

ARTICLE 19
AMENDMENTS TO THE ZONING RESOLUTION AND/OR THE ZONING MAP

19.2 INITIATION OF ZONING AMENDMENTS

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

- A. By adoption of a motion by the Zoning Commission.
- B. By adoption and passage of a resolution by the Board of Township Trustees; or,
- C. 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.
- D. 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.

19.5 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.

19.6 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.

19.7 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.

19.9 NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION

- A. 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.
- B. 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:
 - a. The name of the township zoning commission that will be conducting the hearing;
 - b. A statement indicating that the motion, resolution, or application 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 named in the proposed amendment and the proposed zoning classification of that property;
 - e. 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;
 - f. The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;
 - g. A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;
 - h. Any other information requested by the commission.

- C. 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.

19.11 PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES

- A. 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.
- B. 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 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.
- C. 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.

19.12 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.

19.13 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 21
ENFORCEMENT

21.1 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.

A. A zoning permit is required for:

- 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.

B. A Zoning Permit is not required for:

- 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.

21.2 CONTENTS OF APPLICATION FOR ZONING PERMIT

- A. 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.
- B. 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.
- C. 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:
 - a. Name, address, and phone number of applicant;
 - b. Legal description of property;
 - c. Existing use;
 - d. Proposed use;
 - e. Zoning district;
 - f. 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).
 - g. Building heights;
 - h. Number of off-street parking spaces or loading berths, and their layout;

- i. Location and design of access drives;
- j. Number of dwelling units;
- k. Health Department permit for septic system;
- l. If applicable, application for a sign permit or a conditional, special, or temporary use permit, unless previously submitted; and,
- m. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Resolution.
- n. The determination of a buildings square footage shall be based on the floor area of principal structure or use, which shall include the following:

D. Square Footage Determination for Residential Structures, Accessory Buildings, Structures and Uses.

- a. Includes first floor and second floor square footage.
- b. Includes the basement area square footage.
- c. Includes garage area square footage.
Shall not include the following:
- d. Does not include crawl space (ceiling less than 5'-0").
- e. Does not include covered porches, breezeways, building extensions, etc.
- f. Does not include open decks, atriums, walks, drives, or other uncovered areas.

E. Square Footage Determination for Commercial and Industrial Structures.

- a. Includes finished area under the roof, within outside walls.
- b. Includes the sum of each floor.
- c. Includes the area of attached garages, accessory structures, or other uses.

21.3 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.

21.11 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.

21.13 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 examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied, the Zoning Inspector shall request the assistance of the County Prosecutor in securing a search warrant prior to entry.

21.14 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.

21.16 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:

- A. Be in writing.
- B. Include a description of the real estate or vehicle sufficient for identification.
- C. Include a statement of the reason or reasons why it is being issued.
- D. 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
- E. 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 photograph shall indicate date and time of the observed violation. (This generally occurs with vacant and abandoned structures); or
 - 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.

17.19 **ACCESSORY BUILDINGS, STRUCTURES AND OTHER USES**

"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 permitted use.

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 to deed restrictions, homeowner association rules, and neighborhood covenants governing accessory buildings and uses.

1719.1 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. 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.
- B. 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. 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.

C. 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.

D. 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.
- 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 drip line from the roof to the ground. This is due to roof lines extending inches to feet in length based on size of structure past the vertical wall lines, which may potentially encroach onto adjoining 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.

17.19.2 Permitted Accessory Buildings, Garages, and Structure Permissible Size, and Height Limitations:

Lot Size:	Building Size:	Wall Height:	Maximum Permitted Height:
0.0 to 1.0 Acre	1200 Square Feet	10 Foot Wall Height – 4/12 Roof Pitch	15 Feet
1.01 to 3.0 Acre	1800 Square Feet	12 Foot Wall Height – 4/12 Roof Pitch	22 Feet
3.01 to 5.0 Acre	2400 Square Feet	14 Foot Wall Height – 4/12 Roof Pitch	28 Feet
5.01 Acre & 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.

17.19.3 Accessory Dwelling Units and Mixed-Use Accessory Buildings.

- a. 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.
- b. Accessory dwelling unit (multi-generational unit) used exclusively for habitation, shall be a single, and a secondary type of dwelling unit, not exceeding more than four hundred-(400) square feet of living space.
- c. 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.

- d. 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.
- e. 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.
- f. 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.
- g. Barnimimiums, 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.

17.19.4 Accessory Buildings, Shipping Containers, 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.

AMERICAN TOWNSHIP EXTERIOR PROPERTY MAINTENANCE CODE – AMENDMENT(S)

1. Table of Contents, the previous article #22 for the Property Maintenance Code was moved to Art. 27 at end of the Zoning Resolution. This allowed us to open Article 22-26 for new future zoning regulations and keeping the Property Code at the end section of the zoning resolution.

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27.4.30 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 27.4.17 (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.

27.4.31 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.

27.5.11 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.

- L. Off Street Parking on Lawns. Parking and/or storing of any motor vehicle within or on the front lawn of residential property shall be prohibited after three-3 consecutive days.

27.5.15 GRASS, WEED & VEGETATION CONTROL REQUIRED (Sequence Number Change)**A. Procedure When Owner Fails to Comply with Notice to Mow or Destroy Grass, Weeds, and Uncontrolled Vegetation.****a. Abatement.**

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.

- i. 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 will occur.
- ii. 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.
- iii. 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.
- iv. 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 27.04.15.
- v. 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.
- vi. 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 27.4.17 (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.

27.5.16 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.

27.5.17 INOPERABLE MOTOR VEHICLES PROHIBITED

- A. Outside Storage of Inoperable, Disabled or Unlicensed Motor Vehicle in Excess of 30-Days Prohibited.**

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.

- d. 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 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.

27.5.18 IMPOUNDING OF ABANDONED OR JUNK MOTOR VEHICLES

27.5.34 BLIGHTED CONDITIONS OF STRUCTURES OR LOTS PROHIBITED (Added Citations and Fines when owner fails to facilitate repairs when directed to do so)

- 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.

27.5.35 NUISANCE CANINE ACTIVITY (Added- Numerous bark complaints of no action by Dog Warden's Office, and have been directed to seek Township intervention)

- 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.
 - a. 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.
 - i. 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.
 - ii. 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 harbinger 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.

27.5.36 PREVIOUS VERSIONS OF THIS PROPERTY MAINTENANCE CODE VOIDED / DEEMED NON-CONFORMING USES