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**LOGAN TOWNSHIP
AUGLAIZE COUNTY, OHIO**

ZONING RESOLUTION

AMENDED, EFFECTIVE: AUGUST 24, 2007

ZONING RESOLUTION
APPENDIX

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**Zoning Resolution
Of
Logan Township
Auglaize County Ohio**

(Amended Effected August 24, 2007)

General Purpose

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, business, and manufacturing areas and to assure their orderly development; and to provide for the orderly growth and development of the lands, the Board of Trustees find it necessary, advisable, and of great benefit to the residents of the Township to provide for the division of the unincorporated area of the Township into districts of "Agricultural" and "Industrial".

This Resolution shall not prohibit the use of any land in the Township for agriculture purposes or the construction or use of buildings or structures incident to the use for agriculture purposes of the land on which such buildings or structures are located. No Zoning Certificate shall be required for any agriculture building or structure, if the land used for agricultural purposes is (5) acres or more.

Zoning Resolution of Logan Township

Auglaize County Ohio

Title: A resolution providing for the Zoning of the unincorporated areas of Logan 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 Trustees of Logan Township, Auglaize, County, Ohio, deems it in the interest of the public health, safety, moral, and general welfare of said Township and its residents to establish a general plan of zoning for the unincorporated area of said Township;

Now therefore, be it resolved by the Board of Township trustees of Logan Township that:

Section I. purpose

The Board of Trustees of Logan Township and the Board of Zoning Appeals shall not prohibit the use of any land within the Township for agriculture purposes and shall not require Zoning Certificates, and shall not prohibit the construction or use of buildings or structures incident to the use agriculture purposes of the land on which such buildings or structures are located. The Board of Trustees finds it necessary and advisable, to regulate the use of land other than agricultural and the location, size and use of buildings and structures on land other than agriculture, 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 Logan Township shall consist of (2) Districts, (Agricultural and Industrial), and no structures or premises shall be used and no structure shall be located , erected, or altered, except in the conformity with the regulations prescribed herein.

Section II (a) Agriculture district:

The "Agricultural District" shall be all of the unincorporated areas of the Township which is not within the confines of the "Industrial District". All land within the Agricultural District may be used for agricultural purposes.

SECTION II (a) cont.

No zoning Certificate shall be required for the construction of buildings or structures for the use for agricultural purpose 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 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) dwellings and mobile homes, in accordance with other provisions of this resolution
- (3) non-commercial parks and playgrounds
- (4) golf courses and country clubs
- (5) mobile home parks and recreational parks
- (6) all uses set forth under Section III

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

- (1) Manufacturing, or storage of, explosives, gun power, or fire works, for other than sporting reasons and personal use, except upon application to and special permission by the Board of Zoning Appeals.
- (2) Dumping, storing, reducing, disposing of, burning garbage, refuse, scrap metal, rubbish, offal or dead animals, or other poisons or toxic materials or industrial waste, except such as result from incidental normal and proper use of the premises, unless such dumping is done at a place provided by the Township Trustees for such specific purpose, and said Township Trustees have given the privilege to inspect and make the necessary regulations for the operation.
- (3) Junk yards, automobile grave yards, 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) Acid manufacture.

- (6) Acetylene gas manufacture or industrial storage of acetylene in excess of fifteen (15) pounds per square inch.

PROHIBITED USE: Continued

- (7) Turpentine, varnish, or paint manufacturing or refining.
- (8) Outside storage of more than one (1) unlicensed motor vehicle shall be prohibited.
- (9) Mobile homes not connected to sewage and water system approved by the Auglaize County Board of Health shall be prohibited unless the same has been converted to a business use and is located on the place where the business is located and an applicable Zoning Certificate has been granted
- (10) The use of semi- trailers, mobile homes, trailers or other like vehicles for the purpose of storing shall be prohibited.

SECTION II (b) INDUSTRIAL DISTRICT :

The Industrial District of Logan Township shall be defined as that area of land extending fifteen hundred feet (1500) on the Northwest and Southeast sides of the R.J. Corman Railway right-of-way and extending Northeasterly and Southwesterly in Sections 10, 11, 12, 1, 2, and 36.

PERMITTED USES WITHIN THE "INDUSTRIAL DISTRICT" SHALL INCLUDE:

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

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

SECTION III ENTERTAINMENT AND RETAIL.

Nothing contained herein, unless specifically prohibited herein, shall be construed to prohibit the use of any land for the construction of a building or reconstruction, change, alteration maintenance, enlargement or use of any building for mercantile, retail, drugstore, hotel, restaurant, home

occupations, service station, repair garages, professional offices, places of entertainment and other public and semi-public uses including churches, schools, libraries, museums, parks and playgrounds; provided, however, that the 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 dwelling not required outside alteration or enlargement for any of the uses of this section shall be exempt for the requirement of Zoning Certificate.

SECTION III (a) ADULT BUSINESSES

In addition to complying with all regulations within the district where they are located, all Adult Entertainment Businesses shall comply with the following criteria:

- (1) No Adult Entertainment Business shall be permitted in a location which is within fifteen hundred feet (1500') of another adult entertainment business.
- (2) No Adult Entertainment Business shall be permitted in a location which is within one thousand feet (1000') of any church, of any public or private school, any park, any playground, or any social facility or neighborhood center.
- (3) No Adult Entertainment Business shall be permitted in a location which is within five hundred feet (500') of any resident or boundary of any residential district.
- (4) No Adult Entertainment Business shall be permitted in any location which is within five hundred feet (500') of any boundary of any residential district in a local unit of Government abutting the Township.

For the purpose of this section, certain words and/or terms have the following meaning:

Adult Entertainment Business: An adult book store, adult motion picture theater, adult drive-in motion picture theater, or any adult entertainment establishment as defined by this Resolution.

Adult Book Store: An establishment which utilizes 15% (fifteen percent) or more of its retailing area for the purpose of retail sale or rental; or for the purpose of display by coin or slug-operated; or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices; or both, books, magazines, other periodical, films, tapes and cassettes which are distinguished by their emphasis on adult material as defined in this Resolution.

Adult Motion Picture Theater: An enclosed motion picture theater which is regularly used or utilized 15% (fifteen percent) or more of its total viewing time for presenting material distinguished or characterized by emphasis on matter depicting, describing or related to adult material as defined by this Resolution.

Adult Motion Picture Drive-in: An open air drive-in theater which is regularly used or utilizes 15% (Fifteen percent) or more of its total viewing time for presenting material distinguished or characterized by emphasis on matter depicting, describing or related to adult material as defined in this Resolution.

Adult Only Entertainment Establishment: An establishment where the patron directly or indirectly is charged a fee; where the establishment features entertainment or services which constitute adult material as defined in this chapter; or which features exhibitions, dance routines, or gyrational choreography or persons totally nude, topless, bottomless, female impersonators, or similar entertainment or services which constitute adult material.

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

Which material is distinguished or characterized by emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination, or which service is distinguished or characterized by emphasis on sexual activity, masturbation, sexual excitement, nudity, bestially, or human bodily functions of elimination?

Bottom less: less than full opaque covering of male or female genitals, pubic area, or buttocks.

Topless: the showing of female breasts with less than full opaque covering of any portion, thereof, below the top of the nipple.

Nude or nudity: the showing, presentation, or depiction of the human male or female genitals, pubic area, or buttocks with less than full opaque covering of any portion thereof; or female breast (s) with less than full, opaque covering of any portion thereof below the top of the nipple; or of the covered male genitals in a discernibly turgid state.

Sexual activity: as defined in Ohio revised code #2907.01

Sexual Conduct: as defined in Ohio revised code #2907.01

Sexual Contact: as defined in Ohio revised code #2907.01

Sexual excitement: as defined in Ohio revised code #2907.01

Section IV Mobile Homes Parks

Mobile home parks shall be allowed and shall be exempt from those "Building Restrictions" set forth in Section VIII, and the "Height and area Regulations" set forth in Section VIII., but shall be subject to the following:

- (1) Every trailer park for mobile homes shall consist of not less than five (5) acres of land.

- (2) Every Mobile Home hereafter placed in a trailer park for Mobile Homes shall be on a lot having an area of not less than seven thousand square feet (7000') exclusive of roadways.
- (3) Each lot which a Mobile Home dwelling is placed shall have a **front yard** of not less than fifteen feet (15'); a **side yard** on each side of not less than fifteen feet (15'); for a corner lot not less than twenty feet (20'); a **rear yard** of not less than twenty feet (20'), and shall provide off-street parking.
- (4) Every Mobile Home hereafter placed open a lot in a Trailer Park for Mobile Homes shall consist of not less than seven hundred square feet (700') and shall be skirted entirely enclosing the bottom.
- (5) No Mobile Home shall be placed on any lot in a Trailer Park until such time as paved roadways with a minimum paved area not less than forty feet (40') in width have been installed and completed adjacent to said lot together with street lighting and water, sewer and electrical service for said lot.
- (6) Each lot shall contain a concrete pad no smaller than the Mobile Home to be located thereon. Each concrete pad shall contain a minimum of six (6) anchors for tie downs to secure the stability of the Mobile Home.

Section V Recreational Camping Parks

Recreational Camping Parks shall be allowed, upon application and the granting of necessary permit, by the Zoning Commission. Recreational Camping Parks shall be exempt from those other restrictions set forth in Section VII, and VIII, but shall be subject to the following.

- (1) Camping parks for temporary location of travel trailers, motor homes, or camping trailers shall consist of not less than five acres (5) of land.
- (2) Individual sites for travel trailers, motor homes, camping trailers in camping parks shall have a minimum lot size of eight hundred (800') square feet and shall be equipped with at least one (1) electrical connection located either on the site or adjacent to the site.
- (3) Each Camping site shall have:
 - (a) Management and Maintenance office including storage facilities for grounds keeping equipment.
 - (b) A safe usable recreational area or areas conveniently located in each Camping Park and shall not be less than in area or areas than eight (8%) percent of the gross area of the Trailer Park or one (1) acre, which ever is greater.

- (c) Water system inspected and approved by the Ohio Department of Health, providing adequate pressure with appropriate water connections for domestic usage.
- (d) Toilet facilities, dumping station, and sewer approved by the appropriate State and Local Health Boards.
- (e) Fire extinguishers shall be provided as specified in the regulations of the Ohio Department of Health.
- (f) The storage and collection of garbage and refuse within each park shall be conducted as so to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air pollution. All garbage shall be stored in fly-tight rodent-proof containers. These containers shall be located no more than two hundred feet (200') of each site as approved by the Auglaize County Board of Health.

Section V I Outdoor Advertising:

For the purpose of this Resolution, and providing of regulations for outdoor advertising, an outdoor advertising or billboard shall be deemed a structure and classified as a non agricultural use, but a zoning Certificate shall not be required if said sign or billboard complies with the requirements of this Section.

- (1) There shall be no restriction in regard to height and size of signs when the same are located at distance greater than one hundred and fifty (150') feet from the right-of-way line of any public road or highway.
- (2) Signs, not larger than thirty two square feet (32') in area, are permitted when the use of the sign is in the direct relation to the use of the premises.
- (3) No outdoor advertising sign more than six square feet (6") in size shall be located within one fifty feet (150') of any intersection unless affixed to a building and not beyond or above the same more than three feet (3')

SECTION VII BUILDING RESTRICTIONS

- (1) No dwelling house shall be erected and no building shall be altered or used as a resident which contains less than eight hundred square feet (800') per family unit, exclusive of all basements, garages, porches, terraces and breezeways.
- (2) All dwellings shall provide off-street parking for not less than two (2) motor vehicles per family.
- (3) Mobile Homes and trailer of less than seven hundred square feet (700') and basement residents shall be used only during such time as a resident is being constructed on the premises, said use not to exceed twelve months (12) in

duration. For the of this section, a "basement" is defined as that portion of a resident constructed below-ground and designed for the purpose of further construction for living quarters area above the top of the basement walls. Residents 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 blocks, 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 sewage or waste disposal units shall be subject to approval by the Auglaize County Board of Health, and no Building Permit for resident dwelling shall be granted until the proper Certificate is granted by the Auglaize County Department of Health approving the propose sewage system.
- (7) Trailers and Mobile Homes of less than seven hundred square feet (700') shall be used for temporary residents only provided in Paragraph 3 above, subject to all prohibitions contained elsewhere in this Resolution, and than only upon the proper application and issuance of a Zoning Certificate.
- (8) Mobile Homes with a minimum of seven hundred square feet (700') shall be allowed as dwellings outside of trailer parks, upon application and granting of the necessary Zoning Certificate and upon the compliance with Section VIII, "Height and Regulations". All such Mobile Homes outside of Trailer Parks shall be provided with anchors and tie downs such as cast-in-place concrete "dead men" eyelets imbedded in concrete, screw augers, arrowhead anchors, or other devices for securing the stability of the Mobile Home and anchored to the real estate. All such Mobile Homes must be elevated above or rest on a concrete pad or concrete runners, they must be skirted entirely enclosing the section between the bottom of the Mobile Home and the concrete, and must have off-street parking for not less than two (2) motor vehicles.
- (9) Temporary buildings, construction trailers, and equipment and materials used in conjunction with construction work may be permitted in any district during the period construction work is in progress. Such temporary facilities shall be removed upon completion of the construction or expiration of a duly issued Zoning Permit, whichever shall occur first. Storage of such facilities or equipment beyond the completion date of the project shall require a Zoning Permit authorized under this Resolution and issued by the Zoning Inspector.
- (10) On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner which may materially impede or restrict vision at a height of two and one half feet (2 1/2') above the centerline grades of

the intersecting streets in the area bounded by the right-of-way of such corner lots and a line joining points along right-of-way lines fifty feet (50') from the point of intersection.

- (11) All lots shall be appropriately graded to provide for adequate movement of water from structures and toward drainage swales, ditches, or any required sub-surface drain. Every property owner shall be responsible for the installation and maintenance of all drainage necessary to protect their own property and the property of the adjacent lands.

Section VIII Heights and 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 forty feet (40') in height.
- (2) No building or structure, or any portion thereof, shall be erected within fifty feet (50') from the right-of-way of any State Highway and not within forty feet (40') of the right-of-way of any County or Township Road. In the event said building or structure shall be located on land bounded by intersecting roadways, this requirement shall be not less than fifty feet (50').
- (3) There shall be a minimum side yard and rear yard clearance of six feet (6'), measured from the closes point of any part of any building under two hundred square feet (200'). No Zoning Certificate shall be required for portable utility buildings not exceeding two hundred square feet (200'). There shall be a minimum side clearance of twenty (20') feet, measured from the closest point of any part of any building to the side lot line, and thirty (30'), measured from the closest point of any part of any building to the rear of the lot line.
- (4) There shall be a minimum lot area of one (1) acre, or 43,560 square feet, excluding any public right-of-way or access easement of record, for residential dwellings. All lots under five (5) acres shall have a lot depth to lot ratio that does not exceed 3 to 1. The lot width shall be measured at the required front setback. In platted accepted subdivisions the minimum lot area shall be 21,780 square feet for a single family dwellings and a minimum lot area of 10,000 square feet per family unit in multiple family dwellings.
- (5) The minimum front, rear, and side yard restrictions shall apply to all accessory buildings, ponds, pools and landscape mounds, in excess of four feet (4'). As applied to ponds, the measurement shall be made from the toe of the slope, or the high water mark of the pond, whichever is closest, to the side, front or rear set back line, as applicable

Section IX Zoning Certificate:

The position of the Township Zoning Inspector is hereby created. He shall be appointed by the Board of 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 be given a bond by a bonding company of not less than \$1,000.00 nor more than \$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 the Zoning Certificate secured. No Zoning Certificate shall be required for the construction of buildings or structures for agriculture 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 fees to be paid by the applicant for the issuance of the Zoning Certificate to cover inspection and maintaining records of such applications. Zoning Certificates shall be valid for a period of one (1) year prior to the commencement of construction and must be reissued if a bona fide construction has not commenced within one (1) year of issue or reissue and further construction is intended.

Section X 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 this enactment of this Zoning Resolution or any Amendment thereto, may be continued, although such uses 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 specific non-conforming use, construction of which upon the site has been started at the time of this passage of this Resolution but not 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 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 recommended properly 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 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 the 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 of such use at the time it becomes non-conforming due to this Resolution or Amendments thereto.

Section XI 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 including in the area zoned. The terms of each member shall be five (5) year beginning January 1, except that the terms of the original members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until 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 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.
- (2) Authorize, upon appeal, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to public interest, where owing 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 Regulation. Meeting of the Board of Appeals shall be held at the call of the chairman, and at such other times as the Board of Appeals may determine. The chairman, or in his absent, 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

opened to the public. The Board shall keep minutes of its proceedings showing the vote of 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 of the Board of Zoning Appeals may be taken by any person aggrieved or by an 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 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 a fee which shall annually be set by the Township Trustees to cover the expenses of the notice and transmission of the papers incident to appeal. If a verbatim record is desired by appellant, he shall furnish the Court Reporter and bear the expenses of typing said record.

The Township Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, given 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 member may appear in person or by attorney. Any person adversely affected by a decision of the 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 ten (10) days before the date of the hearing.

Section XII: Amendments

The Township Zoning Commission shall meet annually on the third (3rd) Tuesday 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 petition of owners or lessees of the property in accordance with the provisions of the law (R.C. 519.12) governing the same. The Township Trustees shall annually set a fee which shall be required of owners or lessees of property who filed petitions to amend the Zoning Resolution, said fee to be sufficient to defray the cost of advertising, mailing and other expenses.

No change or departure from the text or maps of the Amendment as certified by the Township Zoning commission shall be made unless the same is 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, the provision so disapproved must receive the favorable vote of the entire membership of the Board of 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 provision of the 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 but 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 XIII; Enforcement

It shall be unlawful to erect, construct, reconstruct, change, enlarge, locate, maintain, or use any building or structure or use any land in violation of any regulation or any provision of this resolution or any amendment thereto. Any person, firm or corporation violating this Resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred and no/100 (\$100.00) dollars. Each and every day during which said illegal erection, construction, reconstruction, enlargement, location, change, maintenance or use continues may be deemed a separate offence.

Section XIV; Interpretation

Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with provision of the 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 building or premises or upon the height of buildings or requires larger yard than are imposed or required by other provisions of the 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 greater than those imposed by the Resolution.

Section XV Separability

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

RESOLUTION

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

WHEREAS the Zoning Commission of Logan Township has recommended and certified to the Board of Trustees the approval of certain amendments/revisions to the Logan Township Zoning Resolution by 1) providing for small solar energy systems and small wind turbines/other wind powered generator facilities as a Conditionally Permitted Uses in the Agriculture District and in the Industrial District; 2) enacting in Section VIII - Supplementary District Regulation, Section VIII(B) Solar Energy Systems regulations and Section VIII(C) Small Wind Turbines and other Wind Powered Generator Facilities; and 3) enacting in Section VIII(D), Definitions relative to Solar and Wind Energy Systems. (Said recommended amendments/revisions marked as "Exhibit 1"), and

WHEREAS, the Logan Township Trustees set August 6, 2024 at 6:30 p.m. as a time for Public Hearing on the same, publication of which was made in the Wapakoneta Daily News on July 23, 2024; and

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

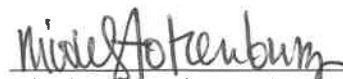
WHEREAS, said recommendations are accepted and approved by the Board of Township Trustees and are hereby adopted, by unanimous vote of all members present;

THEREFORE BE IT RESOLVED that said amendments/revisions be adopted with and that the same shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Fiscal Officer of Logan Township mail or deliver a copy of this Resolution, with attached amendments/revisions 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 adopted at a duly held meeting of the Logan Township Board of Trustees held on August 6, 2024.

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Nicole Stolzenburg, Fiscal Officer
Logan Township

"Exhibit 1"

**PROPOSED AMENDMENTS TO THE
LOGAN TOWNSHIP ZONING RESOLUTION
PUBLIC HEARING JULY 9, 2024
BY THE LOGAN TOWNSHIP ZONING COMMISSION**

Section II Districts

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.....

Section II(a) Agriculture District

.....
.....

Permitted Uses: within the Agriculture District shall be confined to:

- (1)
-
- (6)

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

- (1)
-
- (10)

CONDITIONALLY PERMITTED USES: SHALL BE CONFINED TO:

- (1) SMALL SOLAR ENERGY SYSTEMS AS PROVIDED FOR IN SECTION VIII(B) OF THIS ZONING RESOLUTION.**

- (2) SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATOR FACILITIES AS PROVIDED FOR IN SECTION VIII(C) OF THIS ZONING RESOLUTION.**

Section II(B) Industrial District

.....
.....

Permitted Uses: within the Industrial District shall be confined to:

- (1)
-
- (4)

Prohibited Uses: shall include all those “Prohibited Uses” as set forth in Section II(a)

CONDITIONALLY PERMITTED USES: SHALL BE CONFINED TO:

- 1. SMALL SOLAR ENERGY SYSTEMS AS PROVIDED FOR IN SECTION VIII(B) OF THIS ZONING RESOLUTION.**
- 2. SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATOR FACILITIES AS PROVIDED FOR IN SECTION VIII(C) OF THIS ZONING RESOLUTION.**

Section VIII Heights and Regulations
SUPPLEMENTARY DISTRICT REGULATIONS

SECTION VIII(A) HEIGHT, AREA AND SETBACK 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 forty feet (40') in height.

(2) No building or structure, or any portion thereof, shall be erected within fifty feet (50') from the right-of-way of any State Highway and not within forty feet (40') of the right-of-way of any County or Township Road. In the event said building or structure shall be located on land bounded by intersecting roadways, this requirement shall be not less than fifty feet (50').

(3) There shall be a minimum side yard and rear yard clearance of six feet (6'), measured from the closes point of any part of any building under two hundred square feet (200'). No Zoning Certificate shall be required for portable utility buildings not exceeding two hundred square feet (200'). There shall be a minimum side clearance of twenty (20') feet, measured from the closest point of any part of any building to the side lot line, and thirty (30'), measured from the closest point of any part of any building to the rear of the lot line.

(4) There shall be a minimum lot area of one (1) acre, or 43,560 square feet, excluding any public right-of-way or access easement of record, for residential dwellings. All lots under five (5) acres shall have a lot depth to lot ratio that does not exceed 3 to 1. The lot width shall be measured at the required front setback. In platted accepted subdivisions the minimum lot area shall be 21,780 square feet for a single family dwellings and a minimum lot area of 10,000 square feet per family unit in multiple family dwellings.

(5) The minimum front, rear, and side yard restrictions shall apply to all accessory buildings, ponds, pools and landscape mounds, in excess of four feet (4⁹), As applied to ponds, the measurement shall be made from the toe of the slope, or the high water mark of the pond, whichever is closest, to the side, front or rear set back line, as applicable

SECTION VIII(B) SOLAR ENERGY SYSTEMS

SOLAR FACILITIES OF FIFTY (50) MEGAWATTS OR MORE SHALL BE REQUIRED TO SUBMIT AN APPLICATION WITH THE OHIO POWER SITING BOARD (OPSB) AT THE PUBLIC UTILITIES COMMISSION OF OHIO (PUCO) AND ARE REQUIRED TO MEET OPSB REGULATIONS. NO SOLAR ENERGY SYSTEM OR FACILITY OF GREATER THAN FIFTY (50) KILOWATTS AND LESS THAN FIFTY (50) MEGAWATTS SHALL BE PERMITTED WITHIN ANY DISTRICT OF THE TOWNSHIP

A. SOLAR ENERGY SYSTEM - GENERAL REQUIREMENTS AND REQUIREMENTS IN ADDITION TO OTHER PROVISIONS SET FORTH IN THIS RESOLUTION, FOR SOLAR PANEL SYSTEMS ARE AS FOLLOWS:

- 1) SOLAR ENERGY SYSTEMS SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, RULES, AND REGULATIONS.**
- 2) SOLAR ENERGY SYSTEMS AND PARTS THEREOF SHALL OBTAIN ALL APPLICABLE REQUIRED BUILDING PERMITS FROM THE STATE OF OHIO AND COUNTY OR OTHER LOCAL BUILDING JURISDICTION.**
- 3) SOLAR ENERGY SYSTEMS AND THE PROPERTY WHERE LOCATED SHALL NOT BE USED FOR THE DISPLAY OF ADVERTISING. FOR THE PURPOSES OF THIS SECTION, REASONABLE AND CUSTOMARY IDENTIFICATION (NAME, INSIGNIA, LOGO, AND/OR SIMILAR) OF THE MANUFACTURER OR OPERATOR OF THE SYSTEM THAT IS INCORPORATED INTO OR MANUFACTURED ON THE EQUIPMENT ITSELF SHALL NOT BE CONSIDERED ADVERTISING.**
- 4) IN ADDITION TO THE REQUIREMENTS SET FORTH HEREIN SOLAR ENERGY SYSTEMS MUST COMPLY WITH THE SETBACK REQUIREMENTS APPLICABLE TO THE ZONING DISTRICT WHERE LOCATED.**
- 5) SOLAR ENERGY SYSTEMS LOCATED ON CORNER LOTS SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, THOSE FOR YARDS, BUFFERING, AND**

SCREENING FOR LOTS IN THE ZONING DISTRICT WHERE LOCATED

- 6) SMALL SOLAR ENERGY SYSTEM INSTALLATIONS MAY BE CONDITIONALLY PERMITTED WHEN LIMITED TO A RATED CAPACITY OF NOT MORE THAN 50KW FOR RESIDENCES IN THE AGRICULTURE DISTRICT AND IN THE INDUSTRIAL DISTRICT.**
- 7) GROUND MOUNTED SMALL SOLAR ENERGY SYSTEMS MAY BE CONDITIONALLY PERMITTED IN THE AGRICUTURE AND INDUSTRIAL DISTRICT ON PARCELS WITH A MINIMUM OF TEN 10 FEET FROM THE PROPERTY LINE OR ROAD RIGHT-OF-WAY, WHERE APPLICABLE; AND SHALL HAVE A MAXIMUM HEIGHT OF FIFTEEN (15) FEET. OTHERWISE, IN THE AGRICULTURE AND INDUSTRIAL DISTRICTS SMALL SOLAR ENERGY SYSTEMS MUST BE ROOF MOUNTED.**
- 8) A SMALL SOLAR ENERGY SYSTEM SHALL SERVICE ONLY ONE RESIDENTIAL STRUCTURE PER PARCEL. AN ADDITIONAL NONRESIDENTIAL STRUCTURE SERVICE ON THE SAME PARCEL MAY BE PERMITTED BUT SHALL REQUIRE AN ADDITIONAL PERMIT.**
- 9) SOLAR ENERGY SYSTEMS, INCLUDING ALL MOUNTING HARDWARE, SHALL COMPLY WITH ALL APPLICABLE STATE CONSTRUCTION AND ELECTRICAL CODES, AND THE NATIONAL ELECTRIC CODE.**
- 10) THE OWNER OF A SOLAR ENERGY SYSTEM 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.**
- 11) A GROUND MOUNTED SOLAR ENERGY SYSTEM MUST BE ON A FREESTANDING STRUCTURE OR OTHER APPROVED REINFORCED STRUCTURE. THE USE OF ADDITIONAL SUPPORTS, INCLUDING GUY WIRES, ARE SUBJECT TO ALL OTHER REGULATIONS PROVIDED WITHIN THIS RESOLUTION. ALL GROUND MOUNTED SOLAR ENERGY SYSTEMS SHALL BE IN THE SIDE OR REAR YARDS ONLY AND MUST ADHERE TO ACCESSORY USE SET BACKS IN ADDITION TO THE REQUIREMENTS SET FORTH IN THIS SECTION.**

- 12) ON GROUND MOUNTED SOLAR ENERGY SYSTEMS, A MINIMUM DISTANCE BETWEEN THE GROUND AND ANY PART OF A 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.**
- 13) A GROUND MOUNTED SOLAR ENERGY SYSTEM 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.**
- 14) SUBJECT TO THE CLEAR FALL ZONE REQUIREMENTS ABOVE, NO PART OF A GROUND MOUNTED SOLAR ENERGY SYSTEM, INCLUDING GUY WIRE ANCHORS, IF APPLICABLE, SHALL BE CLOSER THAN TEN (10) FEET TO THE PROPERTY BOUNDARIES OF SUBJECT PARCEL.**
- 15) ALL SOLAR ENERGY SYSTEM INSTALLATIONS 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 .25 ACRES OF UNOBSTRUCTED GROUND, AND**
 - THERE MUST BE A MINIMUM OF TEN (10) FEET FROM ANY PROPERTY LINE AND PUBLIC OR PRIVATE ROAD RIGHT-OF-WAY, AND**
 - MUST MAINTAIN A CLEAR FALL ZONE OF 110%.**
- 16) ALL ROOF MOUNTED SOLAR SYSTEMS SHALL NOT EXTEND ABOVE THE PEAK OF THE ROOF UPON WHICH THEY ARE ATTACHED, SHALL BE FLUSH MOUNTED, AND NO MORE THAN TWELVE (12) INCHES ABOVE THE PLANE OF THE ROOF, OR FIVE (5) FEET ABOVE A FLAT ROOF.**
- 17) SMALL SOLAR ENERGY SYSTEMS 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.**
- 18) ALL SOLAR ENERGY SYSTEMS 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.

- 19) SOLAR ENERGY SYSTEMS MUST BE MAINTAINED IN GOOD WORKING ORDER AT ALL TIMES. THE OWNER OF THE PROPERTY AND OWNER OF THE SOLAR ENERGY SYSTEMS SHALL, WITHIN THIRTY (30) DAYS OF PERMANENTLY CEASING OPERATION OF A SOLAR ENERGY SYSTEM, PROVIDE WRITTEN NOTICE OF ABANDONMENT TO THE ZONING INSPECTOR. AN UNUSED SOLAR ENERGY SYSTEM MAY STAND NO LONGER THAN THREE (3) MONTHS FOLLOWING ABANDONMENT. ALL COSTS ASSOCIATED WITH THE DISMANTLING/DEMOLITION OF THE SOLAR ENERGY SYSTEM AND ASSOCIATED EQUIPMENT SHALL BE BORNE BY THE PROPERTY OWNER. A SOLAR ENERGY SYSTEM IS CONSIDERED ABANDONED WHEN IT CEASES TRANSMISSION OF ELECTRICITY FOR THIRTY (30) CONSECUTIVE DAYS. REMOVAL INCLUDES REMOVAL OF ALL APPARATUSES, SUPPORTS, AND OR OTHER HARDWARE ASSOCIATED WITH THE EXISTING SOLAR ENERGY SYSTEM AND, IN THE CASE OF GROUND MOUNTED SOLAR ENERGY SYSTEMS INSTALLED RETURNING THE PROPERTY TO A GRADED, SEEDED AND/OR LANDSCAPED STATE SIMILAR TO ITS CONDITION PRIOR TO THE CONSRUCTION AND INSTALLATION CONSTRUCTION.**
- 20) SOLAR ENERGY SYSTEMS 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 OWNER**
- 21) THE COMPONENTS OF A SOLAR ENERGY SYSTEM 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.**
- 22) PRIOR TO THE INSTALLATION OF A SOLAR ENERGY SYSTEM, 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 ENERGY**

SYSTEM. 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.

- 23) 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.**
- 24) ON ALL PARCELS THERE MUST BE A MINIMUM OF 100 FEET BETWEEN ANY SOLAR ENERGY SYSTEM INSTALLATION AND ANY MAIN TILES OR WATERWAYS. IF THE SOLAR PANEL INSTALLATIONS ARE ALREADY IN PLACE AND WITHIN THE SETBACK LIMITATIONS, ANY NEW TILES OR WATERWAYS SHOULD NOT ENCROACH THE 100 FEET LIMITATION.**
- 25) NOISE GENERATED FROM THE SOLAR PANEL INSTALLATION SHALL NOT EXCEED 40DBA AT THE NEAREST PROPERTY LINE. FAILURE TO ADHERE TO THIS PROVISION SHALL CONSTITUTE AN AUTOMATIC VIOLATION OF THIS RESOLUTION.**
- 26) CERTIFICATE OF ZONING COMPLIANCE:**
 - A. A SOLAR ENERGY SYSTEM TO BE LOCATED IN A ZONING DISTRICT IN WHICH IT IS IDENTIFIED AS A CONDITIONAL USE IS SUBJECT TO AND SHALL FOLLOW THE APPLICATION PROCESS FOR A CONDITIONAL USE PERMIT PROVIDED UNDER THIS ZONING RESOLUTION.**
 - B. WHERE IDENTIFIED AS A CONDITIONALLY PERMITTED USE, ANY-SOLAR ENERGY SYSTEM SHALL COMPLY WITH THE FOLLOWING SPECIFIC REQUIREMENTS:**
 - I. THE PROPERTY OWNER SHALL PROVIDE FOR THE ADEQUATE MAINTENANCE AND PROTECTION OF COUNTY/TOWNSHIP MAINTAINED, PROTECTED, OR MANAGED INFRASTRUCTURE (INCLUDING, BUT NOT LIMITED TO ROADWAYS, RIGHTS-OF-WAY, AND EASEMENTS) TO BE USED IN**

CONNECTION WITH THE SOLAR ENERGY SYSTEM. ANY DAMAGED PUBLIC ROADS, CULVERTS, DRAINAGE TILES AND BRIDGES SHALL BE REPAIRED PROMPTLY TO THEIR PREVIOUS OR BETTER CONDITION BY THE PROPERTY OWNER OR THEIR DESIGNEE UNDER THE GUIDANCE OF THE APPROPRIATE REGULATORY AUTHORITY.

II. BUFFERS AND SETBACKS:

A. WHERE A SOLAR ENERGY SYSTEM IS LOCATED ON PROPERTY ADJACENT TO OR IN CLOSE PROXIMITY TO PROPERTY ZONED FOR RESIDENTIAL USE (AS DETERMINED BY THE ZONING INSPECTOR), NO PART OF THE SOLAR ENERGY SYSTEM (OTHER THAN COMPONENTS LOCATED ENTIRELY UNDERGROUND) SHALL BE LOCATED WITHIN TEN (10) FEET OF AN EXISTING RESIDENTIAL DWELLING.

B. NO SOLAR ENERGY SYSTEM (OTHER THAN COMPONENTS LOCATED ENTIRELY UNDERGROUND) SHALL BE LOCATED WITHIN TEN (10) FEET OF ANOTHER PROPERTY LINE.

C. NO SOLAR FACILITY (OTHER THAN COMPONENTS LOCATED ENTIRELY UNDERGROUND) SHALL BE LOCATED WITHIN FIFTY (50) FEET OF A PUBLIC RIGHT-OF-WAY OR SHARED-USE DRIVEWAY AND NOT IN THE FRONT YARD.

III. GLARE: SOLAR PANELS SHALL BE PLACED OR ARRANGED IN A MANNER SO AS NOT TO REFLECT UNREASONABLE GLARE ONTO ADJACENT BUILDINGS, PROPERTIES, OR ROADWAYS.

IV. FENCING: ANY FENCING AND/OR SCREENING INSTALLED IN CONNECTION WITH THE SOLAR ENERGY SYSTEMS SHALL BE HARMONIOUS AND COMPATIBLE WITH THE SURROUNDING PROPERTIES AND USES. FENCING SHALL BE MAINTAINED IN GOOD REPAIR AND IN AN AESTHETIC MANNER AT ALL TIMES.

V. CONDITIONS: ANY CONDITIONS OR OTHER REQUIREMENTS AS DETERMINED BY THE BOARD OF ZONING APPEALS MAY BE REQUIRED IN CONNECTION WITH THE ISSUANCE OF A CONDITIONAL USE PERMIT.

C. APPLICANT SHALL PROVIDE THE TOWNSHIP ZONING INSPECTOR WITH THE FOLLOWING ITEMS AND/OR INFORMATION WHEN APPLYING FOR A CERTIFICATE OF ZONING COMPLIANCE:

1. AN ENGINEERING REPORT THAT SHOWS:

- THE TOTAL SIZE AND HEIGHT OF THE PROPOSED SMALL SOLAR ENERGY SYSTEM.**
- DATA SPECIFYING THE KILOWATT SIZE AND GENERATING CAPACITY IN KILOWATTS OF THE PARTICULAR SMALL SOLAR ENERGY SYSTEM.**
- HAZARDOUS MATERIALS CONTAINMENT AND DISPOSAL PLAN.**

I. A SITE DRAWING SHOWING THE LOCATION OF THE MEDIUM SOLAR ENERGY SYSTEM INCLUDING

ALL EQUIPMENT AND COMPONENTS THEREOF IN RELATION TO (AND MEASUREMENTS OF DISTANCES FROM) ALL EXISTING STRUCTURES ON THE PROPERTY, ROADS AND OTHER PUBLIC RIGHTS-OF-WAY, AND NEIGHBORING PROPERTY LINES.

II. EVIDENCE OF COMPLIANCE WITH APPLICABLE SETBACK AND ALL OTHER APPLICABLE ZONING RESTRICTIONS.

III. A MAINTENANCE SCHEDULE AS WELL AS A DISMANTLING PLAN THAT OUTLINES HOW THE MEDIUM SOLAR ENERGY SYSTEM INCLUDING ALL EQUIPMENT AND COMPONENTS THEREOF WILL BE DISMANTLED AT THE END OF THEIR USE AND/OR UPON ABANDONMENT.

IV. ANY OTHER INFORMATION OR MATERIALS REASONABLY REQUESTED BY THE ZONING INSPECTOR.

SECTION VIII(C) SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATOR FACILITIES

SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATOR FACILITIES OF FIFTY (50) MEGAWATTS OR MORE SHALL BE REQUIRED TO SUBMIT AN APPLICATION WITH THE OHIO POWER SITING BOARD (OPSB) AT THE PUBLIC UTILITIES COMMISSION OF OHIO (PUCO) AND ARE REQUIRED TO MEET OPSB REGULATIONS. NO SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATOR ENERGY SYSTEM OR FACILITY OF GREATER THAN FIFTY (50) KILOWATTS AND LESS THAN FIFTY (50) MEGAWATTS SHALL BE PERMITTED WITHIN ANY DISTRICT OF THE TOWNSHIP.

- A. SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS - GENERAL REQUIREMENTS AND REQUIREMENTS IN ADDITION TO OTHER PROVISIONS SET FORTH IN THIS RESOLUTION 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 OF FIVE (5) ACRES OR GREATER IN SIZE.**
 - 3. SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS POWERING AN ELECTRIC GENERATOR 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 ELECTRIC CODE.**
 - 5. THE OWNER OF SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS MUST TAKE REASONABLE STEPS TO PREVENT AND ELIMINATE ANY INTERFERENCE WITH THE TRANSMISSION AND RECEPTION OF ELECTROMAGNETIC COMMUNICATIONS INCLUDING BUT NOT LIMITED TO: MICROWAVE, RADIO, TELEPHONE, CELLULAR, AND TELEVISION SIGNALS.**
 - 6. SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS MUST BE ON A FREESTANDING TOWER OR OTHER APPROVED REINFORCED STRUCTURE. THE USE OF**

ADDITIONAL SUPPORTS INCLUDING GUY WIRES IS PROHIBITED.

- 7. A MINIMUM DISTANCE BETWEEN THE GROUND AND ANY PROTRUDING BLADES IS 15 FEET AND 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**
- 8. THE PROPOSED SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR SHALL MAINTAIN A CLEAR FALL ZONE OF NO LESS THAN 125% OF THE TOTAL HEIGHT OF THE STRUCTURE FROM ANY PROPERTY LINE, CURRENT OR FUTURE STRUCTURE, AND PUBLIC OR PRIVATE ROAD RIGHT-OF-WAY.**
- 9. SUBJECT TO THE CLEAR FALL ZONE REQUIREMENTS, NO PART OF THE WIND SYSTEM STRUCTURE, SHALL BE CLOSER THAN TWENTY (20) FEET TO THE PROPERTY BOUNDARIES OF SUBJECT PARCEL.**
- 10. 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 CONTINUOUS PARCELS 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. PARCELS IN AGRICULTURE DISTRICT SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:**

<u>PARCEL SIZE</u>	<u>MAXIMUM TOWER HEIGHT</u>	<u>MAXIMUM GENERATOR SIZE</u>
5 TO 9.9 ACRES	80 FEET	20KW
10 TO 14.9 ACRES	100 FEET	25KW
15 ACRES OR MORE	125 FEET	50KW

11. PARCELS IN INDUSTRIAL DISTRICT SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

<u>PARCEL SIZE</u>	<u>MAXIMUM TOWER HEIGHT</u>	<u>MAXIMUM GENERATOR SIZE</u>
5 ACRES OR MORE	125 FEET	50KW

- 12. RESIDENTIAL OR INDUSTRIAL ROOFTOP AND/OR COMBINATION UNITS (UTILITY LIGHTS WITH GENERATORS ETC.) MAY BE PERMITTED SO LONG AS NO ASPECT OF THE MAXIMUM TOWER HEIGHT IS EXCEEDED AS STATED ABOVE.**
- 13. SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS 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 STRUCTURES.**
- 14. SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS SHALL BE LIMITED TO A RATED CAPACITY OF NOT MORE THAN 50KW. ALL DEVICES WITH A RATED CAPACITY OF MORE THAN 50KW SHALL BE PROHIBITED.**
- 15. NOISE GENERATED FROM SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS SHALL NOT EXCEED 60DBA AT THE NEAREST PROPERTY LINE. FAILURE TO ADHERE TO THIS PROVISION SHALL CONSTITUTE AN AUTOMATIC VIOLATION OF THIS RESOLUTION.**
- 16. 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.**
- 17. ABANDONED SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS SHALL BE DISMANTLED WITHIN SIX MONTHS OF ITS LAST USE IN PRODUCING ELECTRICITY. 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.**

18. SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS SHALL EITHER BE THE STOCK COLOR FROM THE MANUFACTURER OR PAINTED WITH AN APPROVED NON-REFLECTIVE, UNOBTRUSIVE COLOR THAT BLENDS WITH THE SURROUNDING ENVIRONMENT.
19. ALL UPGRADES, MODIFICATIONS, OR IMPROVEMENTS OF ANY KIND TO AN APPROVED SMALL WIND TURBINE AND OTHER WINDPOWERED GENERATOR SHALL BE REVIEWED BY TOWNSHIP ZONING INSPECTOR FOR COMPLIANCE WITH THE PROVISIONS OF THIS SECTION. ONLY MODIFICATIONS THAT ADHERE TO THE PROVISIONS CONTAINED HEREIN SHALL BE ALLOWED.
20. NO OTHER USE OF THE TOWER SHALL BE PERMITTED. THIS INCLUDES BUT IS NOT LIMITED TO PLACEMENT OF SIGNAGE, RADIO OR CELLULAR ANTENNAS OR ANY OTHER USE NOT PROVIDED FOR AT THE TIME OF APPROVAL. ALL SIGNS, OTHER THAN MANUFACTURER OR INSTALLER IDENTIFICATION AND OTHER LEGALLY REQUIRED SIGNAGE ARE HEREBY PROHIBITED.
21. PRIOR TO THE INSTALLATION OF A SMALL WIND TURBINE AND OTHER WIND-POWERED GENERATOR A ZONING CONDITIONAL USE 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 CONSTRUCTIONS SPECIFICATIONS, SHADOW FLICKER POTENTIAL, FENCING INFORMATION, CLEAR FALL ZONE AREA, LIGHTING PLANS, AND LANDSCAPING/BUFFERING PLANS, PLUS ANY OTHER INFORMATION DEEMED NECESSARY BY THE TOWNSHIP BOARD OF ZONING APPEALS.

SECTION VIII(D) –DEFINITIONS

1. SOLAR

- A. GROUND MOUNTED SOLAR ENERGY SYSTEMS: MEANS A SOLAR ENERGY SYSTEM THAT MOUNTS A SOLAR PANEL OR PANELS AND FACILITIES ON OR ABOVE THE GROUND.**
- B. INTEGRATED SOLAR ENERGY SYSTEMS: MEANS A SOLAR ENERGY SYSTEM THAT IS INCORPORATED INTO OR REPLACES STANDARD BUILDING MATERIALS AND DOES NOT HAVE MOUNTING EQUIPMENT. FOR EXAMPLE, THESE SYSTEMS MAY INCLUDE MATERIALS THAT REPLACE TRADITIONAL ROOFING, SHINGLE, OR SIDING MATERIALS, AWNINGS, CANOPIES, SKYLIGHTS, OR WINDOWS.**
- C. ROOFTOP SOLAR ENERGY SYSTEMS: MEANS A SOLAR ENERGY SYSTEM THAT IS MOUNTED TO A STRUCTURE OR BUILDING’S ROOF ON RACKS.**
- D. SMALL SOLAR ENERGY SYSTEM: MEANS A SOLAR ENERGY SYSTEM AND ASSOCIATED FACILITIES WITH A SINGLE INTERCONNECTION AND DESIGNED FOR, OR CAPABLE OF, OPERATION AT AN AGGREGATE CAPACITY OF NOT MORE THAN FIFTY (50) KILOWATTS.**
- E. SOLAR ENERGY: MEANS RADIANT ENERGY (DIRECT, DIFFUSED, OR REFLECTED) RECEIVED FROM THE SUN THAT CAN BE COLLECTED AND CONVERTED INTO THERMAL OR ELECTRICAL ENERGY.**
- F. SOLAR ENERGY SYSTEM: MEANS A SYSTEM AND ASSOCIATED FACILITIES THAT COLLECT SOLAR ENERGY, WHICH MAY INCLUDE, BUT IS NOT LIMITED TO, AN INTEGRATED SOLAR ENERGY SYSTEM, ROOFTOP SOLAR ENERGY SYSTEM, OR GROUND MOUNTED SOLAR ENERGY SYSTEM.**
- G. SOLAR PANEL: A PHOTOVOLTAIC PANEL OR COLLECTOR DEVICE, INCLUDING ANY ACCESSORY EQUIPMENT AND MOUNTING STRUCTURES OR HARDWARE, WHICH RELIES UPON SOLAR RADIATION AS AN ENERGY SOURCE FOR THE GENERATION OF ELECTRICITY OR HEATING.**

2. **WIND**

- A. **SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS: IS AN ELECTRICAL GENERATING DEVICE UTILIZING WIND AS THE SOURCE.**
- B. **CLEAR FALL ZONE: THE AREA DEFINED AS THE FURTHEST DISTANCE FROM THE TOWER BASE, IN WHICH A TOWER WILL FALL IN THE EVENT OF A STRUCTURAL FAILURE. SAID MEASUREMENTS IS TO BE BASED ON THE TOTAL HEIGHT OF THE WIND TURBINE.**
- C. **DECIBEL (DBA): A UNIT OF RELATIVE LOUDNESS**
- D. **ELECTRICAL GENERATOR: A DEVICE THAT PRODUCES ELECTRICAL ENERGY FROM A MECHANICAL ENERGY SOURCE. THE PROCESS IS KNOWN AS ELECTRICITY GENERATION.**
- E. **FEEDER LINE: ANY POWER LINE THAT CARRIES ELECTRICAL POWER FROM ONE OR MORE WIND TURBINES OR INDIVIDUAL TRANSFORMERS ASSOCIATED WITH AN INDIVIDUAL WIND TOWER.**
- F. **KILOWATT (KW): A MEASUREMENT OF ELECTRICITY EQUAL TO 1,000 WATTS.**
- G. **NET METERING: THE PROCESS OF WHICH SURPLUS ENERGY GENERATED BY A CUSTOMER, AS MEASURED BY THE DIFFERENCE BETWEEN THE ELECTRICITY SUPPLIED BY AN ELECTRIC SERVICE PROVIDER AND THE ELECTRICITY GENERATED BY A CUSTOMER IN AN APPLICABLE BILLING PERIOD, IS FED BACK TO THE ELECTRIC SERVICE PROVIDER WITH CUSTOMER COMPENSATION**
- H. **ROTOR DIAMETER: THE DIAMETER OF THE CIRCLE DESCRIBED BY THE MOVING ROTOR BLADES.**
- I. **SHADOW FLICKER: SHADOW FLICKER OCCURS WHEN THE BLADES OF THE TURBINE ROTOR CAST SHADOWS THAT MOVE ACROSS THE GROUND AND NEARBY STRUCTURES.**

New language proposed is indicated by all **CAPITALS** and **BOLD** print.
Deleted language is indicated by -----.No other provisions or language
of the Logan Township Zoning Resolution is hereby proposed to be amended.