

SALEM TOWNSHIP

ZONING RESOLUTION

Revised 11-2-2006

ZONING RESOLUTION OF SALEM TOWNSHIP
AUGLAIZE COUNTY, OHIO
Revised 08-03-92, 09-24-98, and 11-02-06

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ZONING RESOLUTION OF SALEM TOWNSHIP
AUGLAIZE COUNTY, OHIO
Revised 08-03-92, 09-24-98, and 11-02-06

TITLE: A resolution providing for the Zoning of the Unincorporated areas of Salem 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 Salem Township, Auglaize County, Ohio, deems it in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare of said Township and its residents to established a general plan of zoning for the unincorporated area of said Township.

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

SECTION 100 – INTENT

The intent of this resolution is to establish zoning districts in order to realize the general purpose set forth in this Zoning Code, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

SECTION 200 – DISTRICTS

For the purpose of carrying out the provisions of this resolution, the unincorporated area of Salem Township shall be considered as THREE (3) districts, (Agricultural, Industrial, and Residential), 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 300 – RETAIL & 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, or place of entertainment; 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.

SECTION 300 A – ADULT BUSINESSES

In addition to complying with all regulations within the district where they are located, all adult entertainment business shall comply with the following criteria:

No adult entertainment business shall be permitted in a location that is within one thousand five hundred (1500) feet of another adult entertainment business.

No adult entertainment business shall be permitted in a location that is within one thousand (1000) feet of any church, any public or private school, any park, any playground, or any social service facility or neighborhood center.

No adult entertainment business shall be permitted in a location that is within five hundred (500) feet of any residence or boundary or any residential district.

No adult entertainment business shall be permitted in a location that is within five hundred (500) feet 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 bookstore, adult motion picture theater, adult drive-in motion picture theater, or any adult only entertainment establishment as defined by this resolution.

ADULT BOOK STORE: An establishment which utilizes fifteen (15) percent or more of its retail selling area for the purpose of retail sale or rental; or for the purpose of display by coin or slug-operated; or electronically or mechanically controlled still or motion picture machines projectors or other image-producing devices; or both, books, magazines, other periodicals, 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 utilizes fifteen (15) percent or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined by this resolution.

ADULT MOTION PICTURE DRIVE-IN: An open air drive-in theater which is regularly used or utilizes fifteen (15) percent or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined by 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,

transparence, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable or arousing interest through sight, sound, or touch, AND which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality or human bodily functions of elimination OR which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality or human bodily functions of elimination.

BOTTOMLESS: Less than full opaque covering of male or female genitals, pubic area, or buttocks.

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

NUDE OR NUDITY: The showing, presentation, or depiction of human male or female genitals, pubic area, or buttocks with less than full opaque covering of any portion thereof; or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple; or of covered male genitals in a 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 400 – AGRICULTURE

401 All land within the Township, except that land designated as “Residential” may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings or structures incident to the use of agricultural purposes of the land on which such building 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” includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

402 Dwellings Near Large Livestock Operations – Because of the special considerations which relate to large livestock operations, all single family dwellings in the “Agriculture District” which would be within one half mile (2640 feet) of a large livestock operation are deemed to be a conditional use. The distance from a large livestock operation shall be measured from the

property line of the parcel on which the large livestock operation is situated. For the purposes of this Section, a "Large Livestock Operation" is defined as a facility and operation which involves, or is designed to involve, more than 100,000 pounds of animal body weight.

403 Mega-Farms – All mega-farms will abide by all Ohio Environmental Protection Agency and United States Department of Agriculture regulations. For the purposes of this Section, a "mega-farm" or animal feeding facility means a lot, building, or structure where both of the following conditions are met: (1) Agricultural animals have been, are, or will be stabled or confined and fed or maintained there for a total of forty-five (45) days or more in any twelve-month period; and (2) Crops, vegetative forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot, building, or structure. "Animal feeding facility" also includes land that is owned or leased by or otherwise is under the control of the owner or operator of the lot, building, or structure and on which manure originating from agricultural animals in the lot, building, or structure or a production area is or may be applied. Two or more animal feeding facilities under common ownership shall be considered to be a single animal feeding facility for the purposes of this chapter if they adjoin each other or if they use a common area or system for the disposal of manure.

404 Subdivision of Land in the Agricultural District

To help preserve the rural character of parts of Salem Township, and to discourage random and unplanned urban development in predominantly agricultural areas, and to limit the density of population without requiring large lot sizes which wastes land resources, the subdivision of land in Agricultural Zoning Districts is limited as follows:

Any parcel of land shown as a unit on the tax map at the effective date of this resolution may be thereafter divided into not more than five (5) lots that are less than two (2) acres in size. The division or partition of land into parcels of more than two (2) acres may be accomplished regardless of the number involved, provided all other applicable regulations are met.

SECTION 500 – NUISANCES

The following uses shall be deemed to constitute a nuisance and shall not be permitted within the unincorporated "Agricultural District" of the Township:

- a. Manufacture of or storage of explosives, gunpowder, or fireworks.
- b. Dumping, storing, burying, reducing, disposing of, or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, or other poisons or toxic materials, except such as result from the normal agricultural or residential use of premises, unless such dumping is done at a place provided by the Township Trustees for such specific purpose, and said Township Trustees have been given the privilege to inspect and make the necessary regulations for the operation thereof.
- c. Junk yards, automobile graveyards, or places for the 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 Zoning Commission upon proper application being made therefore.

- d. Hospitals and sanitariums for drug or liquor addicts, insane, or mental cases.
- e. Acid manufacture.
- f. Acetylene gas manufacture or industrial storage in excess of fifteen (15) pounds pressure per square inch.
- g. Tanning, curing or storage of rawhides.
- h. Turpentine, varnish or paint manufacturing or refining.
- i. And, in general those uses that may be obnoxious or offensive by reason of the omission of odor, dust, smoke, gas, or noise.
- j. The outside storage of no more than one (1) unlicensed motor vehicle shall be permitted in all agriculture and residential areas.

SECTION 600 – HEIGHT & AREA REGULATIONS

- 601 No part of any building or structure except church spires and except those buildings normally higher for business purposes shall exceed three (3) stories or forty (40) feet in height.
- 602 No building or structure, or any portion thereof shall be erected within forty (40) feet from the right-of-way of a road.
- 603 There shall be a minimum side yard and rear yard clearance of twenty (20) feet; measured from the point of any part of any building to the side lot line or rear lot line.
- 604 There shall be a minimum lot area of two acres (87,120 square feet) for each single-family dwelling erected and a minimum of fifteen thousand (15,000) square feet for each family unit in multiple family dwellings. One (1) single-family dwelling shall be permitted on each in lot now showing on the platted Village of Kossuth and other existing platted areas. Platted out lots in said village shall be subject to minimum lot areas set forth herein.

SECTION 700 – BUILDING RESTRICTIONS

- 701 No dwelling house shall be erected and no building shall be altered or used as a residence which contains less than one thousand (1000) square feet per single family dwelling, exclusive of all basements, garages, porches, terraces, and breezeways.
- 702 All dwellings shall provide off-street parking for not less than one (1) motor vehicle per single family dwelling.
- 703 Trailers and Mobile Homes of less than seven hundred twenty (720) square feet of inside living area, and basements, may be used as temporary residences only during such time as a residence is being constructed at the same general location, but said use shall not exceed twelve (12) months in duration. For the purposes of this Section, a “basement” is defined as that portion of a residence constructed below ground and designed for further construction of living quarters above the top of the basement walls. Residences designed specifically for below ground construction shall not be considered as “basements” and shall be permitted to be used as dwellings.
- 704 Trailers shall be used for temporary residence only, and then only upon the proper application filed with the Salem Township Zoning Commission and permission by the Salem Township Zoning Commission. For the purposes of this Section, a mobile home shall not be considered a “trailer” if it has a minimum inside living area of one thousand

- (1000) square feet and is permanently attached to the real estate. All such mobile homes 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 concreted pad or concrete runners, 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 one (1) motor vehicle.
- 705 All dwellings hereafter erected shall have a continuous foundation of cement or building block, and be constructed of materials common to the building trades.
- 706 All wiring in dwellings hereafter erected or altered within the Township shall comply with the specifications of the National Electrical Code, and no electrical utility company shall supply any type of electrical service or connections to any dwelling not receiving service, until it has been exhibited to said electrical utility company a building permit granted by the Salem Township Zoning Commission.
- 707 All sewage or waste disposal units shall be subject to approval by the Auglaize County Board of Health, and no building permit for residence dwellings shall be granted until the proper certificate is granted by the Auglaize County Board of Health approving the proposed sewage system.

SECTION 800 – RESIDENTIAL & INDUSTRIAL

- 801 Residential District – The “Residential” area of Salem Township shall be defined as those areas of land designated as out lots and in lots within the Village of Kossuth, EXCEPT AS SPECIFICALLY INCLUDED IN ANOTHER DISTRICT and other existing platted areas. Areas designated as “Residential” shall be used for residential purposes only except as otherwise provided in Section 300 and Section 1800, and shall be in conformance with other sections of this Resolution.
- 802 Reserved
- 803 Planned Unit Development (PUD) – The purpose of the Planned Unit Development (PUD) is to achieve, to the greatest possible degree, land development which is responsive to the natural and environmental assets and liabilities of a given site. The PUD should be a well-integrated development in terms of major design elements such as roads, drainage systems, utilities, and open space. The PUD also allows greater design flexibility so that natural features may be protected and development concentrated in an innovative and efficient manner.
- 804 Industrial District – The “Industrial District” of Salem Township shall be defined as and include the following area. Legal description attached as Exhibit “A”
- Permitted uses within the “Industrial District” shall include:
- a. All those uses permitted within the “Agricultural District.”
 - b. All those uses set forth under Section - 300 – Retail & Entertainment
 - c. Wholesaling, warehousing, storage, bottling enterprises, and sales yards.
 - d. Industrial and manufacturing establishments.

- 1103 Any building or structure, existing as a non-conforming use at the time of 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.
- 1104 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 higher non-conforming use for a lower non-conforming used, 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 preexisting use to a higher non-conforming use without proceeding as above provided but upon the abandonment of a non-conforming use shall be deemed to have been abandoned.
- 1105 A building or structure, except as here-in-above provided by, 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.
- 1106 Any person or corporation claiming right of operation or use as a preexisting 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 1200 – MINERAL EXTRACTION

- 1201 Intent – The intent of this section is to protect the health, safety, welfare, and environmental quality of Salem Township. Soil and mineral extractive industries can contribute to soil erosion and sedimentation of streams, traffic hazards, and may pose other ground water pollution dangers. This Section is intended to prevent or minimize these effects.
- 1202 Definition– Soil and mineral extractive industries are those activities of removing stone, gravel, sand, soil, or other minerals from the ground through processes commonly referred to as quarrying or mining and whose primary purpose and intent is the removal of minerals as a primary product for use or sale. This Section does not refer or apply to excavations made for other primary purposes, including but not limited to, construction of sewage lagoons, manure lagoons, swimming pools, retention ponds for canals. This exemption shall apply to these primary purposes even if the materials excavated are moved or sold as a secondary means of disposal.
- 1203 Any area of land now used for mineral extraction or gravel pit operation may be continued for such use. Any area presently used for mineral extraction or gravel pit operation 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.
- 1204 Any person neglecting or refusing to level off said land in compliance with this Section shall be subject to a fine of One Hundred Dollars (\$100) per day for each day exceeding the one (1) year period, as set forth above, said violation shall continue. The amount paid and collected from said fine shall be paid to and diverted to a separate fund under the control of the Salem Township Zoning Commission to be used by said Salem Township

SECTION 900 - RESERVED

SECTION 1000 – SIGNS & OUTDOOR ADVERTISING

- 1001 Commercial signs which identify a place of business, goods, or services not larger than thirty-two (32) square feet (4' X 8') are permitted when the use of the sign is in direct relation to the use of the premises.
- 1002 Outdoor Advertising such as signs, structures, or billboards must meet the following requirements:
- a. Outdoor advertising signs, structures, or billboards of any size shall not be located within one hundred (100) feet of any street or road.
 - b. Outdoor advertising signs, structures, or billboards shall not be located within one thousand five hundred (1500) feet of another outdoor advertising sign, display, or structure.
 - c. Outdoor advertising signs, structures, or billboards shall not be permitted within five hundred (500) feet of any building or other structure, and shall meet all side and rear setback requirements for a principal structure in the zoning district in which it is located.
- 1003 The following types of signs do not require a zoning permit and are exempt from these regulations:
- a. The flag, pennant, or insignia of any nation, state, city, or political unit, or any duly constituted government body.
 - b. Cornerstones or official historical signs.
 - c. Traffic directional signs, or any sign placed in a location by a duly constituted government body.
 - d. Political signs which are removed within thirty (30) days following a given election.
 - e. Real estate for sale signs located on property for sale.
 - f. Agricultural signs that pertain to commodities produced on the premises.
 - g. Signs of a temporary nature that are removed from a property within one hundred twenty (120) days, and do not re-appear for thirty (30) days.

SECTION 1100 – NON-CONFORMING USES

- 1101 The lawful use of any dwelling, building, or structure 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.
- 1102 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.

Zoning Commission for the purpose of leveling the premises to conform with this regulation.

SECTION 1300 – ZONING CERTIFICATE (SEE SECTION 1700)

- 1301 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.
- 1302 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 the Resolution or any Amendment thereto, application shall be made to the Township Zoning Inspector and a zoning certificate secured. The application shall indicate the exact location of the proposed construction, alteration or change or use and shall include a plot plan, showing the proposed construction alteration or change.

SECTION 1400 – BOARD OF ZONING APPEALS

- 1401 Composition - The Salem Township Board of Zoning Appeals shall consist of five (5) members who shall be residents of the unincorporated areas of Salem Township. The terms of all members shall be arranged so that the term of one (1) member expires each year. Members shall be removable for the same cause and in the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by the Salem Township Board of Trustees for the remaining unexpired terms. Members of the Board of Zoning Appeals may resign by written notice to the Salem Township Board of Trustees. The Salem Township Board of Trustees may also appoint two alternate members to the Board of Zoning Appeals to serve in the manner as provided in §519.13 of the Ohio Revised Code
- 1402 Proceedings – The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such other times as the Board may determine after the advertisement in accordance with the Ohio Revised Code. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings 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 examination and other official actions, all of which shall be filed in the office of the Salem Township Board of Trustees and be a public record. A quorum to conduct a meeting shall consist of at least three (3) members of the Board of Zoning Appeals.
- 1403 Powers – The Salem Township Board of Zoning Appeals may:
- a. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in enforcement of this Zoning Resolution.
 - b. Hear and decide upon requests to allow non-conforming uses (and any associated

buildings) to be enlarged or increased, or extended to occupy a greater area of land, or to allow non-conforming uses to be moved in whole or in part to any portion of the lot. In considering such cases, the Board shall review the particular facts and circumstances in terms of the considerations that would normally apply to a conditional use (Section 1414).

- c. Hear and decide upon requests to enlarge, move, or alter non-conforming structure in a way that increases its non-conformity. In considering such cases, the Board shall review the particular facts and circumstances in terms of the considerations that would normally apply to a variance request (Section 1417).
- d. Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
- e. Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific use are provided for in this Resolution.
- f. Revoke an authorized variance or conditional zoning certificate previously granted, if any condition of the variance or certificate is violated. The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under this section and of his or her right to a hearing before the Board of Zoning Appeals, within thirty (30) days of the mailing of the notice, if he so requests.
- g. Hear and decide upon all matters of interpretation of this Resolution. This includes interpretation of the text of this Resolution as well as the Zoning Map.

1404 Rules, Organization, and Meetings of the Board of Zoning Appeals

- a. The Board of Zoning Appeals shall organize and adopt rules in accordance with the Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such times as the Board determines. The chairman, or in his absence the acting chairman, may administer oaths, and the 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 of Zoning Appeals 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 Salem Township Board of Trustees and be a public record.
- b. Appeals, applications for conditional use, or other relevant matters may be taken before the Board of Zoning Appeals with the submittal of forms to the Zoning Inspector. Any appeals of a decision made by the Zoning Inspector must be made within twenty (20) days following the decision or interpretation of the Zoning Inspector.
- c. The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, or other matter being brought before it, and shall give at least ten (10) days notice in writing to the parties in interest, and shall give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the area at least ten (10) days before the date of such hearing. The applicant shall also furnish the names and addresses of all property owners (including those across the road) which directly adjoin the property in question, and notices of the public hearing shall be mailed to those adjoining property owners ten (10) days prior to the hearing.

1405 General Standards Applicable to Conditional Use

A use that is permitted, but only by application to the Board of Zoning Appeals in each specific instance, and after determination by the Board of Zoning Appeals that all regulations and standards of this Zoning Code applying to the specific use in the particular location will be met, along with such additional conditions or safeguards as the Board of Zoning Appeals may prescribe in the specific case and circumstances, in order to prevent harm or injury to adjacent uses and the neighborhood, and/or in order to improve the public health, safety, convenience, order, prosperity, and general welfare.

1406 The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use in terms of the following and shall find adequate evidence showing that such use at the proposed location:

- a. Is it in fact a conditional use as established under the provisions of this Resolution?
- b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area.
- c. Will not be hazardous or disturbing to neighboring use.
- d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools, or that the person or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- e. Will not create excessive additional public cost for public facilities and services and therefore will not be detrimental to the economic welfare of the community.
- f. Will not involve use, activities, processes, materials, equipment, and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor.
- g. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- h. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- i. Will promote the public health, safety, convenience, comfort, prosperity or general welfare.

1407 In granting any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 1709 of this Resolution.

1408 A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for a period of two (2) years.

1409 General Standards Applicable to Variances

The Board of Zoning Appeals shall hear requests for variances to allow a deviation from the strict application of the dimensional standards and requirements within a given zoning district. In no case shall the granting of a variance allow any type of change in use. The Board of Zoning Appeals shall only have the authority to hear and decide upon requests for variances from measurable development requirements such as yard dimensions, height limitations, lot sizes, number of parking spaces required, etc. Further, the Board of Zoning Appeals shall only grant variances when it finds that the following circumstances are true:

- a. That there are special or unique circumstances which are peculiar and unique to the land or structures involved which are not the result of actions of the applicant.
- b. That the strict application of the provisions of the Resolution would deprive the applicant of the rights commonly enjoyed by other properties in the same Zoning District.
- c. That the variance will not confer on the applicant any unique privileges that are not enjoyed by other property in the same zoning district.
- d. That the variance would represent the smallest departure necessary from the requirements of the Resolution necessary to permit the reasonable use of the property.
- e. That the variance will not affect the health, safety, and welfare of the persons within the vicinity of the proposed variance.

SECTION 1500 – ZONING COMMISSION

- 1501 Composition – The Salem Township Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of the township and who shall be appointed by the Salem Township Board of Trustees. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for the same cause and in the same manner as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by the Salem Township Board of Trustees and shall be for the remaining unexpired term. Members of the Zoning Commission may resign by written notice to the Salem Township Board of Trustees. The Salem Township Board of Trustees may also appoint two alternate members to the Zoning Commission to serve in the manner as provided in §519.04 of the Ohio Revised Code.
- 1502 Organization – The Salem Township Zoning Commission may, within the limits of the moneys appropriated by the Salem Township Board of Trustees for the purpose, employ or contract with such planning consultants and executives and other assistants, as it deems necessary. The Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a written record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses as the Board may approve and provide.
- 1503 Meetings – Meetings of the Zoning Commission shall be held at the call of the chairman

and at such other times as a majority of the Commission determines. All meetings of the Commission shall be open to the public and advertised in accordance with the Ohio Revised Code. The Commission shall keep minutes of its proceedings showing the 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 Salem Township Board of Trustees and be a public record. A quorum to conduct a meeting shall consist of at least three (3) members of the Zoning Commission.

- 1504 Duties – The Zoning Commission shall have the following duties:
- a. Initiate proposed amendments to this Resolution.
 - b. Consider and review all proposed amendments to this Resolution and make recommendations to the Salem Township Board of Trustees.
 - c. Review all Planned Unit Developments and make recommendations to the Salem Township Board of Trustees.

SECTION 1600 – AMENDMENTS

- 1601 The Salem Township Zoning Commission shall meet at least quarterly and may initiate amendments to this Resolution from time to time. Amendments may also be initiated by the Salem Township Board of Trustees or by petition in accordance with the provisions of law (Ohio Revised Code 519.12) governing the same.
- 1602 No change in or departure from the text or maps of the amendment as certified by the Zoning Commission shall be made unless the same be first submitted to Zoning Commission for its approval, disapproval, or suggestions. If such amendment or changes are disapproved by the Zoning Commission, provisions so disapproved must receive the favorable vote of the entire membership of the Salem Township Board of Trustees in order to be adopted.
- 1603 After receiving an amendment to the zoning resolution from the Zoning Commission and holding the public hearing provided for, the Salem Township Board of Trustees shall consider such amendment and vote upon the same in accordance with the provisions of law.
- 1604 If the amendment to the Zoning Resolution is adopted by the Salem Township Board of Trustees, it shall take effect thirty (30) days thereafter unless within said period there is presented to the Board of 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 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 1700 – ENFORCEMENT

- 1701 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. 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 dollars (\$100). Each and every day during which said illegal erection, construction, reconstruction, enlargement, location change, maintenance, or use continues may be deemed a separate offense.
- 1702 Zoning Inspector – A Salem Township Zoning Inspector shall be appointed by the Salem Township Board of Trustees, and he or she may receive such compensation and reimbursement of expenses as determined by the Board of Trustees.
- 1703 Zoning Inspector's Bond – In accordance with Ohio Revised Code 519.161, the Zoning Inspector shall provide a bond conditioned upon the faithful performance of his or her official duties.
- 1704 Zoning Inspector's Responsibilities – The Salem Township Zoning Inspector shall have the following responsibilities:
- a. Review applications for Zoning Permits.
 - b. On-site inspections.
 - c. Investigation of violations.
 - d. Maintain records of zoning activity including non-conforming and conditional uses.
- 1705 Zoning Permits Required – No building or other structure, including temporary structure, shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance. There are five (5) types of zoning permits as defined hereunder:
- a. Construction Permit – Before any structure, as defined in this Resolution is built, erected, enlarged, or placed on a property, a construction permit is required. The Zoning Inspector shall issue such a construction permit when he or she is satisfied that according to the information submitted by the applicant, the proposed structure will conform with all requirements of this Resolution. Such permits shall be displayed on the subject property until construction is completed.
 - b. Use Permit – When the use of a property or structure changes, a use permit is required. The Zoning Inspector shall issue such a use permit when he or she is satisfied that, according to the information submitted by the applicant, such change of use does conform to the requirements of this Resolution.
 - c. Conditional Use Permit – As describe in Sections 1400 of this Resolution, the Board of Zoning Appeals has the authority to issue a conditional use permit. Such permits authorize one particular use with or without specific conditions required by the Board of Zoning Appeals.
 - d. Sign Permit – Before any sign, except those exempted in Section 1000, may be placed, constructed, or structurally altered, on or attached to a building, or on a parcel of land, a sign permit is required.
- 1706 Application Forms – The Salem Township Board of Trustees shall approve application forms for all types of activities and procedures to be used by the Zoning Inspector, as well as the Board of Zoning Appeals and Zoning Commission. Nothing herein, or within the application forms themselves shall preclude a requirement for an applicant providing additional information needed to determine if a proposed activity would be in conformance with this Resolution. The application for zoning permit shall be signed by the owner or applicant attesting to the truth of the exactness of all information supplied

- on the application. At a minimum, three (3) copies of the application shall be submitted.
- 1707 Approval of Zoning Permit – Within twenty (20) days after receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within six (6) months. One copy of the site or plot plan shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard upon payment of a fee as designated in a Resolution passed by the Salem Township Board of Trustees.
- 1708 Expiration of Zoning Permit – If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within eighteen (18) months of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the person effected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted. Prior to the expiration of any zoning permit or extension thereof, any person holding a valid zoning permit may apply for a six (6) month extension of said permit. A maximum of three (3) extensions may be granted.
- 1709 Penalties for Violation – 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 not more than one hundred dollars (\$100), 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 who commits, participates in, assists in, or maintains such violation may each be 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.
- 1710 Schedule of Fees, Charges, and Expenses – The Salem Township Board of Trustees shall, by resolution, establish a schedule of fees, charges, and expenses, and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be available in the office of the Zoning Inspector, and may be altered or amended only by the Salem Township Board of Trustees. No permit will be issued until the appropriate fee has been paid, and no hearing or appeal will be processed or conducted until the requested deposit has been posted with Salem Township. Applicants or appellants are responsible for all charges and expenses to conduct a hearing or appeal and will receive a refund or billing for the difference between their deposit and the total costs.
- 1711 No zoning certificate shall be required for unattached accessory buildings less than one hundred (100) square feet, however such buildings must comply with all set back provisions.

SECTION 1800 – HOME OCCUPATIONS [See Section 1705(b)]

- 1801 Where allowed in individual zoning districts where residences are permitted, a home occupation may be allowed provided that the following conditions are met:
- a. No more than two (2) people are employed in the home occupation other than residents of the home.
 - b. There shall be no external evidence of the home occupation, except for a single non-illuminated sign, affixed to the residence or accessory building of no more than fifteen (15) square feet in total sign area.

SECTION 1900 – INTERPRETATION

- 1901 Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.
- 1902 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 parties which impose restrictions greater than those imposed by this Resolution.

SECTION 2000 – VALIDITY

Each Section, sub-section, provision, requirement, regulation, or restriction established by this Resolution or any amendment thereto is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause shall not affect nor render invalid the Resolution or amendments thereto as a whole or any other part thereof except the particular part so declared to be valid.

LEGAL DESCRIPTION

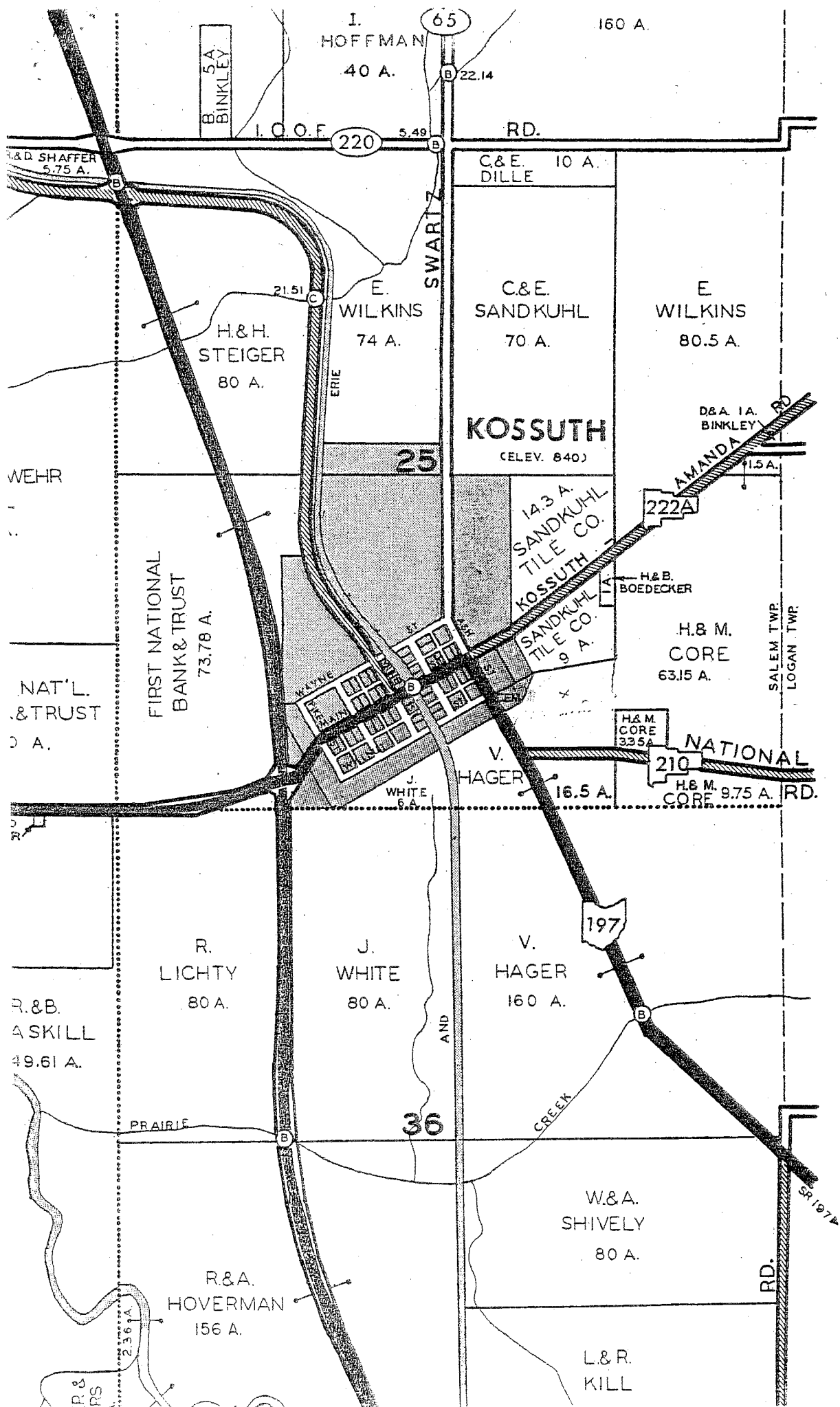
Part of the West half of the Southeast quarter of Section 25, Township 4 South, Range 4 East, Salem Township, Auglaize County, Ohio, and more particularly described as follows:

Beginning at a point on the East line of said West half in the center of the Brerein Pike and 6 chains and 26 links north of the southeast corner of said west half; thence north along said east line 12 chains; thence south 86 degrees and 50 minutes west 9 chains and 12 links; thence south 62 degrees 40 minutes west 2 chains and 44 links to the northeast corner of a cemetery; thence south 31 degrees east 3 chains and 58 links to the southeast corner of said cemetery; thence south 59 degrees west 3 chains and 27 links to the center of the Wapakoneta and Kossuth Pike; thence south 21 degrees and 45 minutes east with the center of said pike 6 chains and 35 links to the center of the Brerein Pike; thence east with the center of said Brerein Pike 9 chains and 95 links to the place of beginning, containing 12.81 acres, more or less, in Salem Township.

Prior Deed reference Volume 204, Page 895.

The above description also includes Outlot No. 11 of the Village of Kossuth, Ohio.

Exhibit "A"
(5 pages)



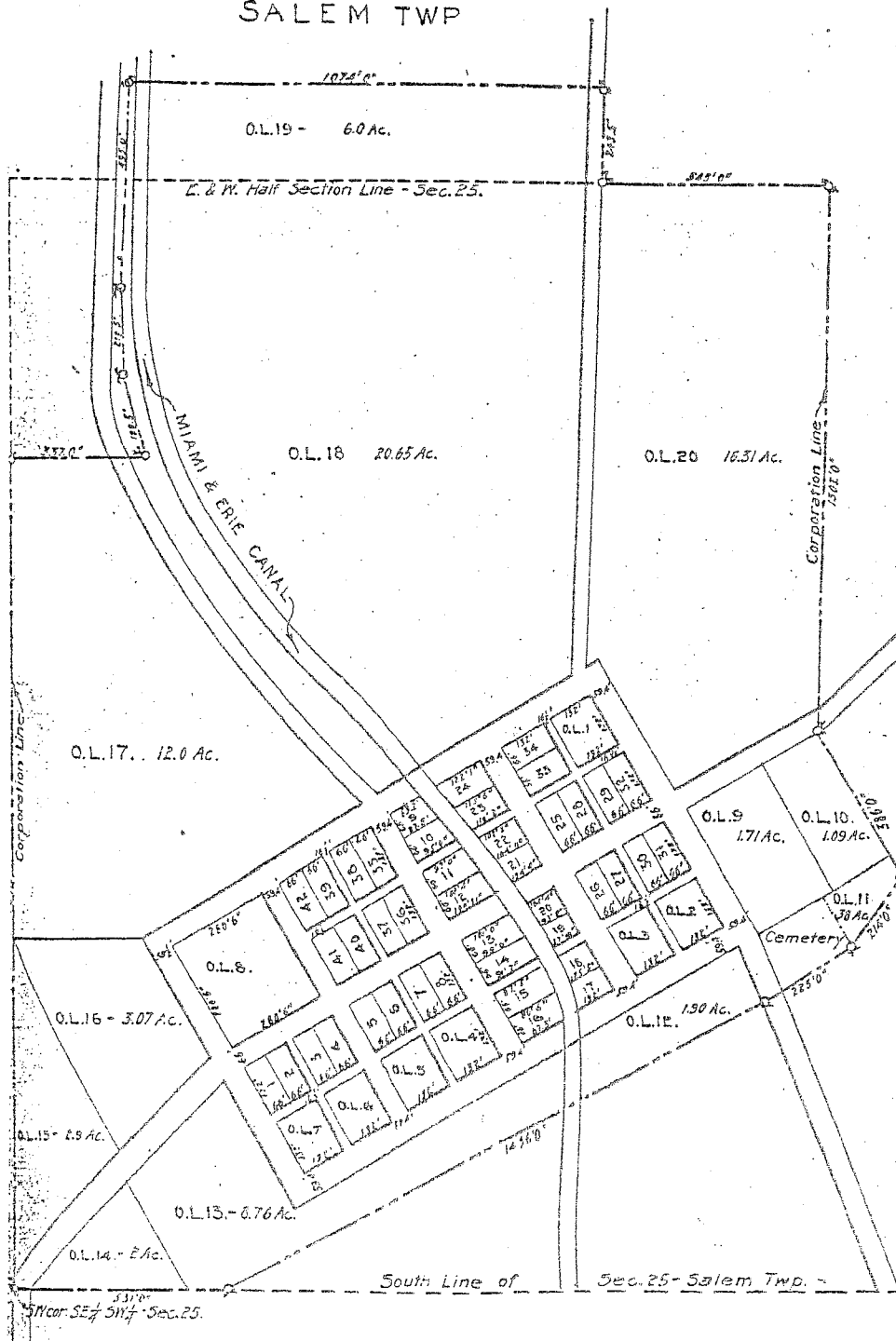
1	2	3	4	5	1.54 ac.	Cemetery
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Sec. 30, T. 5 S., R. 5 E.

Sec. 29, T. 5 S., R. 5 E.

KOSSUTH

SALEM TWP



LEGAL DESCRIPTION OF SANDKUHL TILE CO.

TO BE ZONED FOR INDUSTRIAL USE

Situate in the Township of Salem, County of Auglaize and State of Ohio, to-wit:

The west half and the South half of the East half of the following described real estate, to-wit: Beginning at the East end of Main Street in the town of Kossuth, Ohio, on the South side of the Lima Road and the East side of Ash Street, nineteen and one half ($19\frac{1}{2}$) rods to the Northwest corner of the graveyard; thence eastward along the North line of the graveyard nineteen and one-half ($19\frac{1}{2}$) rods; thence Northwardly parallel with Ash Street to the Lima Road; thence westwardly along the South side of the Lima Road to the place of beginning, excepting Twenty (20) feet square out of the Southwest corner said whole tract containing one and sixty-five hundredths (1.65) acres of land, more or less.

ALSO: The North part of Outlot No. 10 in the hamlet of Kossuth, particularly described as follows: The North half of the East half of the following described tract beginning at the East end of Main Street in Kossuth, on the South side of Lima Street and on the East side of Ash Street; thence South along the East side of Ash Street to the South corner of Walnut Street $19\frac{1}{2}$ rods; thence Eastwardly along the North side of the cemetery $19\frac{1}{2}$ rods; thence Northwardly parallel with Ash street to the Lima road; thence Westwardly along the South side of the Lima Road to the place of beginning, containing 2.20 acres and being in the West half of the southeast quarter of Section 25, Town four (4) South, Range Four (4) East, and being the same premises described in Deed Record Volume 64, Page 81;

ALSO: A part of the west half of the Southeast Quarter of Section Twenty-Five (25), Town Four (4) South, Range Four (4) East, particularly described as follows: beginning at the intersection of the Kossuth and Lima Road and the present east corporation line of said former Village now Hamlet of Kossuth, which said point of beginning is the Northeast corner of Outlot 10 of said former Village as shown by Plat record, Volume 2, Page 23; thence Northeasterly with said Kossuth and Lima Road 926 feet; thence South 877 feet; thence West 571 feet; thence Northwesterly 396 feet to the place of beginning, containing 10 acres, more or less.

SAVE AND EXCEPT: One (1) acre out of the Northeasterly corner of the last above described parcel which was sold to Boedecker and recorded in Volume 155, Page 320 of the Deed Records of Auglaize County, Ohio.

