changes were made after consultation with the Township Attorney to clarify some sections. Additional reviews were done regarding signage, conditional uses, Lot Size, and Setbacks.

WHEREAS: On December 16, 2025 the Zoning Commission conducted a public hearing in accordance with O.R.C.519.12. All applicable amendments were previously reviewed and approved by the Zoning Commission on November 14, 2025, and December 2, 2025; during their open and regular scheduled meetings. Additional amendments were based on the DCC Committee's recommendations on December 16, 2025.

WHEREAS: At the completion of the public hearing by the Zoning Commission, on December 16th, 2025 the motion for passage was submitted by Mr. Long, and Second by Mr. Makley. Roll Call: Miller Yes, Degen Yes, Mailhot Yes, Makley Yes, Long Yes. The proposed amendments were passed by the Zoning Commission by a vote of 5 to 0. On December 16, 2025 the motion for passage

WHEREAS: A recommendation report was filed by the Chairman of the Zoning Commission on January 12, 2026 and case was set by the Board of Trustees for public hearing on Monday, February 9, 2026. (Public Hearing held at American Township Administration Building, 102 Pioneer Road, Elida, Ohio at 6:00PM. Concerning this case, no members of the general public attended. Hearing held by Trustee Basinger, Harmon, and Long).

THEREFORE, BE IT RESOLVED: The American Township Board of Trustees on this 9th day of February 2026 hereby determines that after reviewing the proposed zoning text amendments, documentation, review of community input and Zoning Commission recommendation report, we hereby:

XXX Accept the amended zoning text language as submitted by the Zoning Commission.
❑ Modifies the amended zoning text language as submitted by the Zoning Commission.
❑ Deny the recommendation of the Zoning Commission Report and refers the amendments back to the Commission for further review.

Motion for Passage: **HARMON** Second: **BASINGER**
(Majority Vote Required if Modifying or Denying the Zoning Commissions Report.)

Adopted this 9th Day of February 2026

Mr. Paul Basinger	**YES**
Ross Harmon	**YES**
Mr. Jody Long	**YES**

For the Board of Trustees of American Township, in Allen County, Ohio.

Trustee: Paul Basinger
Trustee: Jody Long
Trustee: Ross Harmon

Attest: Brady Overholt

These proposed amendments will become effective within 30 days of passage and adoption by the Board of Trustees.

RESOLUTION: # 08-28-2024-2

A RESOLUTION AMENDING ARTICLE 15, ARTICLE 13.24, ARTICLE 35.5.23, AND DELETING ARTICLE 35.5.20 OF THE AMERICAN TOWNSHIP ZONING RESOLUTION.

WHEREAS: *On / about February 6, 2024, the American Township Zoning Commission held their routine study session meeting. In accordance with American Township Zoning Resolution, Article 19.2 (Initiation of Zoning Amendment) an amendment to the American Township Zoning Resolution, was sought by Zoning Inspector, M. Bishop, requesting a review and if needed an amendment to Article 15- Signs & Outdoor Advertising Structures. The Zoning Commission on motion of Chairperson, Merle Miller moved that the Zoning Commission further review and amend as necessary Article 15 (Signage / Outdoor Advertising) section of the Zoning Resolution. Having so motioned, second, and approved, with no objections. The Zoning Commission met on February 8, 2024, March 5, 2024, April 9, 2024, May 7, 2024, May 35, 2024, June 4, 2024, July 9, 2024, and August 6, 2024, to review and amend Article 15 (Signage / Outdoor Advertising). During the course of the meetings, the Commission reviewed the entire current version of the Article and decided that portions of the Article were outdated and needed revision.*

WHEREAS: *The Zoning Commission increased the height requirements for several types of signs. They increased the permitted square footage allotments. Free standing signage was increased in height and overall square footage in Commercial and Industrial areas; The wall signage street facing requirements was removed; new language was developed for Electronic Message Boards, Digital Message Boards, Billboards & Electronic Outdoor Messaging / Advertising Signage. In addition, new language was introduced for monument style signage, temporary signage for real estate, prohibited signage displaying marijuana and amended time frames for removal of abandoned signs.*

WHEREAS: *Resolution 03-11-2024-2, which was adopted March 11, 2024, the Board of Trustees directed the American Township Zoning Commission to review and amend Article 35.5.23 of the External Property Maintenance Code (Agricultural Uses Regulate), and to delete Article 13.24 of the Zoning Resolution. This was due to several cases where residents were rearing poultry and other livestock in residential zoned locations, under one-1 acre in size.*

WHEREAS: *The American Township Zoning Commission met on April 9, 2024, May 7, 2024, May 35, 2024, June 4, 2024, July 9, 2024, and August 6, 2024, to review and amend Article 13.24 of the American Township Zoning Resolution, and Article 35.5.23 of the External Property Maintenance Code. The following is a list of amendments to these articles.*

WHEREAS: *Agricultural uses on lots less than one-(1) acre would still be prohibited; Parcels greater than one acre and less than five acres within a platted subdivision or area where over 35% of the lots were developed, then agricultural uses would be conditionally approved by the Board of Zoning Appeals after a public hearing. Agricultural use on lots outside a subdivision setting greater than one acre in size would be permitted. In addition, a provision for 4H, FFA, and Educational Temporary Exemption would be provided to allow for annual permitting, with the review and approval by the Zoning Inspector, based on documented information provided by the property owner. The requirements for safe keeping, management of housing and recreation areas, and health and safety procedures were all developed.*

WHEREAS: *Article 35.5.23 of the External Maintenance Property Code (Agricultural Uses Regulated) would reflect the same language as 13.24 (Poultry & Animal Husbandry in All Zoning Districts). This would provide ample notice to residents of these regulations within the property code and the main zoning text. The language in the Property Maintenance Code allows for more discretion and flexibility in the enforcement of that section.*
Article 35.5.20 (Sidewalk Care & Upkeep Required) is required to be removed due to this section is now only applicable to municipal corporations, villages, and city jurisdictions. All other sequence numbers after 35.5.19 and after will be amended to reflect new article numbering.

WHEREAS: *The Developmental Controls Committee of the Lima-Allen County Regional Planning Commission held a regular meeting on Tuesday, July 16, 2024, American Township Zoning Amendment – AM-01-24-R and AM02-24-R was recommended for approval, this was for Article 15 and Article 13.24. Notice of public hearing by the Zoning Commission was posted in the Lima News on July 17, 2024, Legal #357, concerning an open and public hearing to be held on TUESDAY, AUGUST 6, 2024, at 6:30pm, at the American Township Administration Building, 102 Pioneer Road, Elida, Ohio.*

WHEREAS: *On August 6, 2024, a public hearing was held at American Township Administration Building. Meeting called to order by Mr. Miller commencing at 5:00pm, with a study session first, and concluding with the public hearing at 6:30PM. Roll call was held, with Mr. Miller, Mr. Degen, Mr. Mailhot, Mr. Long, and Mr. Makley all present. Mr. Bishop was present as secretary. Mr. Joe Guagenti was present as public attendee. At 6:30PM, the formal public hearing was called to order. All 5 members present to call a quorum and proceed with the meeting. Review of Article 15- Signs and Outdoor Advertising, and…*
Article 13.24 – Poultry and Animal Husbandry in All Zoning Districts was conducted. After review and discussion both Articles were passed on 5/0 vote. The Removal of Article 35.5.20 was so moved for passage.

WHEREAS: *The Zoning Commission filed its recommendation report on August 9, 2024, to the Board of Trustees within 30 days of the public hearing which was held August 6, 2024. The Zoning Commission recommends passage of amendments to Article 15, Article 13.24, Article 35.5.23, and Deletion of Article 35.5.20 of the Property Maintenance Code. All subsequent numbering will be updated with the deletion of Article 35.5.20.*

WHEREAS: *Upon further review, of Article 15, an AMENDMENT to Article 15.5.16 Billboards & Electronic Outdoor Messaging / Advertising Signage was requested by the Zoning Inspector to further address standards for billboards. Recently billboards have been installed utilizing electronic displays. This is addressed in ELBS (Electronic Message Boards) but not specifically addressed in Article 15.5.16.*

THEREFORE, BE IT RESOLVED: *The American Township Board of Trustees hereby:*
XXX Modifies the amended zoning text language as submitted by the Zoning Commission to INCLUDE the recent amendment to Article 15.5.16 and approval of Article 15, Article 13.24, Article 35.5.23, and deletion of Article 35.5.20.

Motion for Passage: BASINGER Second: MOHLER

Adopted this 28th Day of AUGUST 2024

Mr. Paul Basinger	***YES***
Mr. Ross Harmon	***YES***
Mr. Lynn Mohler	***YES***

For the Board of Trustees of American Township, in Allen County, Ohio

Trustee: PAUL BASINGER

Trustee: ROSS HARMON

Trustee: LYNN MOHLER ***ATTEST: BRADY OVERHOLT, FISCAL OFFICER*** ***AMENDMENTS EFFECTIVE: SEPTEMBER 28, 2024***

RESOLUTION 01-08-24-1

A resolution to amend the American Township Zoning Resolution under Articles 17, Article 19, Article 35, and External Property Maintenance Code – Specifically Article 35, formally Article 22.

WHEREAS: *On September 5th, 2023, an Application for a Zoning Text Amendment was filed by M. Bishop, Zoning Inspector. This concerned the proposed zoning text amendment to the American Township Zoning Resolution, as well as the Exterior Property Maintenance Code. These changes were based on amendments to the Ohio Revised Code to Section 519.12 (Zoning Amendments) which was to become effect October 3, 2023. In addition, several amendments were needed concerning language addressing Accessory Buildings, the Zoning Permitting Process and some grammatical, numeral, and language clarification in several sections of the document.*

WHEREAS: *This amendment was filed by adoption of motion of the American Township Zoning Commission, Merle Miller in accordance with O.R.C. 519.12 and American Township Zoning Resolution, Article 19.2.1.*

WHEREAS: *The American Township Zoning Commission formally met on September 5, 2023, October 3, 2023, November 14, 2023, and December 5, 2023, concerning multiple proposed amendments to the American Township Zoning Resolution as well as amendments to the External Property Maintenance Code. During these meetings we reviewed several articles of the zoning resolution, particularly Articles 19 (Amendments to the Zoning Resolution and/or Zoning Map), Article 35 (Enforcement), Article 17 (Accessory Buildings, Structures and Uses), and Property Maintenance Code, under Table of Contents (Sequence Change to Open New Chapters), Violation Penalties, Fines for Violation Zoning Resolution, Grass/Weed/Vegetation Control, Junk Motor Vehicles, Inoperable Motor Vehicles, Impounding Abandoned or Junk Motor Vehicles and Nuisance Canine Activity, were reviewed and subsequently amended.*

WHEREAS: *These proposed changes and previously submitted revisions were further reviewed by Lima Allen County Regional Planning Commission, DCC Committee on September 28, 2023, and again on December 5, 2023, where additional changes were added. DCC Staff reviewed both the proposed changes and recommended approval.*

WHEREAS: *On Tuesday, December 5, 2023, a formal public hearing was held by the American Township Zoning Commission, at the American Township Administration Building. This meeting was held in accordance with O.R.C 519.12 and Article 19.7 of the American Township Zoning Resolution. The meeting was open to the public and advertised in the Lima News Legal Notices.*

WHEREAS: *A final recommendation report that has been filed by the Zoning Commission to the Board of Trustees for approval concerning proposed text amendments to the American Township Zoning Resolution and the American Township Exterior Property Maintenance Code. These proposed changes are:*

Article 17.19
Accessory Building, Structure and Uses
Permitting Requirements
Square Footage Determination
Lot Placement
Permitted Size Limitations
Accessory Dwelling Units and Mixed-Use Accessory Buildings
Accessory Buildings, Shipping Containers, and other uses.

Article 19
Amendments to Zoning Resolution and or Zoning Map
Initiation of Zoning Amendments
Transmittal to Zoning Commission
Submission to Lima Allen County Regional Planning Commission
Public Hearing by Zoning Commission
Notice to Property Owners by Zoning Commission
Public Hearing by Township Trustees
Action by Board of Township Trustees
Effective Date and Referendum

Article 35
Zoning Permits Required / Not Required
Contents of Application for Zoning Permits
Approval of Zoning Permit
Certificate of Compliance
Failure to Obtain a Zoning Permit or Certificate of Compliance
Construction and use to be as provided in application, plans, permits, and certificates.
Landscaping and Architectural Review
Complaints regarding violations
Entry and inspection of property
Stop work order
Zoning permit revocation
Notice of Violation
Prosecution of violation
Penalties and fines
Additional remedies

Property Maintenance Code Section – As Follows:

Article 22 moved to Article 35 in the American Township Zoning Resolution
Violation and Penalties
Fines for Violation of Zoning Resolution
Exterior Property Areas
Grass, Weed, & Vegetation Control Required
Junk Motor Vehicles Prohibited in All Zoning Districts
Inoperable Motor Vehicles Prohibited in All Zoning Districts
Impounding of Abandoned or Zunk Motor Vehicles
Blighted Conditions of Structures and Lots
Nuisance Canine Activity

Removal of Sect. 35.5.11(Exterior Property Areas), Section M & W only, and renumber as these are redundant and addressed in Article 35.5.35 (Parking of trailers, boats and recreational vehicles) as addressed by public resident after Commissions public hearing and addressed at this public township meeting.

WHEREAS: *On January 8, 2024, a public hearing was held by the American Township Board of Trustees, at the American Township Building. This meeting concerned the proposed recommendation report by the American Township Zoning Commission, concerning amendments to the Zoning Resolution, and Property Maintenance Code over the Articles as addressed in this Resolution. This meeting was open to the public and advertised in the Lima News Legals #533 on December 20, 2023.*

NOW, THEREFORE BE IT RESOLVED: *that the American Township Board of Trustees hereby (ACCEPTS, ~~DENIES OR MODIFIES~~) THE RECOMMNDATIONS AS FOLLOWS:_FOR THE PROPOSED AMENDMENTS TO THE AMERICAN TOWNSHIP ZONING RESOLUTION AND SECTIONS OF THE EXTERNAL PROPERTY MAINTENANCE CODE .*

MOTION FOR PASSAGE: *TRUSTEE MOHLER*
SECOND MOTION FOR PASSAGE: *TRUSTEE HARMON*

Further Discussion: *None Noted*

Note: The public had no opposing comments during the open public hearing, and the open trustee meeting on this 8th day of January, 2024.

Having Motioned and Second, the Board of trustees for American Township hereby;

Adopts this Resolution, on this 8th day of January, 2024. Roll Call as follows:

Trustee Paul Basinger YES
Trustee Russ Harmon YES
Trustee Lynn Mohler YES

The Board of Trustees for American Township, Allen County, Ohio

Paul Basinger
Trustee Paul Basinger

Ross Harmon
Trustee Ross Harmon *Attested by: Mr. Brady Overholt, Fiscal Officer*

Lynn Mohler
Trustee Lynn Mohler

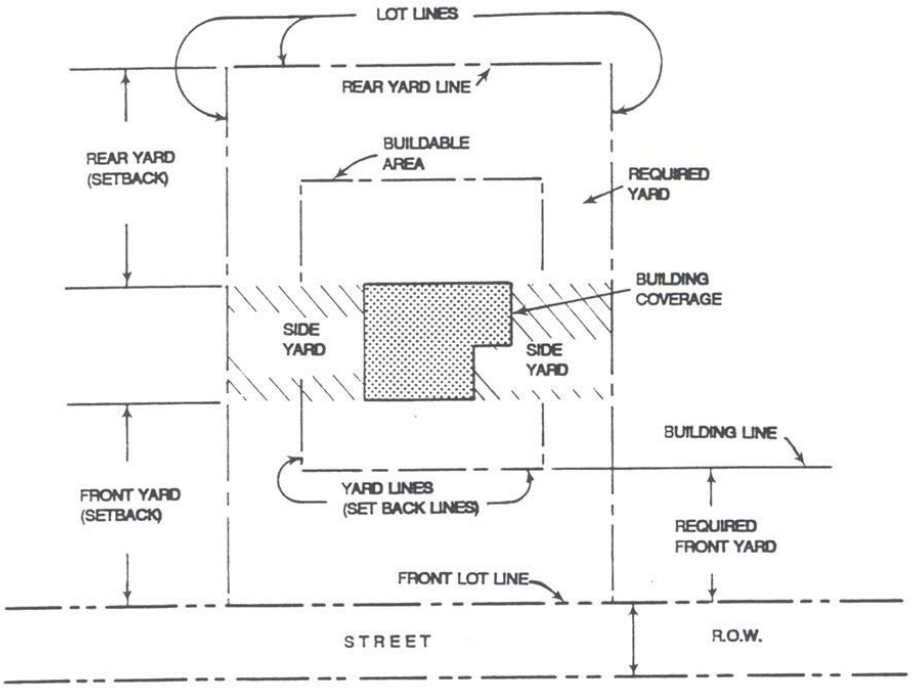
The proposed zoning text amendment will go into effect within thirty-30 days of adoption of this Resolution, being February 8, 2024.

APPENDIX A

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

ILLUSTRATION A:

SETBACK DIMENSIONS

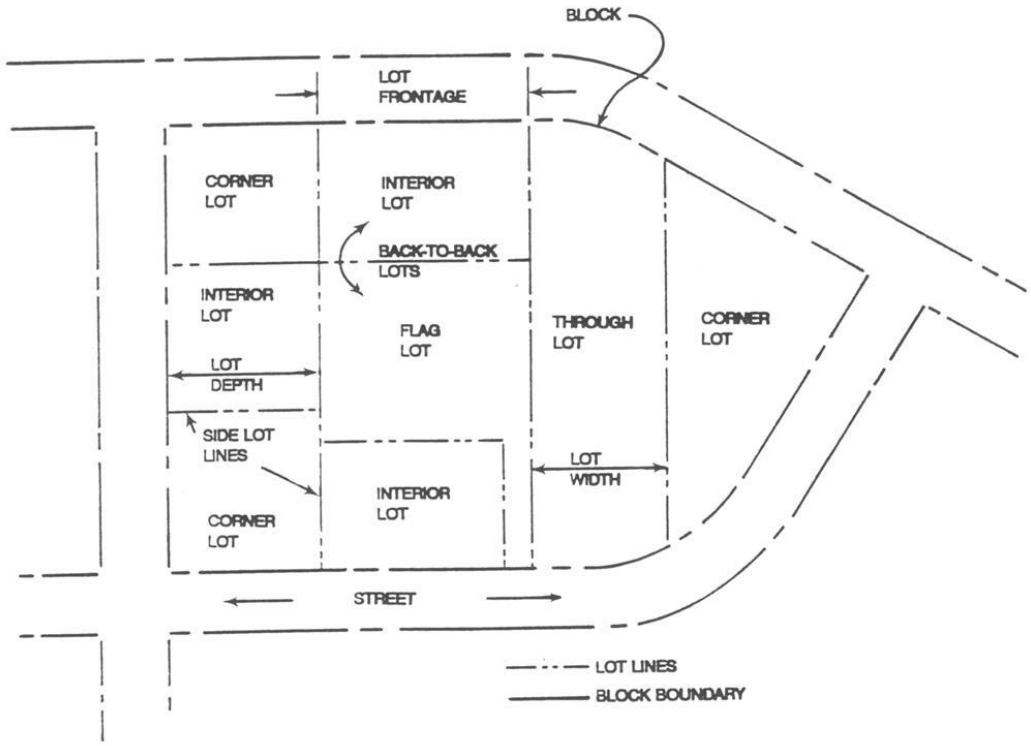


(For informational purposes only.)

A-1

ILLUSTRATION B:

LOT TYPES

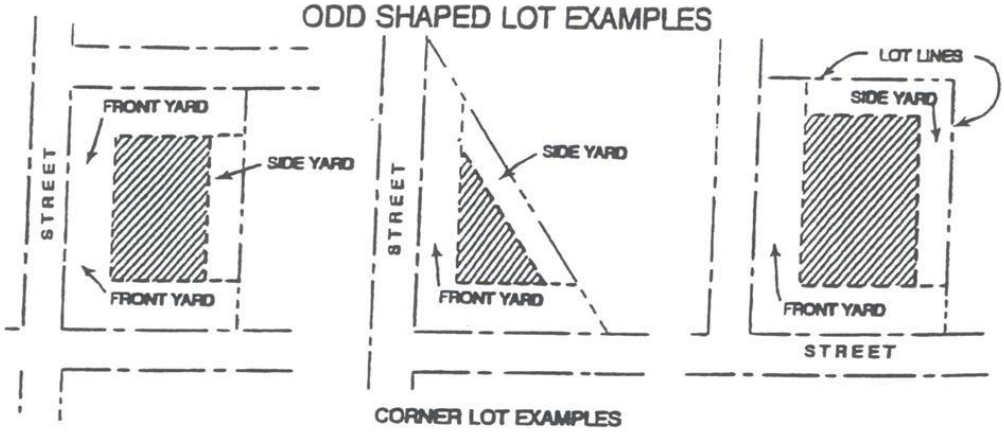


(For informational purposes only.)

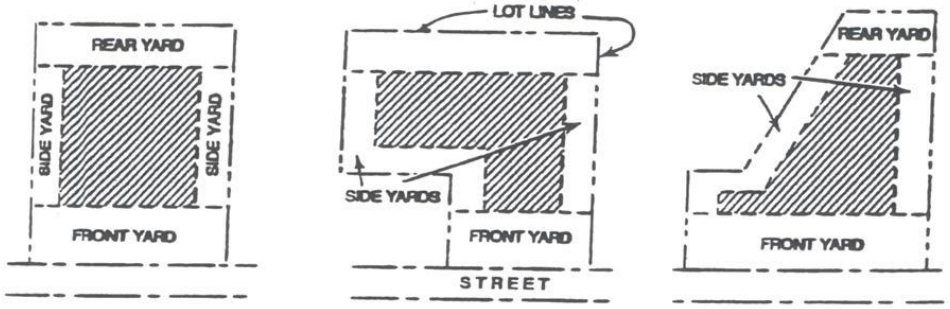
A-2

ILLUSTRATION C:

ODD SHAPED LOT EXAMPLES



CORNER LOT EXAMPLES



INTERIOR LOT EXAMPLES

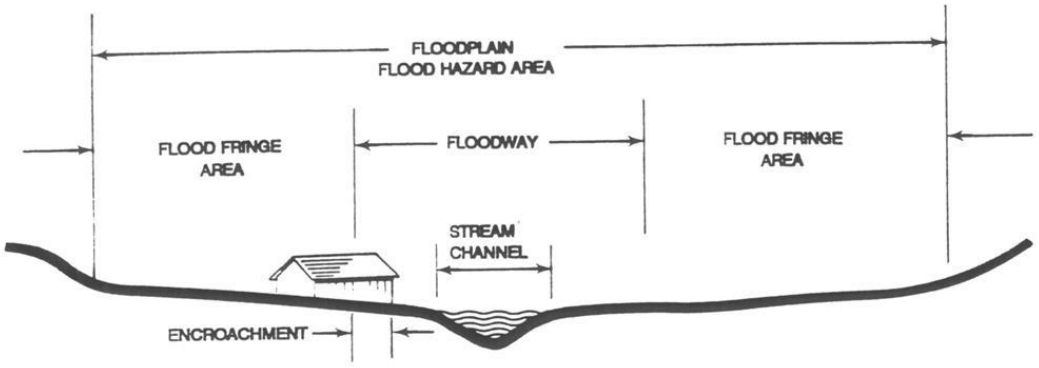
REQUIRED YARDS

BUILDING (ZONING) ENVELOPE (TWO DIMENSIONAL)

(For informational purposes only.)

A-3

ILLUSTRATION D:
FLOODPLAIN CROSS-SECTION

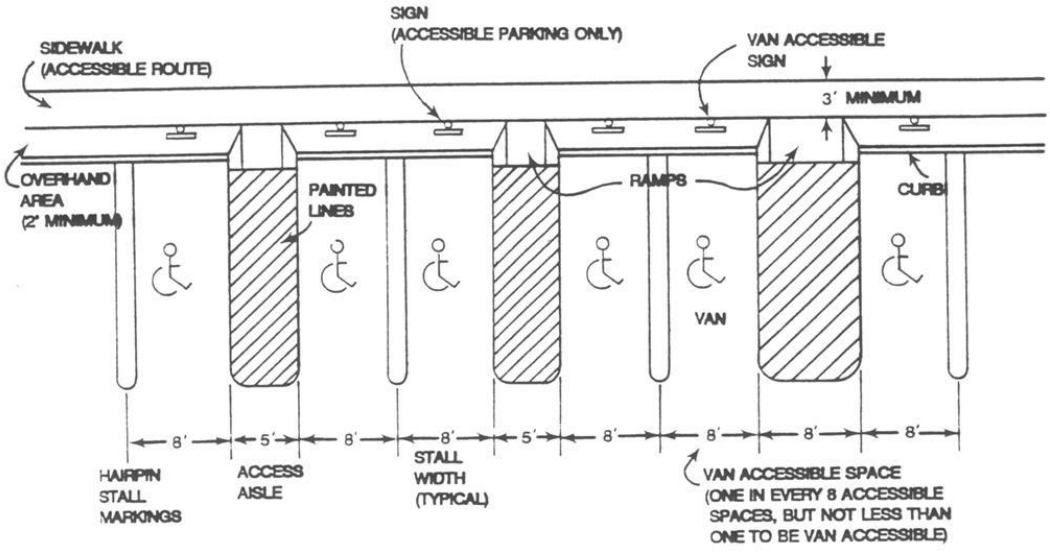


(For informational purposes only.)

A-4

ILLUSTRATION E :

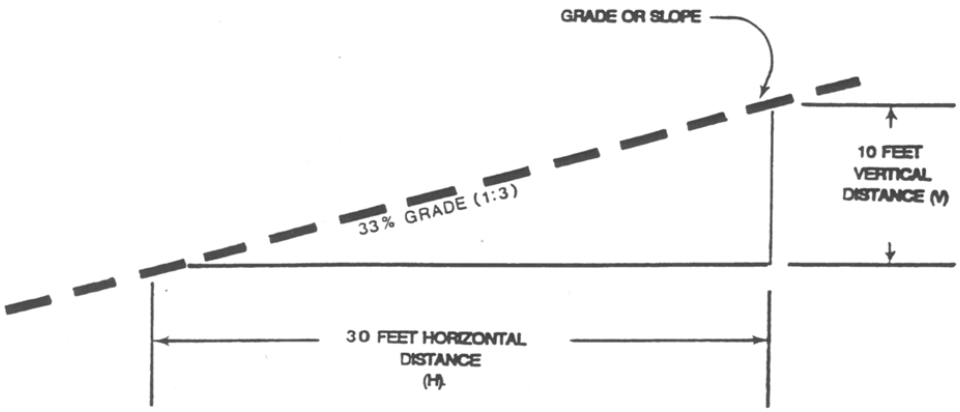
ACCESSIBLE PARKING SPACE STANDARDS



(For informational purposes only.)

A-5

ILLUSTRATION F:
DETERMINATION OF SLOPE



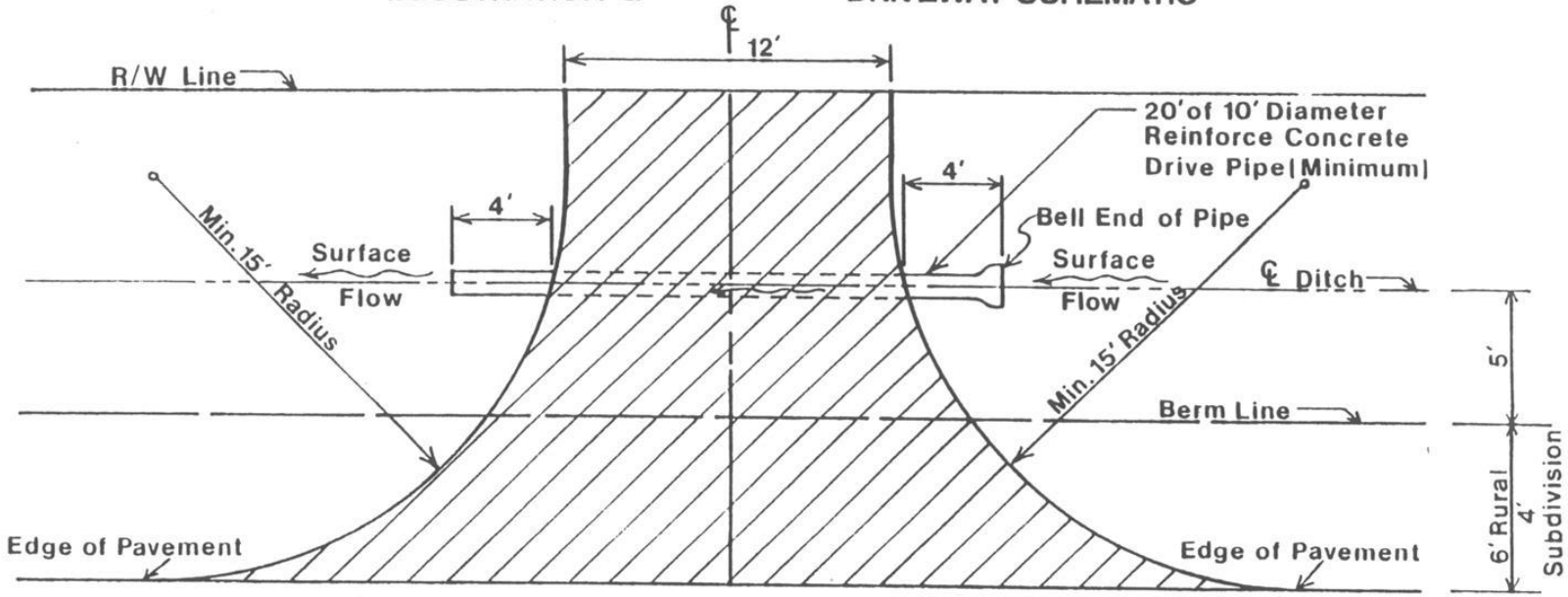
SLOPE CALCULATION = $\frac{V}{H}$

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

(For informational purposes only.)

A-6

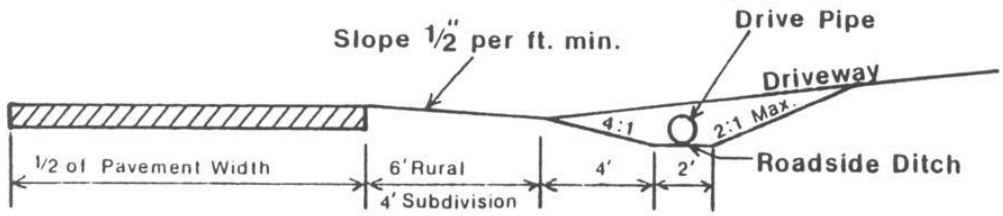
ILLUSTRATION G: DRIVEWAY SCHEMATIC



Note:

Roadside Ditch Shall Not Be Filled In

PLAN

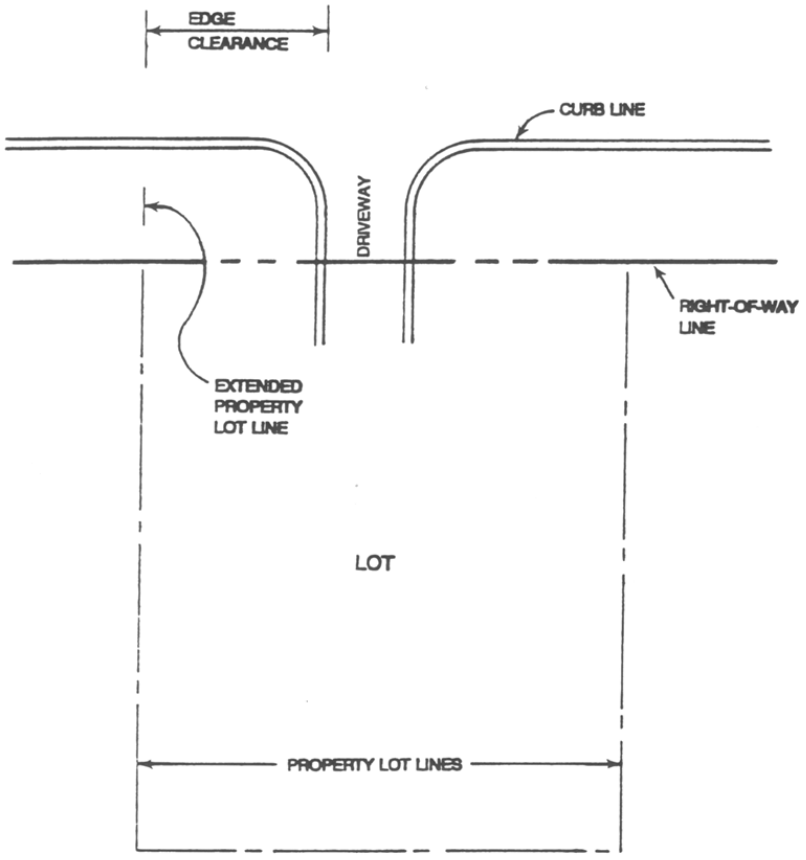


ELEVATION

(For informational purposes only.)

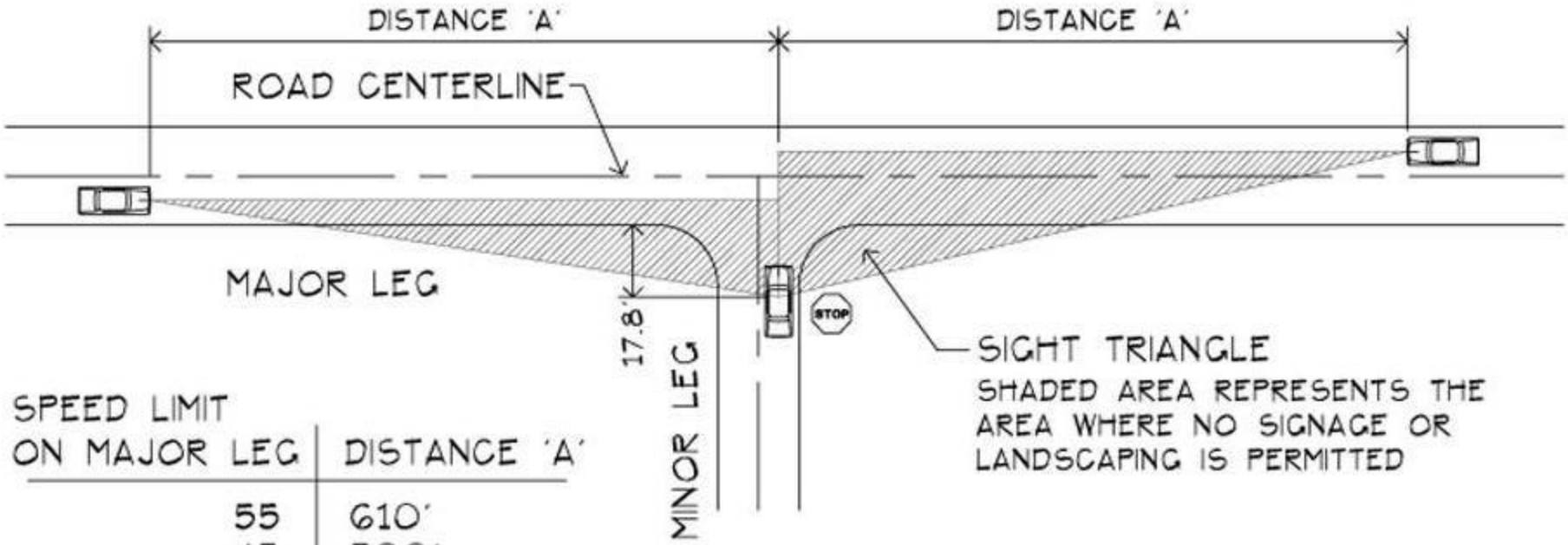
ILLUSTRATION H:

EDGE CLEARANCE



(For informational purposes only.)

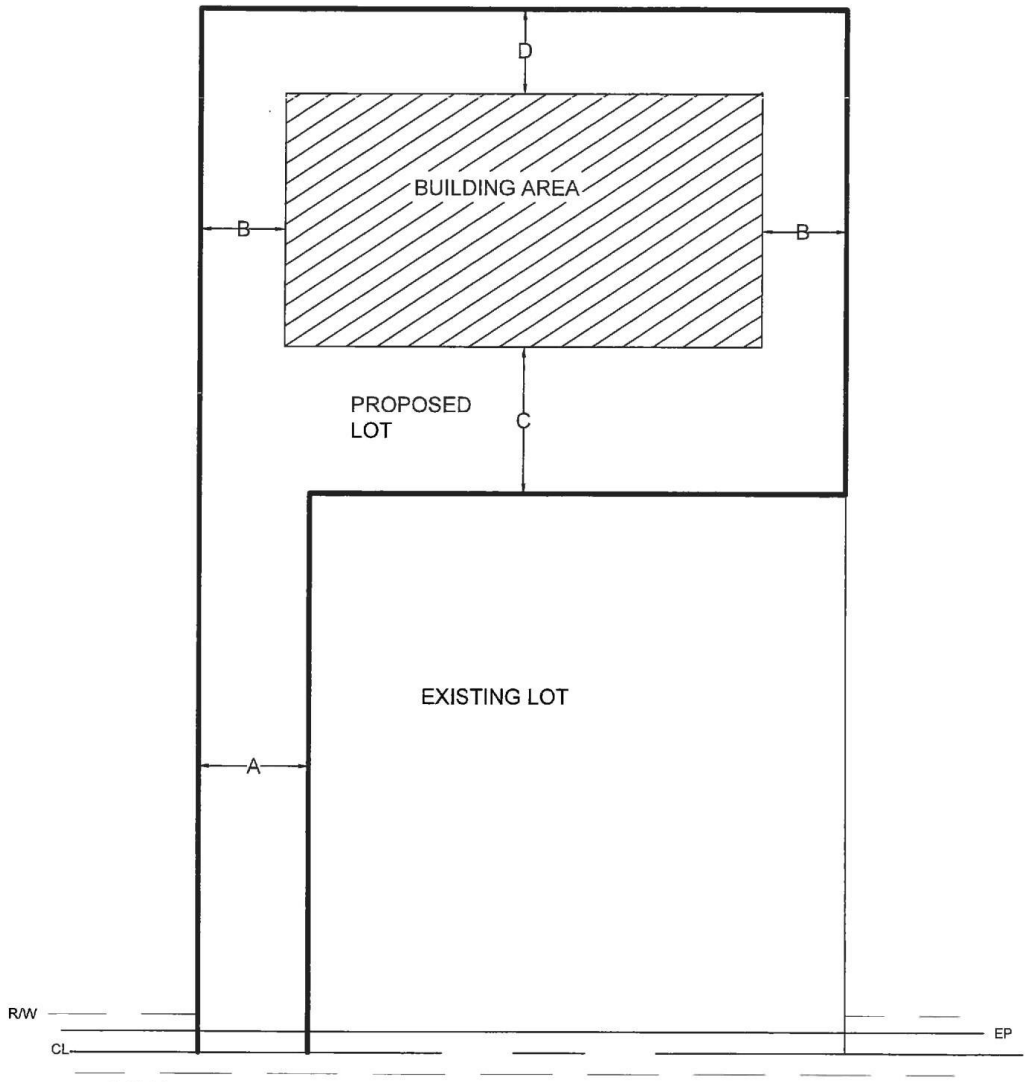
A-8



SPEED LIMIT ON MAJOR LEG	DISTANCE 'A'
55	610'
45	500'
35	390'
25	280'

ACCORDING TO AASHTO POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS

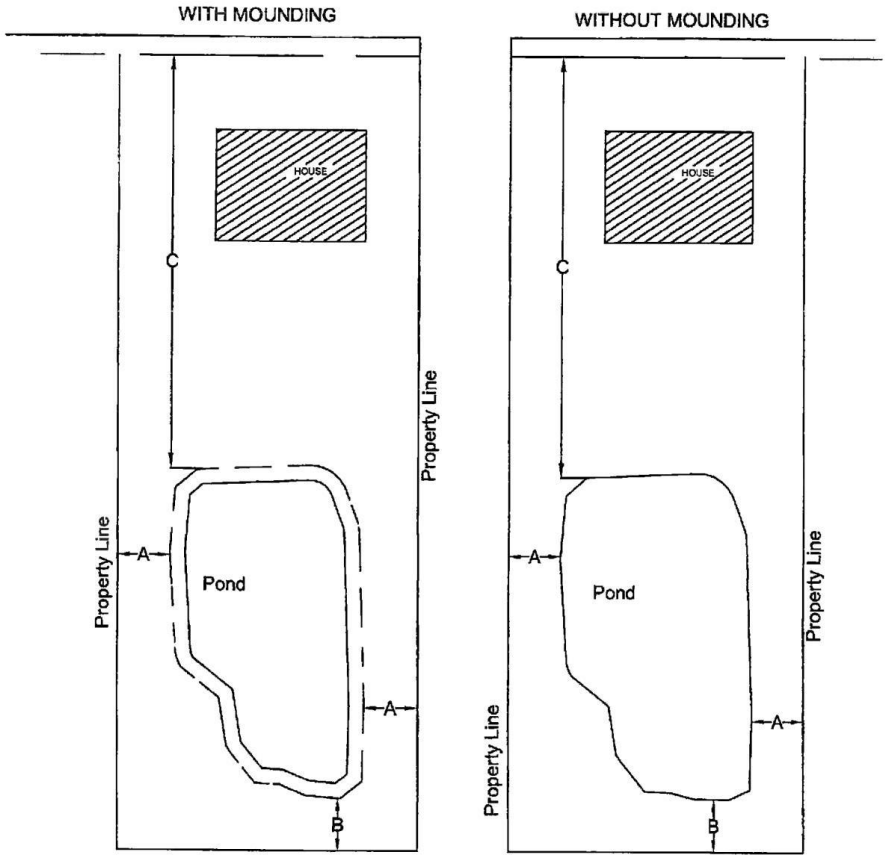
ILLUSTRATION J
FLAG LOT



APPLICABLE SETBACKS:
A- ACCESS STRIP
B- SIDE YARD SETBACK
C-FRONT YARD SETBACK
D-REAR YARD SETBACK

(For informational purposes only.)

ILLUSTRATION K
POND SETBACK DIMENSIONS



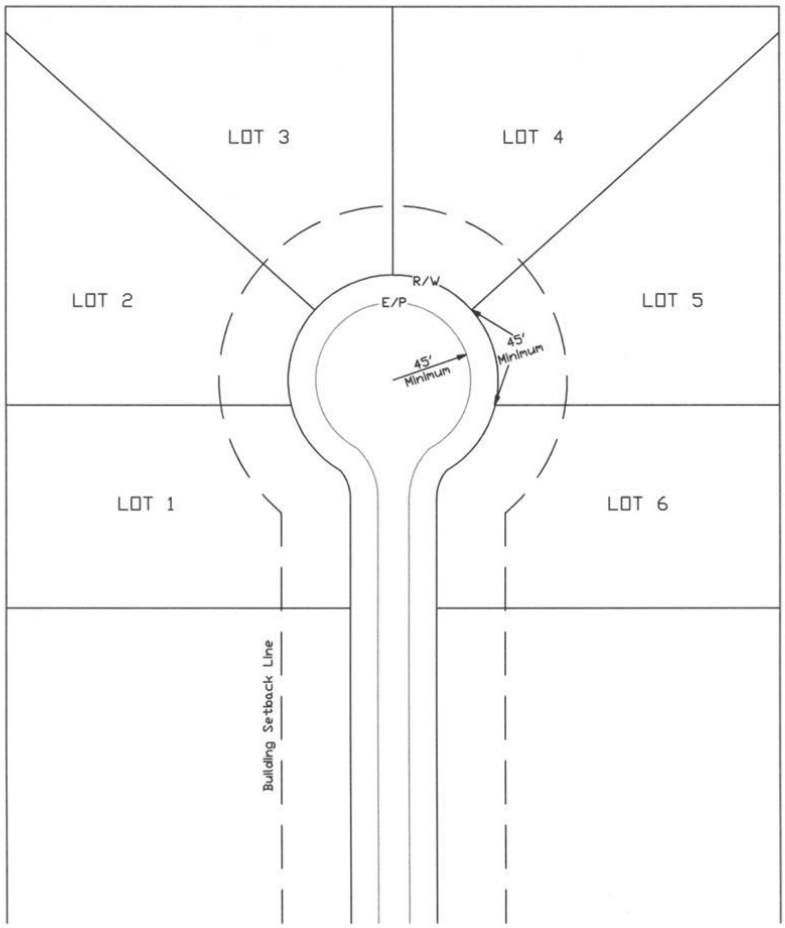
Dashed lines indicates base of mounding.
Solid lines indicates waters edge.

APPLICABLE SETBACKS:
A- POND SETBACK FROM PROPERTY LINE
B- POND SETBACK FROM REAR PROPERTY LINE
C- POND SETBACK FROM ROAD RIGHT OF WAY OR PROPERTY LINE AS SPECIFIED IN TOWNSHIP ZONING REGULATIONS.

(For informational purposes only.)

Illustration L:

Cul-de-sac Minimum Dimensions



R/W = Right of Way
E/P = Edge of Pavement
Maximum cul-de-sac length = 600'
Maximum # of lots on cul-de-sac bulb = 6
Driveways shall not surpass more than 53% of the total frontage.

(For Information Purposes Only)

A-12

Added: February 2004

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

To Whom It May Concern,

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

Date: July 26, 1994

/s/ Edward E. Klingler

/s/

/s/ Lloyd D. Grimm

/s/

/s/ Calvin Leimbach

American Township Zoning Commission

CERTIFICATION

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

Date: September 12, 1994

/s/ Edward E. Klingler
/s/
/s/ Lloyd D. Grimm
/s/ Marc Bal
/s/ Calvin Leimbach

AMERICAN TOWNSHIP
ZONING COMMISSION

Adopted by the Board of Trustees:

Date: October 10, 1994

/s/ Larry K. Vandemark
/s/
/s/ Don Sisi

AMERICAN TOWNSHIP
BOARD OF TOWNSHIP TRUSTEES

AMENDMENTS:

09-09-96
11-30-96
09-24-97
02-25-99
03-29-2000
07-28-2003
02-27-2006
05-31-2006
01-31-2007
10-21-2009
05-19-2011
06-26-2017
01-28-2019