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Filed for Record in
AUGLAIZE COUNTY, OHIO
CHRISTINA LAMBERT, RECORDER
11-15-2012 At 03:00 PM.
AMEND ZONE 20.00

Zoning Resolution
Of
Clay Township
Auglaize County, Ohio

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GENERAL PURPOSE

In order to improve the visual image of the Clay Township community, in order to maintain a higher quality of life, and for the purpose of promoting and protecting the public health, safety, and general welfare; to regulate the area and dimensions of land, yards, and open spaces so as to secure adequate light, air and safety from fire and other dangers; to protect the physical environment of the Township from contamination; to protect the character of agriculture, residential, and business areas and to assure their orderly development; and to provide for the orderly growth and development of lands, the Board of Trustees find it necessary, advisable, and of great benefit to the residents of the township to provide for the zoning of the unincorporated area of the Township into districts of "Agricultural", "Residential", and "Industrial" Districts.

This Resolution shall not prohibit the use of any land in the Townships 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. No zoning certificate shall be required for any agricultural building or structure, if the land used for agricultural purposes is 5 acres or more.

Nothing in this Resolution shall prohibit the later amendment to provide for an Industrial Park or to provide for the rezoning of an area or areas for Industrial or Residential uses.

ZONING RESOLUTION OF CLAY TOWNSHIP
AUGLAIZE COUNTY, OHIO

TITLE: A resolution providing for the Zoning of the Unincorporated areas of Clay Township, Auglaize County, Ohio, by regulating the location, size, height and use of buildings or structures, the area and dimensions of lots and yards and the use of lands, and providing a method of administration and enforcement of this Resolution.

WHEREAS, the Board of Township Trustees of Clay Township, Auglaize County, Ohio, deems it in the interest of the public health, safety, morals and general welfare of said Township and unincorporated area of said Township;

NOW, THEREFORE, be it resolved by the Board of Township Trustees of Clay Township, that:

Section I. Purpose

The Board of Trustees of Clay Township and the Board of Zoning Appeals shall not prohibit the use of any land within the Agricultural District of the Township for agricultural purposes and shall not require zoning certificates and shall not prohibit the construction or use of the buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located. The Board of Trustees finds it necessary and advisable, however, to regulate the use of land other than agricultural and the location, size, and use of buildings and structures on land other than agricultural, pursuant to Section 519.01, et seq, inclusive, of the Revised Code of Ohio.

Section II. Districts

For the purpose of carrying out the provisions of this Resolution, the unincorporated area of Clay Township shall consist of an "Agricultural" District, "Residential" District, and an "Industrial" District, and no structures or premises shall be used and no structure shall be located, erected or altered, except in conformity with the regulations prescribed herein.

Section II (a). Agricultural District

The "Agricultural District" shall be all of the unincorporated area of the township, except those areas specifically established as Residential District or Industrial District. All land within the Agricultural District may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures shall be located, but such exemption shall not extend to buildings or structures used as dwellings. For the purpose of the resolution, "agriculture" shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, and animal and poultry husbandry.

Permitted uses within the Agricultural District shall be confined to

- 1) Those uses normally and customarily considered as agricultural uses,
- 2) Residential dwellings and mobile homes, in accordance with other pertinent provisions of this resolution,

- 3) Non-commercial parks and playgrounds,
- 4) Golf courses and country clubs,
- 5) All uses set forth under "Section III. Retail and Entertainment".

Prohibited Uses The following uses shall be deemed to constitute a nuisance and shall not be permitted within the Agricultural District:

- 1) Manufacture, or storage of, explosives, gun powder, or fireworks for other than sporting reasons or personal use, except upon application to and special permission by the Board of Zoning Appeals.
- 2) Dumping, storing, burying, reducing, disposing of, or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, or other poisons or toxic materials or industrial waste, except such as result from the incidental normal and proper agricultural or residential use of the premises, unless such dumping is done at a place provided by the Township Trustees for such specific purposes, and said Township Trustees have been given the privilege to inspect and make the necessary regulations for the operation thereof.
- 3) Junk yards, automobile graveyards, or places for the outside collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes, or for dismantling used vehicles, for profit or business, and for personal use unless permission is given by the Board of Zoning Appeals upon proper application being made therefore.
- 4) Hospitals and sanitariums for drug or liquor addicts, insane or mental cases.
- 5) Massage parlors and book stores normally referred to as "Adult book Stores" which sell obscene materials designed to arouse the prurient interest through sight or sound.
- 6) Acid manufacture.
- 7) Acetylene gas manufacture or industrial storage of acetylene in excess of fifteen (15) pounds pressure per square inch.
- 8) Turpentine, varnish or paint manufacturing or refining.
- 9) The outside storage of more than one (1) unlicensed motor vehicle shall be prohibited unless the same is not visible from a public roadway.
- 10) Manufactured or Mobile Home Parks as defined in Ohio Revised Code Section 3733.01 (A), Recreational Vehicle Parks as defined in O.R.C. 3733.01 and Recreational Camps as defined in O.R.C. 3733.01 (G).
- 11) The use of empty semi-trailers, mobile homes or other like vehicles for the purpose of keeping or storing junk, rubbish, equipment, or other personal property which is not operable or not in use.

Section II. (b). Residential District

The "Residential" area of Clay Township shall be defined as those areas of land designated as out lots and in lots within the Villages of St. Johns, Geyer, and Santa Fe. Areas designated as "Residential" shall be used for residential purposes only, and shall be in conformance with other sections of this Resolution.

Permitted uses within the "Residential" District shall be confined to:

- 1) Single family and multiple family dwellings,

- 2) Home occupations,
- 3) Public and semi-public uses, including churches, schools, libraries, museums, non-commercial parks and playgrounds.

Prohibited uses within the "Residential" District shall be those "prohibited uses" described in the "Agricultural" District. In addition to the prohibited uses as described in the "Agricultural" District, the following shall also be prohibited uses in the "Residential" District:

- 1) Retail establishments, service stations and repair garages, places of entertainment, professional and business offices,
- 2) The raising and keeping of animals for commercial use or sale.

Section II. (c). Industrial Districts

The "Industrial" Districts of Clay Township shall be defined as that area of land extending one-half (1/2) miles easterly and westerly on either side of the D.T. & I. Railway right-of-way in Section 5, the North one-half (1/2) of Section 8, the South one-half (1/2) of Section 16, and Section 21.

Permitted uses within the "Industrial" District shall include:

- 1) All those uses permitted within the "Agricultural" District,
- 2) All those uses set forth under "Section III. Retail and Entertainment,"
- 3) Industrial and manufacturing establishments,
- 4) Wholesaling, warehousing, storage, bottling enterprises, and sales yards.

Prohibited uses shall include all those "Prohibited Uses" set forth in Section II. (a).

Section II (d). Residential and Industrial Districts that Overlap

In those areas in the "Residential" Districts that overlap with the "Industrial" District, the provisions of the "Residential" District shall have priority.

Section III. Retail and Entertainment

Nothing contained herein, unless specifically prohibited herein, shall be construed to prohibit the use of any land for the construction of a building or the reconstruction, change, alteration, maintenance, enlargement, or use of any building for mercantile, retail, drugstore, hotel, restaurant, home occupations, service stations, repair garages, professional and business offices, places of entertainment and other public and semi-public uses including churches, schools, libraries, museums, parks and playgrounds; provided, however, that zoning certificates are applied for and granted to assure conformance with lot area requirements and to assure adequate parking and delivery areas. The use of a personal residence-dwelling not requiring outside alteration or enlargement for any of the uses set forth in the Section shall be exempt from the requirement of a Zoning Certificate.

Section IV. Outdoor Advertising

For the purpose of this resolution, and providing of regulations for outdoor advertising, an outdoor advertising sign or billboard shall be deemed a structure and classified as a

non-agricultural use and be subject to Section VI., paragraphs 1, 2, 3, requiring a Zoning Certificate but a Zoning Certificate shall not be required if said sign or billboard complies with the following provisions of this Section:

- 1) There shall be no restriction in regard to height and size of sign when the same are located at a distance greater than one hundred fifty (150) feet from the right-of-way line of any public road or highway.
- 2) Signs, not larger than thirty two (32) square feet in area, are permitted when the use of the sign is in direct relation to the use of the premises. Said Signs are exempt from Section VIII., paragraph 2.
- 3) No outdoor advertising sign more than three (3) square feet in size shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extended beyond or above the same more than six (6) feet.
- 4) Temporary signs announcing community events and personal matters such as "garage" and "yard" sales, and political signs, shall be permitted and be exempt from the requirements of this Resolution if placed not more than 30 days prior to the event, sale or election, and removed within 3 days after said event, sale, or election.

Section V. Building Restrictions

- 1) No dwelling house shall be erected and no building shall be altered or used as a residence which contains less than eight hundred (800) square feet per family unit, exclusive of all basements, garages, porches, terraces and breezeways.
- 2) All dwellings shall provide off-street parking for not less than one (1) motor vehicle per family unit.
- 3) Trailers of less than one thousand (1,000) square feet and basement residences shall be used only during such time as a residence being constructed on the premises, said use not to exceed twelve (12) months in duration. For the purpose of this section, a "basement" is defined as that portion of a residence constructed below-ground and designed for the purpose of further construction for living-quarters area above the top of the basement walls. Residences specifically designed for below-ground construction shall not be considered as "basements".
- 4) All dwellings hereafter erected shall have a continuous foundation of concrete or building block, and be constructed of materials common to the building trades.
- 5) All wiring in dwellings hereafter erected or altered within the Township shall comply with the specifications of the National Electrical Code.
- 6) All dwellings, mobile homes, and buildings used or occupied by the general public shall contain operable indoor toilet facilities.
- 7) All sewage or waste disposal units shall be subject to approval by the Auglaize County Board of Health, and no building permit for residence dwelling shall be granted until the proper certificate is granted by the Auglaize County Department of Health approving the proposed sewage system.
- 8) a. Mobile homes of less than one thousand (1,000) square feet of living area may be used as dwellings on a temporary basis only and then only upon the approval by and under the conditions set forth by the Board of Zoning Appeals Board.
b. Mobile homes containing one thousand (1,000) square feet or more of living area may be used as permanent dwellings upon compliance with the following:

1. All such mobile homes shall be provided with anchors and tie downs such as cast-in-place concrete "dead man" eyelets imbedded in concrete, screw augers or arrowhead anchors for securing the stability of the mobile home and anchoring it to the real estate with not less than one (1) anchor per each 100 square feet of the mobile home.
 2. All such mobile homes must be elevated above or rest on a concrete pad of no less than four (4) inches in depth over the entire area underneath the mobile home, or on concrete runners of not less than twelve (12) inches wide and twelve (12) inches deep extending the entire length of the living area of the mobile home.
 3. All such mobile homes must be skirted entirely enclosing the section between the bottom of the mobile home and the ground or concrete level, said skirting to be composed of masonry materials.
 4. All such mobile homes must be located on lands that provide for off-street parking for not less than one (1) motor vehicle.
 5. The location of all such mobile homes must be in compliance with the provisions of Section VI. Height and Area Regulations, and no such mobile home shall be located closer than forty (40) feet from the outermost edge of another residence dwelling.
 6. A Zoning Certificate shall be required prior to the location of a mobile home within the township.
- 9) Television or communication satellite dishes shall be considered as non-agricultural structures for which a zoning certificate shall be required, and the same shall be subject to the provisions of section VI. Height and Area Regulations, paragraphs 2 and 3.

Section VI. – Part One Height and Area Regulations

- 1) No part of any building or structure, except church spires, towers and antennas, and except those buildings normally higher for business purposes shall exceed three (3) stories or forty (40) feet in height.
- 2) No building or structure, or any portion thereof, shall be erected within forty (40) feet from the right-of-way of a road. In the event said building or structure shall be located on land bounded by intersecting roadways, this restriction shall not be less than fifty (50) feet.
- 3) There shall be a minimum side yard clearance of twenty (20) feet, measured from the closest point of any part of any building or structure to the side lot line. There shall be a minimum rear yard clearance of twenty (20) feet, measured from the closest point of any part of any building or structure to the rear lot line. This provision shall not apply to portable storage sheds of less than two hundred (200) square feet in area.
- 4) There shall be a minimum lot area of fifteen thousand (15,000) square feet for each single family dwelling erected and a minimum of ten thousand (10,000) square feet for each family unit in multiple family dwellings. In platted accepted subdivisions the minimum lot area shall be eleven thousand two hundred fifty (11,250) square feet for single family dwellings and a minimum lot area of three thousand (3,000) square feet per family unit in multiple family dwellings.

Section VI – Part Two Small Wind Turbines

General requirements; and requirements in addition to other provisions set forth in this Resolution, for small wind turbines are as follows:

- 1) Small wind turbines and other wind powered generators are limited to a rated capacity of not more than 50kW.
- 2) Small wind turbines and other wind powered generators shall be allowed only on parcels one (1) acre or greater in size.
- 3) Small wind turbines and other wind-powered generators shall service only one residential structure per parcel.
- 4) A small wind energy project, including tower, shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
- 5) The owner of a small wind turbine or other wind-powered generator must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.
- 6) Small wind turbine or other wind-powered generators must be on a freestanding tower or other approved reinforced structure. The use of additional supports including guy wires is subject to all other regulations provided within this resolution.
- 7) The applicant shall provide proof of notification to adjacent property owners as required by Ohio Revised Code Section 519.211 (telecommunication towers) and shall conform to ORC 519.213.
- 8) A minimum distance between the ground and any protruding blades is 15 feet as measured at the lowest point of the arc of the blades to a point no lower than the average grade in and around the immediate tower area.
- 9) The proposed small wind turbine and other wind-powered generator shall maintain a clear fall zone of no less than 110% of total height of the structure from any property line, current or future structure, and public or private road right-of-way.
- 10) Subject to the clear fall zone requirements, no part of the wind system structure, including guy wire anchors if applicable, shall be closer than twenty (20) feet to the property boundaries of subject parcel.
- 11) On parcels zoned to permit residences, the size of a small wind turbine and other wind-powered generator structures are subject to the following size limitations. Subject sites with contiguous parcels of identical ownership may be considered as one larger parcel. In determining the height, grade shall be determined by averaging the area around the proposed location of the small wind turbine and other wind-powered generator:

<u>Parcel Size</u>	<u>Maximum Tower Height</u>
1 to 4.9 acres	60 feet
5 to 9.9 acres	80 feet
10 to 14.9 acres	100 feet
15 acres plus	125 feet

- 12) On parcels where residential uses are not permitted, small wind turbine and other wind-powered generator structures are subject to the following size limitations. Subject sites with contiguous parcels of identical ownership may be considered as one larger parcel. In determining the height, grade shall be determined by averaging the area around the proposed location of the small wind turbine and other wind-powered generator:

<u>Parcel Size</u>	<u>Maximum Tower Height</u>
1 to 4.9 acres	80 feet
5 acres plus	125 feet

- 13) Residential, commercial or industrial roof top and or combination units (utility lights with generators etc.) may be approved so long as no aspect of the maximum tower height is exceeded as stated above.
- 14) Small wind turbine and other wind-powered generator towers shall not be artificially lit unless such lighting is required by the Federal Aviation Administration. If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the structure.
- 15) Small wind turbines and other wind powered generators shall be limited to a rated capacity of not more than 50kW. All devises with a rated capacity greater than 50kW shall be prohibited except for public domain applications provided for by the Ohio Department of Public Utilities.
- 16) Noise generated from the small wind turbine and other wind-powered generator shall not exceed 60dBA at the nearest residential property line and 75dBA at the nearest commercial or industrial property line. Failure to adhere to this provision shall constitute an automatic violation of this Resolution.
- 17) All tower support bases shall be made of reinforced concrete. Any other proposed construction method shall meet all federal or state requirements for wind tower base construction.
- 18) Abandoned small wind turbines and other wind-powered generators shall be dismantled within six months. Units taken out of service for indefinite but temporary reasons shall provide the township with proof of proper and effective maintenance. Units without proper maintenance shall be considered abandon by the township.
- 19) The small wind turbine and other wind-powered generator shall either be the stock color from the manufacturer or painted with an approved non-reflective, unobtrusive color that blends in with the surrounding environment.
- 20) Prior to the installation of a small wind turbine and other wind-powered generator, a zoning permit must be obtained. The applicant shall provide a detailed drawing of the site along with manufacturer information stating the size, shape and character of the proposed small wind turbine and other wind-powered generator. Information shall include generator kilowatt information, unit decibel criteria, tower height and construction specifications, shadow flicker potential, fencing information, clear fall zone, lighting plans and landscaping/buffering plans, plus any other information deemed necessary by the township.

Section VII. Mineral Extraction

Nothing in this Resolution shall prohibit the mining or extraction of mineral or deposits from or on any lands within Clay Township, providing that the other provisions of this Resolution are adhered to. Any area presently used for mineral extraction or gravel pit operations or in the future used for the same purpose and not mined for a period of one (1) year shall be leveled off to conform to the general contour of the surrounding land. Any person neglecting or refusing to level off the overburden of said land in compliance with this Section shall be subject to a fine of One Hundred and no/100 Dollars (\$100.00) per day for each day exceeding one (1) year period, as set forth above, said violation shall continue. The amounts paid and collected from said fine shall be paid to and diverted to a separate fund under the control of the Township Zoning Commission to be used by the Township Zoning Commission for the purpose of leveling the premises to conform to this regulation. Prior to the granting of a Zoning Certificate for said use, the Applicant must obtain and deposit with the Township Zoning Inspector a contour map of the area to be mined. The Township Zoning Commission shall require a performance bond in an amount to insure that adequate restoration and reclamation measures be undertaken and completed by the applicant, said bond to be kept in a current status and subject to review annually as to the amount. In the event it becomes desirable and beneficial not to level to that same contour upon termination of mineral extraction or gravel pit operations as set forth herein, the Board of Appeals, upon application made, may authorize such variance from this requirement as will not be contrary to the public interest and will observe the spirit of this Section.

Section VIII. Zoning Certificate

The position of Township Zoning Inspector is hereby created. He shall be appointed by the Board of Township Trustees and shall receive such compensation as the Trustees shall provide. He shall keep records of all applications for zoning certificates and the action taken thereon and shall enforce the Zoning Regulations. Before entering into his duties, he shall give bond by a bonding company of not less than One Thousand and no/100 Dollars (\$1,000.00) nor more than Five Thousand and no/100 Dollars (\$5,000.00) as fixed by the Township Trustees.

Before constructing, changing the use of, or altering any building or structure, including accessory buildings, or changing the use of any premises, except for those matters specifically excluded in this Resolution or any amendment thereto, application shall be made to the Township Zoning Inspector and a zoning certificate secured. No zoning certificate shall be required for the construction of buildings or structures incident to the use for agricultural purposes of the land of five (5) acres or more on which such buildings or structures shall be located, but such exemption shall not extend to buildings or structures used as dwellings. The application for dwellings or non-agricultural use shall indicate the exact location of the proposed construction, alteration, or change of use and shall include a plot plan, showing the proposed construction, alteration or change.

No Zoning Certificate shall be required for alterations made to the inside or outside of any building when said alterations do not increase or change the square footage of the existing structure.

The Township Trustees shall annually set the fees for the issuance of zoning certificates to cover the cost of inspections, maintenance of records and the other related duties of the zoning inspector. No Zoning Certificate shall be required for portable utility buildings not exceeding two hundred (200) square feet in size.

Zoning Certificates shall expire at the end of one (1) year after issuance, but in the event all outside construction has not been completed within one (1) year after issuance, the certificate may be extended for an additional twelve (12) month period upon request made to the Zoning Inspector. In the event all outside construction has not been completed within the extended period, an application accompanied by the proper application fee must be made and a new certificate granted before construction is recommenced.

Section IX. Non-Conforming Uses

- 1) The lawful use of any dwelling, building, or structures and of any land or premises, as existing and lawful at the time of enactment of this zoning resolution or any amendment thereto, may be continued, although such use does not conform with such resolution or amendment, but if any such non-conforming use is voluntarily discontinued for one (1) year or more, any future use of said land, building or structure shall be in conformity with this Resolution.
- 2) Any building or structure arranged, intended or designed for a specific non-conforming use, construction of which upon the site has been started at the time of the passage of this Resolution but not complete, may be completed and put to such non-conforming use, providing it is completed within one (1) year after this Resolution takes effect.
- 3) Any building or structure, existing as a non-conforming use at the time this Resolution takes effect, which is destroyed by fire or the elements, may upon securing a zoning certificate therefore, be reconstructed and restored as previously existing providing the same is completed within twelve (12) months from the date of said destruction, and such non-conforming use recommenced promptly thereafter.
- 4) The Board of Zoning Appeals, in an appropriate case and under its power to permit variance from the terms of the Resolution, may upon appeal permit the substitution of a specific non-conforming use in place of a different non-conforming use, upon such conditions and with such limitation as the board shall deem in the public interest. A non-conforming use of buildings, land or structures, shall not entitle such user to change a lawful pre-existing use to a specific different non-conforming use without proceeding as above provided but upon the abandonment of a non-conforming use shall be deemed to have been abandoned.
- 5) A building or structure, except as hereinabove provided for, size devoted to a non-conforming use at the time this Resolution takes effect may not be altered or

enlarged so as to extend said non-conforming use without the approval of the Board of Zoning Appeals.

- 6) Any person or corporation claiming right of operation or use as a pre-existing non-conforming use as described in this section shall make and preserve reasonable records and other proofs of the existence and extent of such use at the time it becomes non-conforming due to this Resolution or amendments thereto.

Section X. Board of Zoning Appeals

There is hereby created a Township Board of Zoning Appeals of five (5) members who shall be residents of the unincorporated area of the Township included in the area zoned. The terms of each member shall be five (5) years beginning January 1, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired terms.

The Township Board of Zoning Appeals may:

- 1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning laws or this Resolution or any amendments thereto.
- 2) Authorize, upon appeal, in specific cases, such variance from the terms of this zoning resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence, the acting chairman may administer oaths and the Township Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer or Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal or written statement specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Township Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

The party appealing to the Board shall deposit with the Clerk of the Board an appeal deposit to cover expenses of notice and transmission of papers incident to the appeal.

Annually, the Township Trustees shall establish an amount to be deposited with the Clerk of the Board by the party appealing, as an appeal deposit, said amount to be sufficient to cover expenses of the Board and expenses of notice and transmission of papers incident to the Appeal. Upon establishment of said amount to be deposited, the Township Trustees shall cause notice to be given to the Township Zoning Inspector and to the Clerk of the Board of Appeals of the amount established. If a verbatim record is desired by Appellant, he or she shall furnish the Court Reporter, bear the expense of preparing the record, and furnish the Clerk of the Board of Appeals with a copy prepared at the expense of the appellant, said copy to be forwarded to the said Clerk within five (5) days after the same has been prepared by the Court Reporter.

The Township Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days notice to the parties in interest, and decide the same within thirty (30) days after it is submitted. Upon the hearing, any party may appear in person or by attorney. Any person adversely affected by a decision of a Township Board of Zoning Appeals may appeal to the Court of Common Pleas of Auglaize County, on the ground that such decision was unreasonable or unlawful. The parties in interest who shall be notified of the hearing on appeal to the Township Board of Zoning Appeals shall include (a.) the applicant for the zoning certificate; (b.) the person aggrieved who appealed to the Board, (c.) such other individual or individuals as the Board shall resolve, (d.) together with Notice of said Public Hearing published at least 10 days before the date of the hearing.

Section XI. Amendments

The Township Zoning Commission shall meet annually on the first Thursday in January and at other times upon call of the Chairman and may initiate amendments to this Resolution from time to time. Amendments may also be initiated by the Township Trustees or by petition of owners or lessees of property in accordance with the provisions of law (Revised Code 519.12) governing the same. The Township Trustees shall annually set a fee which shall be required of owners or lessees of property who file petitions to amend the Zoning Resolution, said fee to be sufficient to defray the costs of advertising, mailing and other expenses.

No change in or departure from the text or maps of the amendment as certified by the Township Zoning Commission shall be made unless the same be first submitted to the Township Zoning Commission, proper notice given and a Public Hearing has been held for its approval, disapproval or suggestions. If such Amendment or changes are disapproved by the Township Zoning Commission, provisions so disapproved must receive the favorable vote of the entire membership of the Board of Township Trustees in order to be adopted.

After receiving an amendment to the zoning plan from the Township Zoning Commission, the Board of Township Trustees shall consider such amendment following its own Public Hearing and vote upon the same in accordance with the provisions of law.

If the amendment to the Zoning Resolution is adopted by the Board of Township Trustees, it shall take effect thirty (30) days thereafter, unless within said period there is presented to the Board of Township Trustees a petition signed by a number of qualified voters residing in the unincorporated area of the Township affected by the amendment, equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last General Election in which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at the next primary or general election, in which event the amendment shall not take effect unless a majority of the electors voting on said issue shall approve the same.

Section XII. Enforcement

It shall be unlawful to erect, construct, reconstruct, change, enlarge, locate, maintain or use any building or structure or to use any land in violation of any regulation or any provision of this resolution or any amendment thereto. Violation of the provisions of this Resolution or failure to comply with any of its requirements, including a failure to obtain a zoning permit, or violation of conditions and safeguards established in various sections of this Resolution, or failure to comply with any of its requirements, shall cause the violator thereof to be fined as set forth in Ohio Revised Code Section 519.99, and in addition, pay all costs and expenses involved in the case. Each day such violation continues, after receipt of a violation notice, may 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 or entity, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense, and suffer the penalties herein provided. Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy any violation.

Section XIII. Interpretation

Nothing herein shall repeal, abrogate, annul or in any way impair or interfere with any provision of law or any rules or regulation, other than Zoning Regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.

Where this Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yard than are imposed or required by other provisions of law, rules, regulations, covenants or agreements, the provisions of this Resolution shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between the parties which impose restrictions greater than those imposed by the Resolution.

The masculine gender referred to herein as "he", "his", etc. Shall include all genders, male and female.

RESOLUTION

(Adopting Amendments/Revisions to the Clay Township Zoning Resolution)

WHEREAS the Zoning Commission of Clay Township has recommended the approval of amendments to the Clay Township Zoning Resolution; proposing amendments which would remove the Industrial District as a zoning district; delete prohibited uses and provide for permitted uses and conditional uses in the Agricultural and Residential Districts of Clay Township; and provide regulations for installation and use of solar panels; and

WHEREAS, the Clay Township Trustees set August 9, 2022 at 7:30 p.m. as a time for Public Hearing on the same, publication of which was made in the Wapakoneta Daily News on July 27, 2022; and

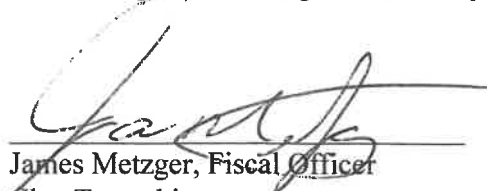
WHEREAS, a Public Hearing was held at the time and place described in said publication; and

WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a unanimous vote of all members present;

THEREFORE BE IT RESOLVED that said amendments, a copy of which is attached hereto, be, and hereby is, adopted and that said amendment shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Clay Township Fiscal Officer mail or deliver a copy of this Resolution, with attached amendments, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, the Township Zoning Inspector, the Secretary of the Regional Planning Commission and record a copy with the Auglaize County Recorder's Office.

The foregoing Resolution was duly adopted at a regular meeting of the Clay Township Board of Trustees held on August 9, 2022.


James Metzger, Fiscal Officer
Clay Township

**PROPOSED AMENDMENTS
TO THE
CLAY TOWNSHIP ZONING RESOLUTION**

Zoning Resolution
Of
Clay Township
Auglaize County, Ohio

GENERAL PURPOSE

In order to improve the visual image of the Clay Township community, in order to maintain a higher quality of life, and for the purpose of promoting and protecting the public health, safety, and general welfare; to regulate the area and dimensions of land, yards, and open spaces so as to secure adequate light, air and safety from fire and other dangers; to protect the physical environment of the Township from contamination; to protect the character of agriculture, residential, and business areas and to assure their orderly development; and to provide for the orderly growth and development of lands, the Board of Trustees find it necessary, advisable, and of great benefit to the residents of the township to provide for the zoning of the unincorporated area of the Township into districts of "Agricultural", **and** Residential" ~~and "Industrial Districts.~~

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Section II Districts

For the purpose of carrying out the provisions of this Resolution the unincorporated area of Clay Township shall consist of an "Agricultural" District **and** "Residential" District" ~~and Industrial District~~ and structures or premises shall be used and no structure shall be located, erected or altered, except in conformity with the regulations prescribed herein.

Section II (a) Agricultural District

The "Agricultural District" shall be all of the unincorporated area of the township, except those areas specifically established as Residential District ~~and Industrial District~~. All land within the Agricultural District may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures shall be located, but such exemption shall not extend to buildings or structures used as dwellings. For the purpose of the resolution, "agriculture" shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, and animal and poultry husbandry.

Permitted uses within the Agricultural District shall be confined to

- 1) Those uses normally and customarily considered as agricultural uses,
- 2) Residential dwellings and mobile homes, in accordance with other pertinent provisions of this resolution, .
- 3) Non-commercial parks and playgrounds,
- 4) Golf courses and country clubs,
- 5) All uses set forth under "Section III. Retail and Entertainment".

~~Prohibited Uses The following uses shall be deemed to constitute a nuisance and shall not be permitted within the Agricultural District:~~

- ~~1) Manufacture, or storage of, explosives, gun powder, or fireworks for other than sporting reasons or personal use, except upon application to and special permission by the Board of Zoning Appeals.~~
- ~~2) Dumping, storing, burying, reducing, disposing of, or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, or other poisons or toxic materials or industrial waste, except such as result from the incidental normal and proper agricultural or residential use of the premises, unless such dumping is done at a place provided by the Township Trustees for such specific purposes, and said Township Trustees have been given the privilege to inspect and make the necessary regulations for the operation thereof.~~
- ~~3) Junk yards, automobile graveyards, or places for the outside collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes, or for dismantling used vehicles, for profit or business, and for personal use unless permission is given by the Board of Zoning Appeals upon proper application being made therefore.~~
- ~~4) Hospitals and sanitariums for drug or liquor addicts, insane or mental cases.~~

- ~~5) Massage parlors and book stores normally referred to as "Adult book Stores" which sell obscene materials designed to arouse the prurient interest through sight or sound.~~
- ~~6) Acid manufacture.~~
- ~~7) Acetylene gas manufacture or industrial storage of acetylene in excess of fifteen
-(15) pounds pressure per square inch.~~
- ~~8) Turpentine, varnish or paint manufacturing or refining.~~
- ~~9) The outside storage of more than one (1) unlicensed motor vehicle shall be prohibited unless the same is not visible from a public roadway.~~
- ~~10) Manufactured or Mobile Home Parks as defined in Ohio Revised Code Section 3733.01 (A), Recreational Vehicle Parks as defined in O.R.C. 3733.01 and Recreational Camps as defined in O.R.C. 3733.01 (G).~~
- ~~11) The use of empty semi-trailers, mobile homes or other like vehicles for the purpose of keeping or storing junk, rubbish, equipment, or other personal property which is not operable or not in use.~~

Conditional Uses within the "Agricultural" District shall be confined to:

- 1) Small Wind Turbines as provided in Section VI – Part Two of this Resolution.**
- 2) Solar Panels as provided in Section VI – Part Three of this Resolution**

Section II (b). Residential District

The "Residential" area of Clay Township shall be defined as those areas of land designated as out lots and in lots within the Villages of St. Johns, Geyer, and Santa Fe. Areas designated as "Residential" shall be used for residential purposes only, and shall be in conformance with other sections of this Resolution.

Permitted uses within the "Residential" District shall be confined to:

- 1) Single family and multiple family dwellings,
- 2) Home occupations,
- 3) Public and semi-public uses, including churches, schools, libraries, museums, non-commercial parks and playgrounds.

~~Prohibited uses within the "Residential" District shall be those "prohibited uses" described in the "Agricultural" District. In addition to the prohibited uses~~

~~as described in the "Agricultural" District, the following shall also be prohibited uses in the "Residential" District:~~

- ~~1) Retail establishments, service stations and repair garages, places of entertainment, professional and business offices;~~
- ~~2) The raising and keeping of animals for commercial use or sale.~~

Conditional Uses within the "Residential" District shall be confined to:

- 1) Small Wind Turbines as provided in Section VI – Part Two of this Resolution.**
- 2) Solar Panels as provided in Section VI – Part Three of this Resolution**

Section II. (c). Industrial Districts

~~The "Industrial" Districts of Clay Township shall be defined as that area of land extending one half (1/2) miles easterly and westerly on either side of the D.T. & I. Railway right of way in Section 5, the North one half (1/2) of Section 8, the South onehalf (1/2) of Section 16, and Section 21.~~

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~~Permitted uses within the "Industrial" District shall include:-~~

- ~~1) All those uses permitted within the "Agricultural" District,~~
- ~~2) All those uses set forth under "Section III. Retail and Entertainment,"~~ 3)
- ~~Industrial and manufacturing establishments,~~
- ~~4) Wholesaling, warehousing, storage, bottling enterprises, and sales yards.~~

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~~Prohibited uses shall include all those "Prohibited Uses" set forth in Section II. (a).~~

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Section II (d). Residential and Industrial Districts that Overlap

~~In those areas in the "Residential" Districts that overlap with the "Industrial" District, the provisions of the "Residential" District shall have priority.~~

SECTION VI – PART THREE – SOLAR PANELS

General requirements and requirements in addition to other provisions set forth in this Resolution, for solar panels are as follows:

- 1) Solar panel Installations are limited to a rated capacity of not more than 50kW.**
- 2) Solar Panel Systems shall be allowed only on parcels with a minimum of 0.25 acres of unobstructed ground and must be a minimum of 20 (twenty) feet from the property line. Otherwise, they must be roof mounted**

- 3) Solar panels shall service only one residential structure per parcel. An additional nonresidential service on the same parcel shall require an additional permit.
- 4) Solar panels, including all mounting hardware, shall comply with all applicable state construction and electrical codes, and the National Electric Code.
- 5) The owner of a solar panel installation must take reasonable steps to prevent and eliminate, during both installation and operation, any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.
- 6) A solar panel installation must be on a freestanding structure or other approved reinforced structure. The use of additional supports including guy wires is subject to all other regulations provided within this resolution.
- 7) On ground mounted panels, a minimum distance between the ground and any part of the Solar Panel shall be no less than 24 inches as measured at the lowest point of the Solar Panel to a point no lower than the average grade in and around the immediate Solar Panel area.
- 8) The proposed solar panel installation shall maintain a clear fall zone of no less than 110% of total height of the structure from any property line, and public or private road right-of-way.
- 9) Subject to the clear fall zone requirements, no part of a solar panel installation, including guy wire anchors if applicable, shall be closer than twenty (20) feet to the property boundaries of subject parcel.
- 10) On all parcels, there must be a minimum of 0.25 acres of unobstructed ground and must be a minimum of 20 (twenty) feet from the property line. Otherwise, they must be roof mounted and maintain a clear fall zone of 110%. Subject sites with contiguous parcels of identical ownership may be considered as one larger parcel.
- 11) Solar panel installation on residential or non-residential parcels may combine ground and rooftop installations so long as the following requirements are met.
 - there must be a minimum of 0.25 acres of unobstructed ground
 - there must be a minimum of 20 (twenty) feet from the property line.
 - must maintain a clear fall zone of 110%

- 12) All Roof-mounted solar panels facing a roadway shall be flush mounted to the roof. All Roof-mounted solar panels that do not face a roadway shall not exceed 12 inches in height from the roof plane.
- 13) Solar panels shall not be artificially lit unless such lighting is required by the Federal Aviation Administration or any Government Agency. If lighting is required, the applicant shall provide a copy of the appropriate Government Agency determination to establish the required markings and/or lights for structure.
- 14) A residential solar panel installation shall be limited to a rated capacity of not more than 50kW. All devices with a rated capacity greater than 50kW shall be prohibited except for public domain applications provided for by the Ohio Department of Public Utilities, or agriculture or commercial use.
- 15) Noise generated from the solar panel installation shall not exceed 40dBA at the nearest residential property line and 60dBA at the nearest commercial property line. Failure to adhere to this provision shall constitute an automatic violation of this Resolution.
- 16) All solar panel installation support bases shall follow the guidelines set forth by the manufacturer. Any other proposed construction method shall meet all federal or state requirements for solar panel base construction.
- 17) Abandoned solar panels and all mounting hardware shall be dismantled within six months. Units taken out of service for indefinite, but temporary reasons shall provide the township with proof of proper and effective maintenance. Units without proper maintenance shall be considered abandoned by the township and shall be removed by the property owner
- 18) The solar panels shall either be the stock color from the manufacture or painted with an approved non-reflective, unobtrusive color that blends in with the surrounding environment.
- 19) Prior to the installation of a solar panel installation, a conditional use permit and zoning permit must be obtained. The applicant shall provide a detailed electrical and site drawings along with manufacturer information stating the size, shape and character of the proposed solar panel installation. Information shall include generation kilowatt information, unit decibel criteria, height and construction specifications, light reflection potential, fencing information, clear fall zone, lighting plans and landscaping/buffering plans, battery bank placement with ventilation specifications and labeled means of disconnect, plus any other information deemed necessary by the township.

- 20) On all parcels there must be a minimum of 100' between any Solar panel Installation and any Main Tiles or Waterways. If the Solar Panels are already in place, and within the setback limitations, any new tiles or waterways should not encroach the 100' limitation.
- 21) Landscaping shall be designed to counter the effects of light reflection on any neighboring residences or roadways. The facility owner and operator shall make every reasonable effort to minimize light reflection to any occupied building on a nonparticipating landowner's property.

New language proposed is indicated by **BOLD** and Underlined print.
Deleted language is indicated by -----.

No other provisions or language of the Clay Township Zoning Resolution is hereby proposed to be amended..