

**UNION TOWNSHIP**  
**Zoning Code**

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## **PREAMBLE**

AN ORDINANCE OF UNION TOWNSHIP, AUGLAIZE COUNTY, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF THE OHIO REVISED CODE, DIVIDING THE TOWNSHIP INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAY; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE; DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREAFTER; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS ORDINANCE OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT, AND GENERAL WELFARE.

THEREFORE BE IT ORDAINED BY THE TRUSTEES OF UNION TOWNSHIP, AUGLAIZE COUNTY, STATE OF OHIO, PURSUANT TO LAW:

**1121.00**  
**General Provisions**

1121.01	Title.....	1
1121.02	Intent .....	1
1121.03	Interpretation.....	2
1121.04	Separability .....	2
1121.05	Repeal of Conflicting Ordinances.....	2
1121.06	Effective Date .....	2

## **1121.00 GENERAL PROVISIONS**

### **1121.01 Title**

This Ordinance shall be known and may be cited to as the “Zoning Code of Union Township”, except as referred to herein, where it shall be known as “this Zoning Code”.

### **1121.02 Intent**

The intent of this Zoning Code is to promote and protect the public health, safety, and general welfare of Union Township, in accordance with the Comprehensive Land Use Plan and planning process that is reflected in the contents of this Zoning Code and in the zoning map of Union Township by:

- A. Dividing Union Township into zones or districts within which specific regulations contained in this Zoning Code control the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, commerce, industry, or other specific uses.
- B. Regulating the intensity of land use through the control of the amount of lot area on which construction is authorized and a determination of the area of open space surrounding any man-made improvements upon the land.
- C. Facilitating the orderly, efficient, and appropriate growth and development within Union Township.
- D. Protecting residential, business, commercial, and industrial land uses from encroachment by incompatible land uses that would not be conducive to the public health, safety, and general welfare.
- E. Regulating certain nonconforming uses of land, buildings, and structures.
- F. Promoting a pattern of rational land use relationships among residential, business, commercial, and industrial uses for the purposes of promoting the public health, safety, and general welfare.
- G. Establishing development densities by zoning district that economize the provision of water, sewer, streets and highways, fire and police protection, schools, parks, recreation facilities, and other government services.

The intent is to implement in accordance with the Comprehensive Land Use Plan for Union Township as manifested in this Zoning Code and its companion zoning map, Auglaize County Design Criteria, and Construction Standards and Drawings of and in various planning studies which have been or will be approved by the Trustees from time to time.

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## **1123.00 DEFINITIONS**

### **1123.01 Construction of Language**

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

- A. The word "PERSON" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense.
- C. The singular number includes the plural, and the plural number includes the singular.
- D. The word "SHALL" is mandatory, and the word "MAY" is permissive.
- E. The word "BUILDING" includes the word "STRUCTURE."
- F. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- G. The word "lot" includes the words "plot" or "parcel."
- H. In case of any difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.
- I. Regardless of capitalization, definitions are standard.

Terms not herein defined shall have the meaning customarily assigned to them.

### **1123.02 Definitions**

#### **ACCESSORY STRUCTURE**

An object or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal object or structure, and which is subordinate to or serves the principal object or structure, is subordinate in the area to the principal object or structure, and is customarily incidental to the principal object or structure. Among other things, "accessory structure" includes anything of a subordinate nature attached to or not attached to a principal structure, such as, satellite dishes, antennas, sheds, detached garages, decks, and carports if not attached. Except as otherwise required in this Zoning Code an "accessory structure" shall be a permitted use.

**BARS, TAVERNS, AND NIGHTCLUBS**

Establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor, and other alcoholic beverages for consumption on the premises. The sale of food may also be a part of the operation.

**BASEMENT**

A story all or partly underground, but having at least one-half of its height below the average level of the adjoining ground. (See "Story") (See Illustration, Exhibit "C" following this Section.)

**BED AND BREAKFAST INNS**

A residential, single-family dwelling or portion thereof, which is owner-occupied, that has as a secondary use of the structure, one to five guestrooms for rent. Guests shall not stay longer than 14 consecutive days. Breakfast shall be the only meal served and the kitchen shall not be remodeled into a commercial kitchen. The facility shall be located in an existing structure and a structure cannot be built for this purpose. The operator of the Inn shall live on the premises.

**BEGINNING OF CONSTRUCTION**

"Beginning of Construction" means the utilization of labor, equipment, and materials for the purpose of erecting or altering a structure.

**BILLBOARD**

A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the lot where displayed on only incidentally on such lot.

**BLOCK**

Property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating, or between the nearest street and railroad right-of-way, un-subdivided acreage, waterway, or between any of the foregoing and any other barrier to the continuity of development or corporate lines of Union Township.

**BOARD OF ZONING APPEALS (BZA)**

Union Township Board of Zoning Appeals hereinafter referred to as "BZA".

**BOARDING OR LODGING HOUSES**

A building other than a hotel, not exceeding ten sleeping rooms, where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided.

**BUILDING**

A building is a structure, designed, intended, or used for shelter, enclosure, or protection of persons, animals, chattels, or property.

**BUILDING LINE**

(See Setback Line)

### **CLUB**

A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, fraternal or recreational purpose primarily for the exclusive use of members and their guests.

### **COMMERCIAL ENTERTAINMENT FACILITIES**

Any profit-making activity which is generally related to the entertainment field. These facilities include motion picture theaters; sports arenas; tennis, racquetball, and handball courts; health clubs; bowling alleys; and similar entertainment activities.

### **COMMERCIAL OUTDOOR RECREATION FACILITIES**

Any outdoor profit-making activity which is generally related to the recreation field. These facilities include amusement parks, drive-in theaters, carnivals, fairgrounds, golf driving ranges, golf courses, miniature golf courses, racetracks, skating rinks, and similar outdoor activities.

### **COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITY**

A state licensed or authorized home for children or adults that is operated by the state or a political subdivision or pursuant to a license issued by or to a contract with the state or a political subdivision. Community-oriented residential social service facilities include the following categories: agency group homes for children or adults, residential homes for children or adults, or residential homes for children or adolescents 18 years of age or under, dependent or neglected, who have not been adjudged delinquent, and who for various reasons cannot reside with their natural family.

### **COMPREHENSIVE LAND USE PLAN**

A plan, which may consist of several maps, data, policies, and other descriptive matter, for the physical development of Union Township which has been adopted by Union Township to indicate the general location for proposed physical facilities including housing, industrial, and business uses, major streets, parks, schools, public sites, and other similar information.

### **CONDITIONAL USE**

A use that is permitted, but only by application to the BZA in each specific instance, and after determination by the BZA 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 BZA 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.

### **CONSTRUCTION TRADE FACILITY**

These activities include heavy construction, building, electrical, heating and air conditioning, masonry, plumbing, painting and wallpapering, roofing, glazing, but does not include salvage materials or debris.

**DWELLING; MULTI-FAMILY**

A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

**DWELLING; PERMANENTLY-SITED MANUFACTURED HOME**

A building manufactured in an off-site facility designated for or occupied exclusively by one family shall be considered a single-family dwelling provided it meets all of the following criteria:

- A. The structure is affixed to a permanent foundation and is connected to appropriate utilities;
- B. The structure, excluding any addition, has a minimum width of 22 feet, a minimum length of 22 feet, and a minimum floor area of 1200 square feet;
- C. The structure has a minimum roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering;
- D. The structure was manufactured after January 1, 1995;
- E. The structure has a permanent label or tag certifying that it was constructed in conformance with all applicable federal construction and safety standards.

**DWELLING; SINGLE-FAMILY**

A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space, including permanently-sited manufactured homes as defined herein.

**DWELLING; TWO-FAMILY**

A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

**DWELLING UNIT**

A building, or a portion thereof, designed for occupancy of one family for residential purposes and having living, cooking, sleeping, and sanitation facilities.

**EASEMENT**

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**EDUCATIONAL INSTITUTIONS, ELEMENTARY, JUNIOR HIGH, AND HIGH SCHOOLS**

Public, private, and/or religious schools including grades K through 12.

**ELDERLY HOUSING FACILITIES**

Residential developments specially designed to house retired and elderly persons and which may include a mixture of living options including apartments, group quarters, and nursing care facilities.

**FLOODPLAIN**

That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

**FLOODWAY**

That portion of the floodplain, including the channel, which is reasonably required to convey the regional floodwaters. Floods of less frequent recurrence are usually contained completely within the floodway.

**FLOODWAY FRINGE**

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

**FLOOR AREA OF A NON-RESIDENTIAL BUILDING**

**(To be Used in Calculating Parking Requirements)**

The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

**FLOOR AREA OF A RESIDENTIAL BUILDING**

The sum of the gross horizontal area of all floors of a residential building, excluding garages, basement floor areas, roofed porches, and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**FRONT LOT LINE**

(See Lot)

**FRONT YARD**

(See Yard)

**FUNERAL HOME**

A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel and residency shall also be permitted.

**GARAGE; PRIVATE**

An accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats, and similar vehicles owned or used by the occupants of the building to which it is an accessory.

**GAS STATION**

(See Automobile Service Station)

## **JUNK**

"Junk" includes but is not limited to: old scrap copper, brass, rope, rags, trash, or waste; old and used building materials, batteries, paper, or rubber; junked, dismantled, or wrecked automobiles, or parts thereof; old or discarded household furniture or appliances; iron, steel, and other old or scrap ferrous or non-ferrous materials.

## **JUNK MOTOR VEHICLES**

Any vehicle shall be deemed a junk motor vehicle if it is an unlicensed vehicle.

## **JUNK YARD OR SALVAGE YARD**

An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings. Two or more inoperative or unlicensed vehicles shall be construed to be a "junk yard".

## **KENNELS**

Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets.

## **LAND USE PLAN**

The long-range plan for the desirable use of land as adopted by the Planning Commission; the purpose of such plan being to serve as a guide in future development and zoning of the community.

## **LOADING SPACE**

A loading space is an off-street space on the same lot with a building or group of buildings, used for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

## **LOCK AND STORE WAREHOUSING (or Store and Lock)**

A building or group of buildings in a controlled access compound that contains equal or varying sizes of compartmentalized and controlled access stalls or lockers for storage of customer goods or wares.

## **LOT**

For the purposes of this Zoning Code, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or road.

## **LOT COVERAGE**

The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures including swimming pools, accessory structures or any part thereof, excluding projecting roof eaves.

### **MANUFACTURED HOME**

Any vehicle not self-propelled transportable in one or more sections which, in the traveling mode, is 8 feet or more in width or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards. Manufactured Home is sometimes referred to as a Mobile Home.

### **MANUFACTURED HOME COURT**

Any plot of ground upon which two or more trailer coaches or Manufactured Homes occupied for dwelling or sleeping purposes may be located. Only permitted within a Planned Unit Development.

### **MANUFACTURING**

The mechanical, chemical, or biological transformation or assembly of materials, substances, or component parts into new products or components, usually for distribution to wholesale markets, or for interplant transfer to industrial users.

### **MEDICAL OFFICES AND CLINICS**

Offices of physicians, dentists, and other health practitioners and medical and dental laboratories. Establishments primarily engaged in outpatient care with permanent facilities and with medical staff to provide diagnosis and/or treatment for patients who are ambulatory and do not require in-patient care.

### **MINERAL EXTRACTION, STORAGE, AND PROCESSING**

Any mining, quarrying, or processing of limestone, shale, clay, sand, gravel, coal, or other mineral resources.

### **MINI-WAREHOUSE**

(See Self-Service Storage Facility)

### **MIXED USE**

A combination of two or more principally permitted or conditionally permitted uses within a district, as approved by the Board of Appeals, in the same building or on the same premises.

### **MULTI-FAMILY DWELLING (See Dwelling; Multi-Family)**

### **NIGHTCLUB**

(See Bars, Taverns, and Nightclubs)

### **NONCONFORMITIES**

Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Zoning Code or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

## **PLANNING COMMISSION**

The Regional Planning Commission of Auglaize County.

## **POOL; SWIMMING**

(See Swimming Pool)

## **PREEXISTING USE**

An existing use of the type listed as a special use in the zoning district that was lawfully established on the effective date of this Zoning Code.

## **PRINCIPAL USE**

The primary or predominant use of any land or improvement on it.

## **PRIVATE BUSINESS OR FAMILY GATHERING FACILITY**

A private facility, which is owner occupied, that has a secondary use of the structure as a private rental facility for family gatherings, business functions, and community events. The facility shall be located in and outside of the existing structure and a structure cannot be built for this purpose. The operator of the facility shall live on the property.

## **PRIVATE LANDING STRIPS AND HELIPORTS**

A site built to the current FAA recommendations where aircraft arrive and depart.

## **PRIVATE SCHOOLS**

Private schools, including but not limited to, business or commercial schools, dance or music academies, kindergarten, nursery, play, and special schools other than educational facilities.

## **PROFESSIONAL OFFICES**

(See Business, Professional, and Administrative Offices)

## **PUBLIC OFFICES AND PUBLIC BUILDINGS**

Establishments for local, county, regional, state, or federal government agencies.

## **PUBLIC RECREATION FACILITIES**

Parks, playgrounds, golf courses, sports arenas, gymnasiums, Union Township centers, swimming pools, skating rinks, tennis, racquetball and handball courts, senior citizen and youth centers, arboretums, hiking and jogging trails, ice skating rinks, nature areas, picnic areas, tot lots, and arid wildlife sanctuaries, but not including commercial recreation and entertainment facilities listed elsewhere in this Zoning Code.

## **PUBLIC SERVICE FACILITY**

The erection, construction, alteration, operation, or maintenance of buildings and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage disposal services.

**SCREENING**

The placement of landscaping or fencing on a lot in a manner to reduce any negative effects resulting from the location of two or more dissimilar uses next to one another.

**SEAT**

For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

**SERVICE GARAGE**

(See Automobile Repair, Painting, and Body Shops)

**SERVICE STATION**

(See Automobile Service Station)

**SETBACK LINE**

A line established by the Zoning Code, generally parallel with and measured from the lot line/right-of-way, defining the limits of a yard in which no portion of any principal structure, other than accessory building, may be located except as may be provided in said Zoning Code. No portion of the submerged lot shall be counted toward the required setback. (See Yard)

**SEWERS, CENTRAL OR GROUP**

An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single-development, township, or region.

**SIDE LOT LINE**

(See Lot Line)

**SIDE YARD**

(See Yard)

**SIGN**

A name, identification, description, display, or illustration which is affixed, painted, or represented, directly or indirectly, upon a building structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. (See Section 1137.00 Signage.)

**SINGLE-FAMILY DWELLING**

(See Dwelling; Single-Family)

**STORY**

That part of a building between the surface of a floor and the ceiling immediately above. (See Basement). (See Illustration, Exhibit "C" following this Section.)

**TRANSPORT TRUCKING TERMINAL**

Any business, structures, or premises which primarily receives or distributes goods by tractor trailer or similar vehicle.

**TWO-FAMILY DWELLING**

(See Dwelling, Two-Family)

**USE**

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

**UTILITY SERVICE COMPANIES**

Utility buildings, telephone exchanges, and transformer stations or uses other than general offices.

**VARIANCE**

A modification of the strict terms of this Zoning Code where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Zoning Code which would result in unnecessary and undue hardship for a use variance or practical difficulty for an area variance.

**VISION CLEARANCE ON CORNER LOTS**

A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above the established street grade. The street grade is measured at the intersection of the centerlines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured 15 feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot. (Refer to Auglaize County Construction Standards and Drawings)

**WAREHOUSE**

A building used principally for the storage of goods and materials.

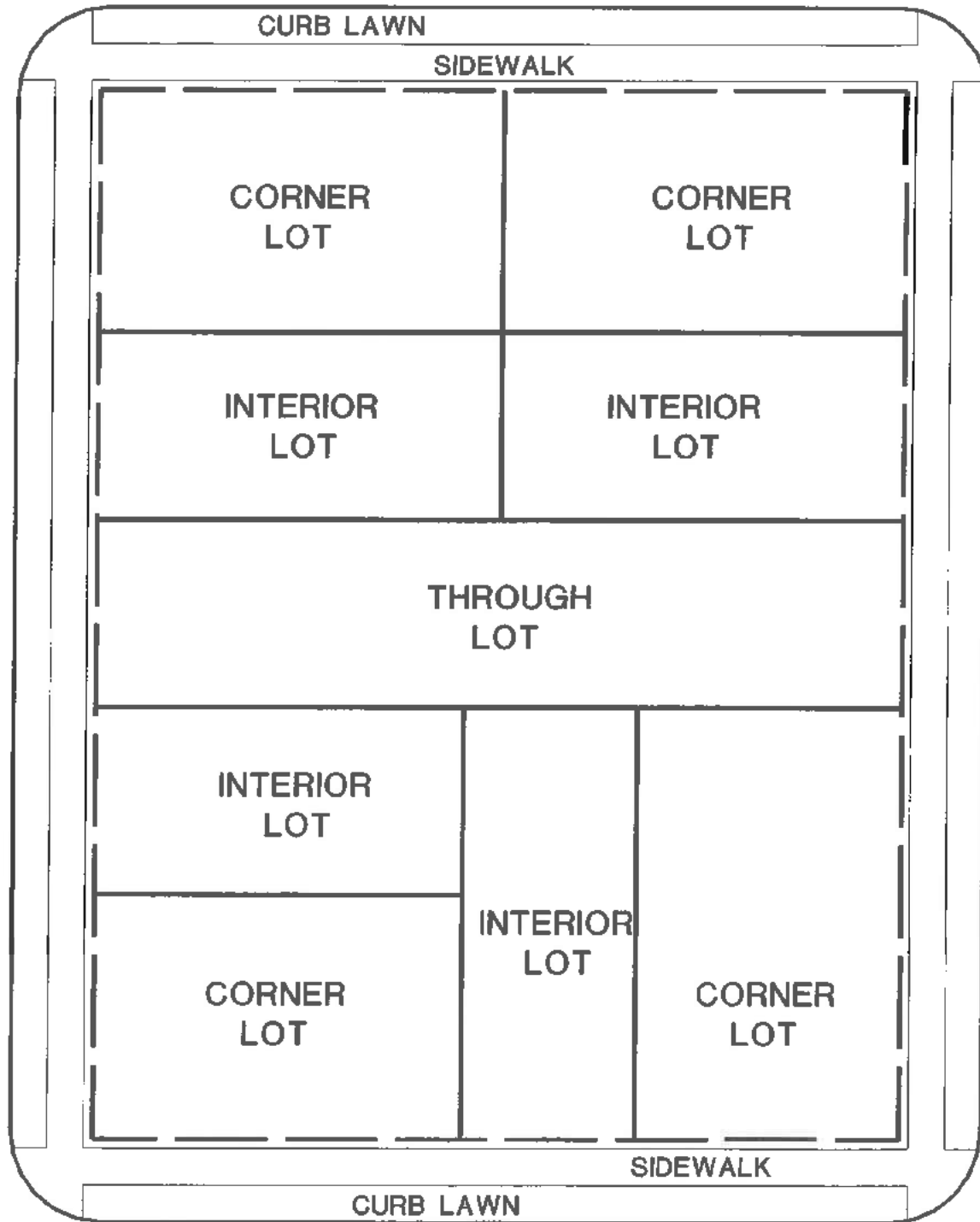
**WHOLESALE BUSINESS**

An establishment that is engaged in the selling of merchandise to retail establishments rather than to consumers.

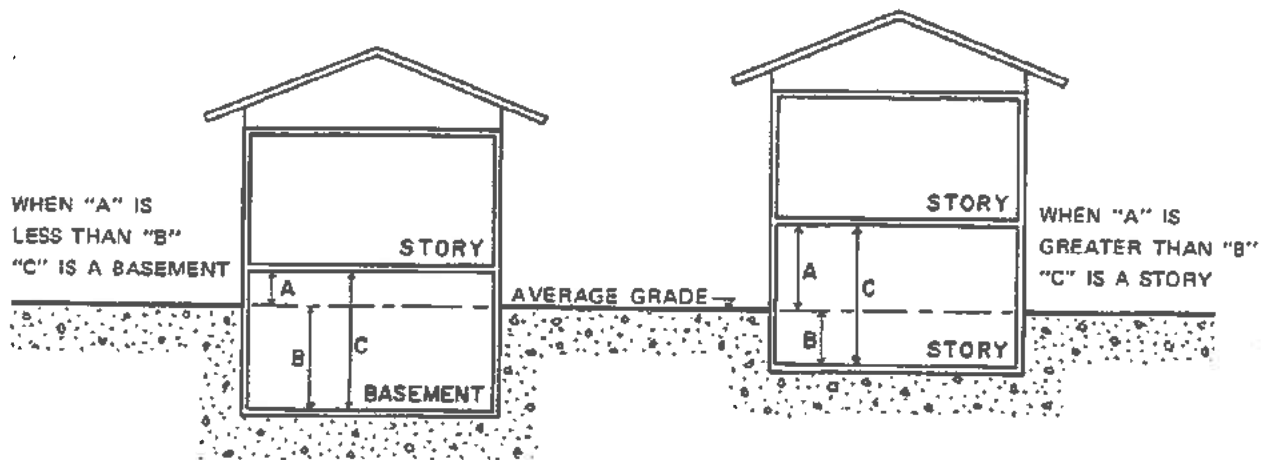
**YARD**

An open space on the same lot with a main building, unoccupied, and unobstructed by structures from tile ground upward, except as otherwise provided in this Zoning Code. (See Illustration - Exhibit "B" following this Section.)

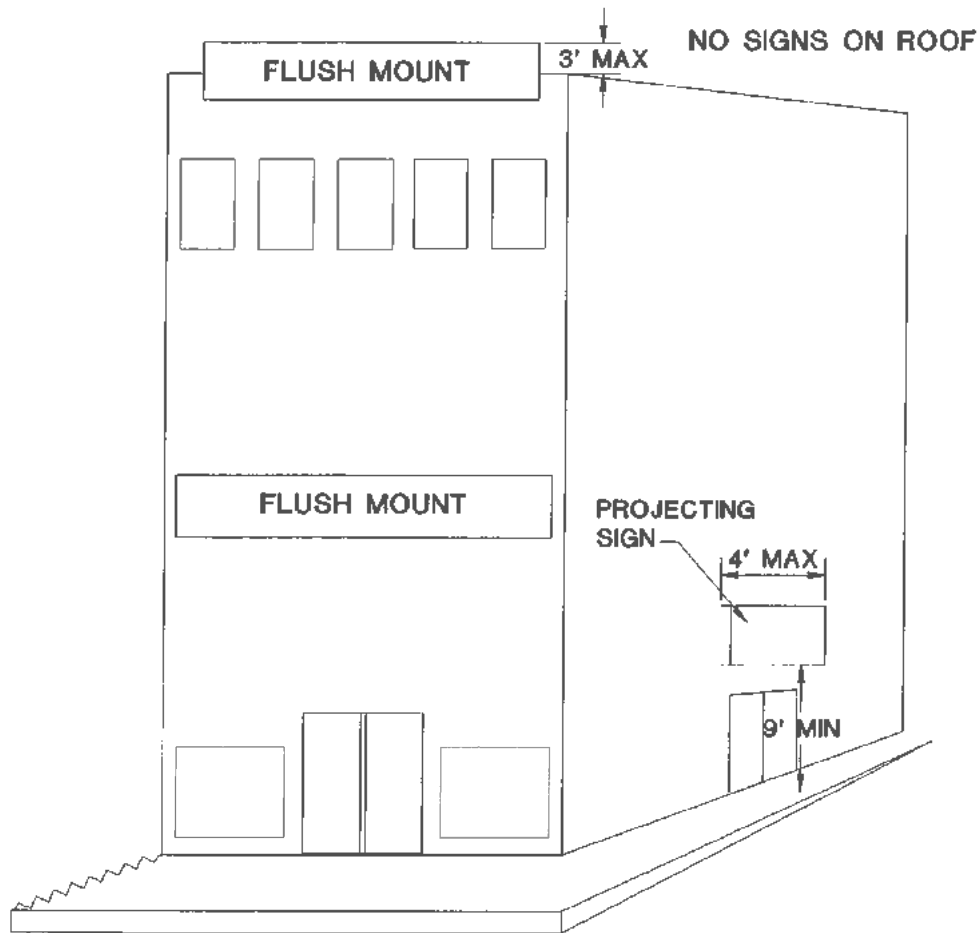
- A. Front Yard - An open space extending in full width of the lot, the depth of which is the minimum permitted horizontal distance between the front right-of-way line and the nearest point of the main building. For corner lots and through lots, all sides of a lot adjacent to streets shall be considered Front Yard. (See Illustration Exhibit "B" following this Section)



**ILLUSTRATION - EXHIBIT "A"**  
**TYPES OF LOTS**

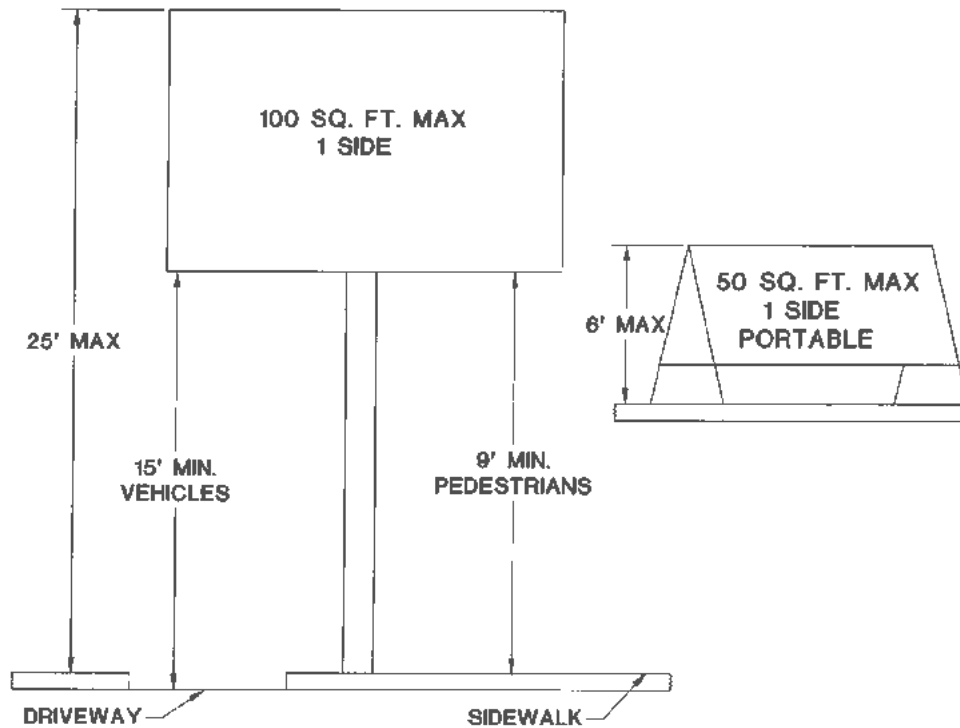


**ILLUSTRATION - EXHIBIT "C"**  
**BASEMENT AND STORY**



**ILLUSTRATION – EXHIBIT “E”**  
**SEE SECTION 1137.09A ATTACHED SIGNS**

- A. No sign attached, detached, or portable shall be permitted in the right-of-way of any street or alley, except attached signs which may extend 4 feet from face of building.
- B. Total area of all attached signs shall not exceed 1 times the linear foot of the lot frontage.



**ILLUSTRATION – EXHIBIT “G”**  
**SEE SECTION 1137.09B DETACHED SIGNS**

Signs may not project more than 3 feet over a public right-of-way and not more than 6 feet over private property.

## **1125.00**

### **Establishing Districts And Zoning Map**

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## **1125.00 ESTABLISHING DISTRICTS AND ZONING MAP**

### **1125.01 Intent**

The intent of this article is to establish zoning districts in order to realize the general purpose set forth in the Preamble of 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.

### **1125.02 Establishment of Districts**

The following zoning districts are hereby established for Union Township, Auglaize County, Ohio:

A-R	Agriculture/Residential District
R-1	Residential District
R-1A	Single-Family Residential District
C	Commercial District
C-1	Light Commercial District
I	Industrial District
I-1	Light Industrial District

### **1125.03 Zoning District Map**

- A. The districts established above, as shown on the official zoning map, which, together with all data, references, explanatory material, and notations thereon, are hereby officially adopted as part of this Zoning Code and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.
- B. The official zoning map shall be identified by the signature of the Trustees and clerk of Union Township. If, in accordance with the provisions of this Zoning Code, changes are made in district boundaries or other matter portrayed on the official zoning map, these changes shall be made on the official zoning map within 30 normal working days after effective date of the amendment.
- C. The original and one copy of the official zoning map are to be maintained and kept up to date; one copy on public display in the Union Township chambers, accessible to the public, and shall be final authority as to the current zoning status of lands, buildings, and other structures in Union Township.

**1127.00**  
**District Regulations**

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## **1127.00 DISTRICT REGULATIONS**

### **1127.01 Compliance with Regulations**

The Regulations for each district set forth by this Zoning Code shall be the minimum Regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified for the district in which it is located.
- B. Except as otherwise provided in this Zoning Code, no building or other structure shall be erected or altered:
  - 1. To provide for greater height or bulk;
  - 2. To accommodate or house a greater number of families;
  - 3. To occupy a greater percentage of lot area;
  - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than required in its district, or in any other manner be contrary to the provisions of this Zoning Code.
- C. Except as otherwise provided in this Zoning Code, no yard or lot existing at the time of passage of this Zoning Code shall be reduced in dimension or area below the minimum requirements set forth in the district. Yards or lots created after the effective date of this Zoning Code shall meet at least the minimum requirements set forth in the district.

**TOWNSHIP ZONING CODE**  
**Summary of Permitted and Conditional Uses**

USE	ZONING DISTRICT						
	A-R Agri. Residential	R-1 Residential	R-1A Single Fam. Residential	C Commercial	C-1 Light Commercial	I Industrial	I-1 Light Industrial
P = Principal Permitted Use C = Conditional Use *	P	C**	C	P	C	P	C
Agriculture							
Airports							
Adult Entertainment Facilities				C	C		
Animal Hospitals/Clinics	C			P	P		
Automotive Filling Stations				P	P		
Repair, Painting, and Body Shops				C	C		
Sales				P	P		
Service Station				P	P		
Washing Facilities				P	P		
Bars, Taverns, Nightclubs				C	C		
Bed and Breakfast Inns	C	C	C				
Billboards							
Building and Related Trades				P	C	C	C
Business, Professional and Administrative Offices				P	P	C	C
Carryout				C	C		
Cemetery	C						
Clubs				P	P		
Commercial Entertainment Facilities				C	C		
Commercial Outdoor Recreation Facilities				C	C		
Community-Oriented Residential Social Service Facility				C	C		
Composting						C	C
Construction Trade Facility						C	C
Convenience Store				P	P		
Day Care Facility	C	C	C	P	P		
Drive-In Commercial Uses				C			
Dwellings, Efficiency Apartment				C	C		
Single-Family	P	P	P				
Two-Family		C	C	C	C		
Multi-Family				C	C		
Educational Institution				C	C		
Elderly Housing Facilities				C	C		

USE	ZONING DISTRICT						
	A-R Agri. Residential	R-1 Residential	R-1A Single Fam. Residential	C Commercial	C-1 Commercial	I Industrial	I-1 Industrial
P = Principal Permitted Use							
C = Conditional Use							
* Utility Service Companies							
Warehousing							
Wholesale Business		C		P	P	C	P
							C

\* Blank boxes represent uses not permitted.

\*\* The Ohio Revised Code confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located. No zoning certificate shall be required for any such building or structure except any platted subdivision consisting of 15 or more lots of 1 acre or less.

**1127.15 Cross References**

Supplemental District Regulations, 1129.00 .....	53-107
Conditional Uses; Substantially Similar Uses, 1131.00 .....	108-112
Off-Street Parking and Loading Facilities, 1135.00 .....	117-126
Signage, 1137.00.....	127-134
Zoning Permit Requirements and Enforcement, 1145.00.....	149-154

**1127.25 Cross References**

Supplemental District Regulations, 1129.00 .....	53-107
Conditional Uses; Substantially Similar Uses, 1131.00 .....	108-112
Off-Street Parking and Loading Facilities, 1135.00 .....	117-126
Signage, 1137.00.....	127-134
Zoning Permit Requirements and Enforcement, 1145.00.....	149-154

**1127.35 Cross References**

Supplemental District Regulations, 1129.00 .....	53-107
Conditional Uses; Substantially Similar Uses, 1131.00 .....	108-112
Off-Street Parking and Loading Facilities, 1135.00 .....	117-126
Signage, 1137.00.....	127-134
Zoning Permit Requirements and Enforcement, 1145.00.....	149-154

- J. Dwellings, Two-Family
- K. Dwellings, Multi-Family
- L. Educational Institutions
- M. Elderly Housing Facilities
- N. Group Homes
- O. Home Occupations
- P. Household Items Repair Shop
- Q. Lock and Store Warehousing
- R. Lumber Yards and Building Materials Sale and Storage
- S. Nurseries and Garden Supplies Stores
- T. Nursing Homes
- U. Pet Shops and Animal Grooming
- V. Private Schools
- W. Public Service Facilities
- X. Religious Places of Worship
- Y. Schools; Commercial

#### **1127.44 Area Regulations**

The width, area, and setback regulations within the C Commercial General Business District shall be as follows:

##### **General Requirements:**

Minimum Lot Area	20,000 sq. ft. with central sewer or 1 acre without
Minimum Lot Width	125 feet
Minimum Front Yard Setback	100 feet
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	40 feet principal, 20 feet accessory
Maximum Lot Coverage	40%

#### **1127.45 Cross References**

Supplemental District Regulations, 1129.00 .....	53-107
Conditional Uses; Substantially Similar Uses, 1131.00 .....	108-112
Off-Street Parking and Loading Facilities, 1135.00 .....	117-126
Signage, 1137.00.....	127-134
Zoning Permit Requirements and Enforcement, 1145.00.....	149-154

- M. Dwellings, Two-Family
- N. Dwellings, Multi-Family
- O. Educational Institutions
- P. Elderly Housing Facilities
- Q. Group Homes
- R. Home Occupations
- S. Household Items Repair Shop
- T. Lock and Store Warehousing
- U. Lumber Yards and Building Materials Sale and Storage
- V. Manufactured Home Court
- W. Nurseries and Garden Supplies Stores
- X. Nursing Homes
- Y. Pet Shops and Animal Grooming
- Z. Private Schools
- AA. Public Service Facilities
- BB. Schools; Commercial

**1127.54 Area Regulations**

The width, area, and setback regulations within the C-1 Commercial District shall be as follows:

**General Requirements for all Permitted Uses:**

Minimum Lot Area	10,200 square feet
Minimum Lot Width	85 feet
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	30 feet
Maximum Height	35 feet

**1127.60 I Industrial District**

**1127.61 Intent**

The purpose of this district is to provide for industrial and other uses that by virtue of their characteristics should be isolated from residential uses. These uses perform essential functions for Union Township including employment and should be provided for in areas that are best suited for industrial development by reasons of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.

**1127.62 Principal Permitted Uses**

- A. Agriculture
- B. Farm Implement Sales
- C. Grain Elevators and Feed Mills
- D. Manufacturing
- E. Public Offices and Public Buildings
- F. Public Recreation Facilities
- G. Warehousing

**1127.63 Conditional Uses**

A building or premises may be used for the following purposes in the I Industrial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Airports
- B. Building and Related Trades
- C. Business, Professional, and Administrative Offices
- D. Composting
- E. Construction Trade Facility
- F. Home Occupations
- G. Heavy Equipment Rental, Sales, Service, and Storage
- H. Industrial; Enclosed
- I. Junk Yard and Salvage Yard
- J. Kennels
- K. Mineral Extraction Storage and Processing
- L. Public Service Facilities
- M. Sanitary Landfill or Transfer Station
- N. Schools, Commercial
- O. Transport Trucking Terminals
- P. Utility Service Companies
- Q. Wholesale Business

## **1127.70 I-1 Light Industrial District**

### **1127.71 Intent**

The purpose of this district is to provide for industrial and other uses that by virtue of their characteristics should be isolated from residential uses. These uses perform essential functions for the Township including employment and should be provided for in areas that are best suited for industrial development by reasons of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.

### **1127.72 Principal Permitted Uses**

- A. Farm Implement Sales
- B. Grain Elevators and Feed Mills
- C. Manufacturing
- D. Public Offices and Public Buildings
- E. Public Recreation Facilities
- F. Warehousing

### **1127.73 Conditional Uses**

A building or premises may be used for the following purposes in the I-1 Industrial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Agriculture
- B. Building and Related Trades
- C. Business, Professional, and Administrative Offices
- D. Composting
- E. Construction Trade Facility
- F. Home Occupations
- G. Heavy Equipment Rental, Sales, Service, and Storage
- H. Industrial; Enclosed
- I. Junk Yard and Salvage Yard
- J. Kennels
- K. Mineral Extraction Storage and Processing
- L. Public Service Facilities
- M. Sanitary Landfill or Transfer Station
- N. Schools, Commercial
- O. Transport Trucking Terminals
- P. Utility Service Companies
- Q. Wholesale Business

**Supplemental District Regulations**

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## **1129.00 SUPPLEMENTAL DISTRICT REGULATIONS**

### **1129.01 Intent**

The purpose of Supplemental District Regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or proclude such problems, and to promote the harmonious exercise of property rights without conflict.

### **1129.02 Accessory Structures Uses**

- A. It is the purpose of this Zoning Code to regulate accessory structures in order to promote public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.
- B. Except as otherwise provided in this Zoning Code, an accessory use or structure shall be permitted in association with a principal use or structure provided that:
  - 1. It shall be 50% or less of the gross floor area of the principal structure except in the A-R Agriculture/Residential zone and lots of 5 acres or more.
  - 2. It shall not contain or be used as a dwelling unit.
  - 3. It shall not exceed height of the primary structure except in the A-R Agriculture/Residential zone where there is not a height restriction.
  - 4. It shall meet all yard requirements of the principal use except the structure shall be no closer than 10 feet to the side and rear lot lines, not placed on a recorded easement, and no closer than 10 feet to the principal structure.
- C. All accessory structures require a Zoning Permit.

### **1129.03 Satellite Dish Antenna Regulations**

Satellite dish antennas shall be permitted as an accessory structure in all zone districts, and are subject to requirements as follows:

- A. Ground-mounted satellite dishes installed in residential districts shall be limited to rear yard areas of the rearward portion of the lot or parcel.
- B. Setbacks for all satellite dish installations shall be a minimum of 10 feet from any property line, a minimum of 15 feet from public rights-of-way, and of a sufficient safe distance from all overhead and/or underground power lines as determined by the Zoning Inspector.

- D. Ground-mounted antenna systems in residential and commercial districts shall not exceed a maximum overall height of 60 feet.
- E. All antenna systems shall be properly grounded, resistant to lightning strikes, and meet all Electrical Code requirements.
- F. All antenna systems shall be noncorrosive, designed, engineered, and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
- G. A Zoning Permit shall be required prior to installation of any antenna system. Installation instructions, sketches, site plans, or other documents shall be submitted in accordance with the Zoning Inspector's requirements, for the purpose of verification of each of the provisions of this Section.

**1129.05 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties**

- A. Under those circumstances where the development of either a single-family residential project is proposed to occur adjacent to or abutting property zoned and/or used for industrial or commercial purposes, or in the case where an industrial or commercial project is proposed to occur adjacent to or abutting property zoned or used for single-family residential purposes, the owner or developer of the project must undertake improvements to provide for the creation of a suitable transition and buffer between the noncompatible uses. The purpose of the buffer is to obscure noncompatible uses and diminish the impact that the industrial or commercial activity may have on the environment found in the single-family residential area. It is intended to protect the interest of the existing or future occupant of the residential area. This requirement would only be triggered when new development occurs; it does not apply to existing conditions.
- B. The following provisions shall apply with respect to screening:
  - 1. Screening shall be provided for one or more of the following purposes:
    - a. A visual barrier to partially or completely obstruct the view of structures or activities.
    - b. An acoustic screen to aid in absorbing or deflecting noise.
    - c. A physical barrier to contain debris and litter.
  - 2. Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning Inspector, or BZA, in the event of an appeal, variance, or conditional use:
    - a. A solid masonry wall.
    - b. A solidly constructed decorative fence.
    - c. A louvered fence.

#### **1129.06 Principal Building Per Lot**

Only one principal building shall be permitted on each lot in any zoning district, subject to the provisions established in each district. However, in all districts permitting enclosed light or heavy industrial uses, it is permissible to erect more than one principal building devoted to such industrial use on the same lot.

#### **1129.07 Parking and Storage of Vehicles and Trailers**

No commercial vehicles, including commercial tractors, trucks over 1 ton, buses, manufactured homes, and semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking. All automotive vehicles or trailers of any type must be operable with current license plates or shall be parked or stored in an area completely screened from public streets or adjoining property.

#### **1129.08 Required Refuse Collection Areas**

The refuse collection areas provided by all multi-family residential, commercial, and industrial uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall, fence, or shrubbery of at least 4 feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector. Storage areas of proper density in residential districts shall utilize such additional screening as required in this Zoning Code.

#### **1129.09 Fences**

- A. Fences constructed within a rear and side yard shall not be higher than 6 feet.
- B. No fence, wall, or hedge shall rise over 36 inches in height on any required front yard. No fence, wall, or hedge planting shall interfere with visibility from a driveway or public right-of-way. The Zoning Inspector is hereby empowered to cause all obstructions to be removed in the interest of public safety.
- C. All support structures shall face to the inside.
- D. It shall be the property owner's responsibility to ensure that all fences shall be erected within the property.
- E. Fences are not permitted in utility easements.

organization. The application for the Temporary Use Permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if he determines that it encroaches upon more than 25% of the required parking area.

- D. Temporary retail sales and services, such as the sale of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A Temporary Use Permit valid for a period not to exceed 2 consecutive days shall only be issued three separate times for any particular lot within any 12-month period, and not more than one permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license, and a written statement from the property owner giving permission for such use. In any case, the Temporary Use Permit shall be prominently displayed at the site.
- E. Garage sales, which for the purposes of this section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted. Any individual or family may conduct two such sales within any 12-month period upon the property at which he or they reside for a period not to exceed 3 consecutive days without obtaining a Temporary Use Permit, so long as the provisions of this Zoning Code pertaining to signs and parking are observed. Garage sale permits shall only be issued to groups of families, neighborhood organizations, and community organizations two times within any 12-month period and shall not exceed a period of 3 consecutive days, so long as the provisions of this Zoning Code pertaining to signs and parking are observed.

#### **1129.13 Swimming Pools**

Swimming pools in excess of 30 inches in depth shall comply with the following requirements:

- A. The swimming pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
- B. The swimming pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than 10 feet to any property line or easement and/or directly under any type of electrical wiring.
- C. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. Fence shall be at least 6 feet in height, and it shall be maintained in good condition with a self-closing, latching gate and lock. Above-ground pools that have integral fences or railings and have a swing up securing/locking ladder is acceptable in lieu of fence.
- D. All swimming pools require a Zoning Permit.

be brought in full compliance immediately upon discontinuance of the existing use of land, structure or building. Any change in the principal use of land, structure or building shall constitute a discontinuance and be fully subject to these standards and provisions.

B. Noise

No activity on private property shall emit noise in excess of sound levels indicated in the table below. Sound levels shall be determined by the use of a sound level meter designed to give measurements designated as dBA or dB(A). Measurements may be taken, at the discretion of the Zoning Inspector, at the property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or zoning district regardless of the proximity of the source property to it. The source property need not be contiguous to the receiving property.

**Maximum Permitted Sound Levels**

Source Property		Receiving Property		
Noise Source	Time	Agriculture/ Residential	Commercial	Industrial
Agriculture/Residential	Daytime <sup>1</sup>	55 dBA	55 dBA	55 dBA
	Nighttime <sup>2</sup>	50 dBA	50 dBA	50 dBA
Commercial	Daytime <sup>1</sup>	55 dBA	60 dBA	60 dBA
	Nighttime <sup>2</sup>	50 dBA	50 dBA	50 dBA
Industrial	Daytime <sup>1</sup>	55 dBA	60 dBA	70 dBA
	Nighttime <sup>2</sup>	50 dBA	50 dBA	60 dBA

<sup>1</sup> Daytime shall be considered as the hours between 7:00 a.m. and 10:00 p.m.

<sup>2</sup> Nighttime shall be considered as the hours between 10:00 p.m. and 7:00 a.m.

C. Exemptions

The following noise levels shall be exempt from the noise provisions during the daytime only:

1. Firearms on authorized ranges.
2. Legal blasting.
3. Temporary construction activity and equipment.
4. Installation of utilities.
5. Lawn mowers, chain saws and garden equipment.

The following noise sources shall be exempt from the noise provisions at all times:

1. Aircraft.
2. Railroads.
3. Emergency vehicles and equipment.

J. Erosion

No erosion, by either wind or water or other liquid shall be permitted which will carry substances onto neighboring properties or rights-of-way. Erosion control methods shall be implemented on all sites where the existing ground surface is altered or disturbed. All such work shall comply with all local, state, and federal erosion control regulations or standards.

**1129.16 Residential Design and Appearance Standards**

Single-Family, Two-Family, and Multi-Family residential dwellings and accessory buildings when located in a residential zone whether of modular or site-built construction, shall comply with the following design and appearance standards:

- A. The structure is affixed to a permanent foundation and is connected to appropriate utilities. All dwellings hereafter erected including all modular homes and all mobile homes outside mobile home parks shall have a continuous masonry foundation extending from ground level to the bottom-most portion of the first floor;
- B. The structure, excluding any addition, has a minimum width of 22 feet, a minimum length of 22 feet, and a minimum floor area of 1200 square feet;
- C. The structure has a minimum roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering;

**1129.17 Adult Entertainment Facilities**

A. Intent

This Section is based upon the Union Township's recognition of certain possible adverse secondary effects of adult entertainment facilities and thereby protects the health, safety, and welfare of the citizens; protects the citizens from increased crime; preserves the quality of life; preserves the property values and the character of surrounding neighborhoods and businesses; deters the spread of urban blight and protects against the threat to health from the spread of communicable and social diseases.

B. Definitions

Specific words and terms as used in this Section are defined as follows:

- 1. Adult bookstore, adult novelty store, or adult video store means an establishment, from which minors are excluded, having as a substantial or significant portion of its stock for trade, sale, or rental of the following:

facilities which emphasize nudity and/or sexual activities as an entertainment medium.

6. Adult motel means a motel, hotel, or similar commercial establishment which:
  - a. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertise the availability of this sexually-oriented type of material by means of a sign visible from a public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets, or leaflets, radios, or televisions; or
  - b. Offers a sleeping room for rent for a period of less than ten hours; or
  - c. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten hours.
7. Adult mini-motion picture theater means an enclosed building with a capacity of less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
8. Adult motion picture theater means an enclosed building with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
9. Mainstream performance house means a theater, concert hall, auditorium, or similar establishment, which regularly features movies or live performances such as plays or concerts which are not distinguished or characterized by an emphasis on the depiction, description, or display or the featuring of "specified anatomical areas" or "specified sexual activities" and where such depiction, if any, is only incidental to the primary purpose of any performance.
10. Nude model studio means a place where a person, who regularly appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
11. Nude or state of nudity means the showing, representation, or depiction of human male or female genitals, bare buttocks, anus, or the areola or nipple of the female breast with less than full, opaque covering of any portion thereof below the top of the nipple or of uncovered male genitals in a discernibly turgid state.

5. No adult entertainment facility shall be established within a radius of 1,000 feet of any church, synagogue, or permanently established place of religious services which is attended by persons under 18 years of age.
6. All building openings, entries, windows, etc., for adult uses shall be located, covered, or surfaced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
7. In granting any such conditional use, the BZA may prescribe any conditions that it deems necessary in the public interest. However, no conditional use shall be approved by the BZA unless it finds that the use for which such approval is sought, is not likely to be dangerous or detrimental to nearby properties, that the use will not be contrary to any program of conservation, or improvement, either residential or nonresidential, or be contrary to the public safety, and general welfare of Union Township.
8. The measure of distances for purposes of this Section shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel, i.e., "as the crow flies".
9. Nothing contained in this Code shall apply to the premises of any mainstream performance house or museum.
10. Any establishment offering live dancing performances shall adhere to the following regulations:
  - a. The dancing performances shall be confined to a clearly defined stage or platform area that is elevated at least two feet above the normal floor elevation of the establishment.
  - b. There shall be a clearly defined and delineated three-foot "buffer" area or space between the aforesaid stage or platform and any area of the establishment in which customers are customarily seated and/or served.
  - c. Said "buffer" zone shall be clearly and permanently delineated by rail, rope, enclosure, or other similar means.
  - d. All dancing or entertainment shall be confined to the stage or platform area as defined herein.
  - e. At no time during the performance shall the patrons or the entertainers be permitted to encroach on the aforescribed "buffer" zone.

- H. The percentage of structure occupied by the Bed and Breakfast Inn shall be no more than 50% of the gross floor area of the single-family dwelling.
- I. Rental of the Bed and Breakfast Inn for special gatherings such as wedding receptions and parties shall be prohibited.
- J. The plans for the proposed Bed and Breakfast Inn shall be reviewed by the Fire Chief, and a Zoning Permit shall not be issued by the Zoning Inspector until the Fire Chief has inspected the Bed and Breakfast Inn.
- K. The applicant shall submit the proposed Bed and Breakfast Inn to the Auglaize County Health Department for review.
- L. Other appropriate conditions may be prescribed by the BZA on an individual basis.

**1129.19 Automobile Washing Facilities**

- A. All washing activities shall be carried on within a building.
- B. The minimum lot size shall be 15,000 square feet, with no less than 100 feet of frontage.
- C. Automobile washing structures shall be located at least 50 feet from any adjoining residential property and shall be no closer than ten feet from side property lines.
- D. Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than 50 feet to any adjacent residential property and at least 20 feet from a public right-of-way.
- E. Water or residue from the washing process shall not be allowed to drain from the site containing such establishment.
- F. All parking and access drives shall be hard-surfaced and dust-free.
- G. The following waiting and parking requirements shall be minimum requirements:
  - 1. A minimum of six off-street waiting spaces shall be provided for every bay of a self-service washing facility, and a minimum of ten off-street waiting spaces shall be provided for every bay with automatic or assembly-line type washing facilities. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
  - 2. A minimum of two parking spaces shall be provided at the exit end of each washing bay for drying and hand finishing of vehicles.
  - 3. One parking space for each regular employee of the premises with a minimum of two employee parking spaces for the site.

2. Vegetation and/or mounding shall be designed and grown to an opaque state and maintained as such.
3. It shall not be less than 6 feet in height above grade.
4. It shall be maintained in a condition so as to ensure its opacity.
5. It shall not contain advertising.

E. **Removal of Junk Vehicles**

No junk vehicle shall remain stored or parked in violation of this section after receipt of a notice of violation.

**1129.21 Billboards**

A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the lot where displayed on only incidentally on such lot. All billboards require a Zoning Permit. (See Illustration – Exhibit H.)

A. **Required Conformance**

All billboards within Union Township shall be in accordance with the provisions of this Section.

B. **Permitted Locations**

Billboards may be erected on free-standing structures and on any side or rear building wall only in the A-R Agriculture/Residential District.

C. **Number of Faces**

Free-standing billboards can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction.

D. **Maximum Height**

The top of a free-standing billboard shall not extend more than 25 feet above the grade of the street.

E. **Required Spacing**

No billboard shall be located closer than 1500 feet to another billboard facing traffic flowing in the same direction.

2. Topographic maps, drawn at a scale no greater than 1 inch to 200 feet with 5 foot contour intervals, showing the existing and the proposed final physiographic layout of the site.
3. A hydrogeologic and surface drainage study of the site conducted by a qualified professional engineer registered in the State of Ohio, illustrating the various depths, thickness', and hydrologic characteristics of underlying geologic deposits and the depth, direction of flow, and potential for contamination of the underground water supply.
4. A plan for monitoring underground water contamination.
5. A transportation plan for the site illustrating any proposed external routes or access to the landfill site and any proposed internal circulation routes within the landfill site.
6. Proposed methods of control for insects, rodents, and other disease vectors.
7. Proposed methods of controlling odor, dust, and/or blowing debris such as paper.
8. Proposed methods for screening.
9. Proposed hours of operation.
10. The location and size of proposed shelters for landfill personnel and equipment.
11. A proposed plan for future use of the site.

C. Permit To Install Required

All proposed landfill operations shall be required to secure a "Permit to Install" from the OEPA prior to the Conditional Use Permit becoming effective.

D. Screening

The site shall contain mounding or screening adequate to obscure the view of the landfilling operation from any public street, existing dwelling unit, or any residentially-zoned property.

E. Water Pollution

The site shall be limited to areas where surface or underground water pollution will not occur.

O. Hazardous Waste Restriction

No hazardous waste, defined under Ohio Revised Code Section 3724.01 (I) (1) and (2), and the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806-2812, 42 U.S.C. 6921 to 6931 shall be deposited in or stored on any site designated as a landfill under Section 515 of this zoning resolution without application for and receipt of a hazardous waste storage-burial Conditional Use Permit from the Board of Appeals and submission of an operating plan by the proposed site operator to include the following information and assurance:

1. The full legal and corporate name of the site operator to include any other names used by said site operator within the past 5 years, and the names of all the officers of the said proposed operator and include detailed resumes of same indicating prior experience or expertise in the operation of a hazardous waste storage-burial facility.
2. A detailed listing of the specific types of hazardous waste to be stored on site to include chemical and generic designation and known effects on flora and fauna of same.
3. A complete fire and population evacuation plan for all areas within 5 miles of the site center.
4. A complete geologic and hydrologic study of the site showing site barrier control sufficient to prevent all off-site leachate transmission and ensure protection of all water supplies.
5. Operator shall submit the name of its waste transport company to include the type of vehicles to be used to transport the hazardous waste and the training of the driver-operators.
6. Operator shall submit a plan for the control of malodorous airborne pollutants so that no such odors are transported off-site.
7. Operator/applicant shall present proof to the Board of Licensure for Hazardous Waste Storage under Section 3734.03 of the Ohio Revised Code prior to issuance of any Conditional Use Permit by the BZA.
8. Operator/applicant shall present proof of bond or surety to the sum set by Zoning Board of Appeals subject to the approval of the Union Township Trustees. Proof of bond shall be required prior to the grant of a Conditional Use Permit for hazardous waste storage in Union Township.

P. Inspections and Enforcement

9. Proposed hours of operation.

10. The location and size of proposed shelters for transfer station personnel and equipment.

11. A proposed plan for future use of the site.

C. Permit To Install Required

All proposed transfer station operations shall be required to secure a "Permit to Install" from the OEPA prior to the Conditional Use Permit becoming effective.

D. Screening

The site shall contain mounding or screening adequate to obscure the view of the transfer station operation from any public street, existing dwelling unit, or any residentially zoned property.

E. Water Pollution

The site shall be limited to areas where surface or underground water pollution will not occur.

F. Access From Residential Areas

The site shall not be accessible from any established residential area.

G. Odor Control

The site shall be so located and operated as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.

H. Attendant Required

An attendant shall be on duty during the time the transfer station site is open to supervise the unloading of refuse.

## **1129.24 Composting**

### **A. Required Conditions**

Composting may be permitted as a conditional use upon submission of satisfactory proof that such operations will not be detrimental to surrounding properties or to the environment. Compliance with the requirements contained in this Section inclusive shall be guaranteed by the applicant prior to the issuance of a Conditional Use Permit.

### **B. Application Requirements**

All Conditional Use Permit applications for composting within Union Township shall be accompanied by the following information, at a minimum:

1. Proposed methods of control for insects, rodents, and other disease vectors.
2. Proposed methods of controlling odor, dust, and/or blowing debris.
3. Proposed methods for screening.

### **C. Screening**

The site shall contain mounding or screening adequate to obscure the view of the composting operation from any public street, existing dwelling unit, or any residentially zoned property.

### **D. Odor Control**

The site shall be so located and operated as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.

### **E. Control Of Blowing Debris**

Blowing debris shall be controlled by providing a portable fence near the working area. The fence and area shall be policed daily.

### **F. Vector Control**

Conditions unfavorable for the production of insects, rodents, and other disease vectors shall be maintained by carrying out routine composting operations promptly in a systematic manner.

5. The location, description, and size of the areas to be excavated during the first year as well as an estimate of the total anticipated area of excavation.
  6. A list of the types of resources or minerals to be extracted.
  7. The proposed method of removal of such resources and whether or not blasting and other uses of explosives if required (storage of explosives is forbidden anywhere in Union Township).
  8. A study of the anticipated depth of excavations and probable effect to the existing water table, conducted by a qualified professional engineer who is registered in the State of Ohio. If the water is to be effected, the operator shall provide proof, before permission for excavation is given, the source of any public or private water supply shall not be adversely affected due to a lowering of the water table or contamination of the supply.
  9. The location of any processing plant to be used, and any accessory of kindred operations that may be utilized in connection with the operation of a processing plant by the mining processor or any other firm, person, or corporation.
  10. A general description of the equipment to be used for excavating processing, and/or transporting excavated mineral resources.
  11. A transportation plan for the site illustrating any proposed external routes of access to the site and any proposed internal circulation routes within the site.
  12. A plan for the rehabilitation and reclamation of the excavated area as specified in this Section; and any other information the BZA may deem necessary in order to determine if the proposed extraction operation will not be detrimental to surrounding land uses and the community in general.
- D. All proposed mineral extraction operations shall require a permit for such activities from the Chief of the Division of Reclamation, Ohio Department of Natural Resources prior to the issuance of a Conditional Use Permit.
- E. A description of adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, smoke, noise, odors, or dust which would injure or be a nuisance to any persons living or working in the vicinity.
- F. The location of any storage or processing activities upon the site shall be subject to approval by the BZA because of possible detrimental external effects, such as air or water contamination. All such activities shall be naturally or artificially screened from any public street, existing dwelling unit, or any residentially-zoned property.

quarry property. Such barriers may be excluded where deemed unnecessary by the BZA because of the presence of a lake, stream, or other existing barrier.

- N. When any quarrying has been completed, such excavated area shall be left as a permanent spring fed lake, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive erosion. Said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover.
- O. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted permission by the BZA to conduct a mineral extraction operation, as herein provided shall furnish a reclamation plan and performance bond to the Clerk of Union Township, Auglaize County, Ohio. The amount of the performance bond shall be based on an estimate of costs to meet the aforementioned requirements prepared by a professional civil engineer registered in the State of Ohio and submitted by the applicant. The amount of the performance bond shall be established by resolution of the Union Township Trustees depending upon the type and extent of restoration required. The performance bond shall be a guarantee that such applicant in restoring, reclaiming, and rehabilitating such land, shall be completed within a reasonable time and to the satisfaction of the BZA meet the requirements of this Section.
- P. The reclamation plan for the extracted area shall contain at a minimum the following information:
  - 1. A map at a scale of 1 inch equals 100 feet showing the existing contours at intervals of 5 feet or less, any existing buildings or structures, and any public utilities or easements on the property.
  - 2. The depth of the proposed cover which shall be at least as great as the depth of the unusable overburden which existed at the commencement of operation, but which in no event need be more than 18 inches.
  - 3. The angle of slope of all earthen banks, which shall be no greater than 1 foot vertical to 3 feet horizontal. In areas where at the commencement of excavation a greater angle existed, the angle of slope shall be no greater than that which existed at the commencement of excavation.
  - 4. The angle of slope of all banks consisting of rock and the required cover.
  - 5. The location of fences or effective plantings in those locations where the BZA determines that such angles of slope are not physically or economically feasible to reduce.

- K. All pond setbacks shall be the same distances as the setbacks for the main residence in the district in which it is located. Setbacks shall be measured from the property line to the edge of the pond. The edge of the pond is the point where the grade approaching the pond changes either higher or lower than the original elevation for the area before pond construction began. If no grade change occurs, the edge of the water when the pond is filled to normal capacity shall determine the edge of the pond.
- L. All ponds require a Zoning Permit.

#### **1129.27 Flood Plain Controls**

- A. Those areas designated as flood plains by the Auglaize County Engineer shall be mapped and superimposed on the Zoning District Map to delineate the flood plain as it relates to each district it crosses.
- B. Structures where human habitation may be provided, for either a place of residence or employment, shall not be permitted on a flood plain.
- C. The following uses shall be permitted to occur within flood plains:
  - 1. Grade level parking on the open portion in any use district within which a flood plain is located, provided no structure is built thereon.
  - 2. A flood plain may be used for yards, parking areas, and for computing density in Residential Districts.
  - 3. Temporary uses may be permitted by the Zoning Commission in conformity with requirements relative to the granting of temporary permits, provided that a structure shall not be permitted on a flood plain.
  - 4. Any construction, filling, or excavation in the flood plain shall be reviewed by the Zoning Commission and when approved shall be so designed, constructed, and placed on the lot or parcel so as not to decrease the rate and volume of the flow of water and the storage volume of the entire flood plain, and be fixed to the site to withstand the force of flood waters.
  - 5. Topographic data, engineering studies, or other studies needed to determine the effects of flooding on a proposed filling or excavation or the effect of same on the flow of water shall be submitted by the applicant.

#### **1129.28 Erosion Control/Landscaping Requirements**

Within 1 year of the completion of any residential or commercial structure, the owner/occupant shall cause appropriate landscaping to be completed within the 1-acre area adjacent to and surrounding the structure.

1. Clear Fall Zone

An area surrounding the wind turbine unit into which the turbine, tower and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure. The area shall remain confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that, if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel, will not fall onto dwellings or accessory buildings, and will not intrude onto a neighboring property.

2. Megawatt

Unit of power equal to one million watts.

3. Met Tower

A tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, or wiring, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near a small wind energy project.

4. Equipment Owner or Owner

The person or entity that owns a small wind energy project or met tower.

5. Participating Landowner

The owner of the property on which a small wind energy project is built.

6. Non-participating Landowner

An owner of property on which a small wind energy project is not being built.

7. Rotor Diameter

The cross sectional dimension of the circle swept by the rotating blades.

8. Small Wind Energy Project

A wind energy project that has a capacity of more than 2 kilowatts and less than 5 megawatts, including the wind turbine generator or anemometer or any parts thereof and is primarily used to generate energy for use on the property where it is located. If

The Owner shall provide for a “clear fall zone” that shall be maintained at all times the turbine or tower is standing. The “clear fall zone”, along with the manufacturer’s recommendations of such a zone, must be attached to the engineering report submitted as part of the application.

2. Sound – The noise generated by the operation of a small wind energy project may not exceed 40 decibels measured from all adjacent non-participating landowners’ property lines.
3. Blade Clearance - The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point shall be at least 30 feet.
4. Access - All ground-mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within 16 feet of the ground that is readily accessible to the public.
5. Electrical Wires - All electrical wires associated with a small wind energy project, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be located underground.
6. Lighting - A wind tower and generator shall be artificially lighted only if lighting is required by the Federal Aviation Administration or Ohio Department of Transportation.
7. Appearance, Color, and Finish - The wind generator and tower shall remain painted or finished. The color cannot be a distractive color which causes a safety issue.
8. Signs - No sign, other than a warning sign or installer, owner, participating landowner, or manufacturer identification sign, may be placed on any component of a small wind energy project.
9. Code Compliance - A small wind energy project, including tower, shall comply with all applicable State construction and electrical codes, and the National Electrical Code.
10. Signal Interference - The owner of a small wind energy project or met tower must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.
11. Utility Interconnection - A small wind energy project that connects to the electric utility must comply with all pertinent provisions of the Ohio Revised Code.

5. Building Permits - Applicants for all small wind energy projects and parts thereof shall obtain all applicable Building Permits from the State of Ohio, as required.
6. The system shall comply with all applicable Federal Aviation Administration (FAA) requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations regarding installations close to airports.
7. The Conditional Use permit application for a small wind energy project shall include standard drawings and an engineering analysis and report of the system's tower and certification by a professional engineer.

#### G. Maintenance

Wind turbines shall be maintained in good working order.

1. The equipment owner shall, within 30 days of permanently ceasing operation of a met tower or small wind energy project, provide written Notice of Abandonment to the Zoning Enforcement Officer.
2. A small wind energy project or met tower that is out-of-service for a continuous 12 month period will be deemed to have been abandoned. The Zoning Enforcement Officer may issue a Notice of Abandonment to the equipment owner of the small wind energy project or met tower that is deemed to have been abandoned. The equipment owner shall have the right to respond to the Zoning Enforcement Officer's Notice of Abandonment within 30 days from the Notice date. The Zoning Enforcement Officer shall withdraw the Notice of Abandonment and notify the equipment owner that the Notice has been withdrawn if the owner provides verification that demonstrates that the small wind energy project or met tower has not been abandoned.
3. If the small wind energy project or met tower is determined to be abandoned or the Zoning Enforcement Officer receives a Notice of Abandonment from the equipment owner, the small wind energy project or met tower must be removed within 90 days of the Notice of Abandonment and the site must be reclaimed. "Reclamation" includes removal of all equipment and apparatuses, supports and/or other hardware associated with the existing wind turbine, including removal of the above mentioned items to a depth of three (3) feet below grade. If the owner fails to remove a small wind energy project or met tower and reclaim the site, the Township may remove or cause the removal of the small wind energy project or met tower and cause the site to be reclaimed. The cost of removal and reclamation shall become a lien upon the property and may be collected in the same manner as property taxes.

#### H. Conditional Use Permit Procedure

3. The Zoning Enforcement Officer may issue a citation for any violation of this regulation.
4. The Zoning Enforcement Officer may refer a violation of this regulation to legal counsel for legal action.

**K. Relationship to Other Regulations**

This regulation does not abrogate, annul, impair, interfere with, or repeal any existing regulation.

**L. Penalty**

1. Any person who fails to comply with any provision of this regulation or a building permit issued pursuant to this regulation shall be subject to enforcement and penalties as stipulated in the Zoning Ordinance.
2. Nothing in this section shall be construed to prevent the Township from using any other lawful means to enforce this regulation.

**1129.31 Outdoor Woodburning Furnaces**

**A. Purpose**

1. It is generally recognized that the type of fuel used, and the scale and duration of burning by outdoor woodburning furnaces, creates noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. It is the intention of the Union Township Trustees to establish and impose restrictions upon the construction and operation of outdoor woodburning furnaces within the limits of the Township for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Township and its inhabitants.

**B. Definitions**

As used in this section, the following terms shall have the meanings indicated:

1. Outdoor Woodburning Furnace – An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.

- b. Should the outdoor woodburning furnace not be removed within the time specified, the Union Township Trustees shall take reasonable steps to effect its removal.
  - c. The costs incurred by the Township to effect said removal (including any attorneys fees incurred by the Township to effect the removal), plus an amount equal to 50% of said costs of removal, shall be charged to the owner of said premises. Said expense shall be paid by the owner of the property so affected within 30 days from the date said costs are presented to the owner. If said expense is not paid within said thirty-day time frame, then said expense shall be charged to the property so affected by including such expense in the next annual Township tax levy against the property.
4. No existing outdoor woodburning furnace which has been damaged by any reason to the extent of more than 75% of its assessed value shall be repaired or rebuilt.

**1129.32 Manufactured Homes on Individual Parcels (Lots)**

It is the intent of this ordinance that no Manufactured Home shall be permitted in any zoning district except those which exist in other districts prior to the enactment of this ordinance. Manufactured Homes which are in place on individual parcels (lots) at the enactment of this ordinance may continue, provided the following conditions are met:

- A. An existing Manufactured Home is a vehicle or mobile structure more than 40-feet long, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by motor vehicle on a highway, and designed for living as a one-family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like.
- B. An existing Manufactured Home may be replaced by a newer Manufactured Home of the same or larger size as long as the minimum zoning lot requirements of the district in which it is located are met.

If in so replacing the existing Manufactured Home, it is not physically possible to meet the minimum zoning lot requirements of this ordinance, the replacement will be permitted as long as the yard setbacks of the existing Manufactured Home being replaced are maintained. In no way shall the nonconforming yard setbacks be decreased.

- C. If an existing Manufactured Home is removed from said individual parcel (lot) for a period of 3 months or longer, the use of the parcel (lot) reverts to that for which that district is zoned, and no Manufactured Home will be permitted thereafter.

Specific words and terms as used in this Section are defined as follows:

1. **Antenna** - Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets.
2. **Antenna Support Structure** - Any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.
3. **Clear Fall Zone** - An area surrounding the wireless telecommunication facility into which the tower and/or support structure components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing failure. The area shall remain confined within the property lines of the primary parcel where the facility is located. The purpose of the zone being that, if the facility should fall or otherwise become damaged, the falling structure will be confined to the primary parcel, will not fall onto dwellings or accessory buildings, and will not intrude onto a neighboring property.
4. **Co-location** - The use of a wireless telecommunications facility by more than one wireless telecommunications provider.
5. **Emergency** - A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.
6. **Equipment Shelter** - The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
7. **FAA** - The Federal Aviation Administration and any legally-appointed, designated, or elected agent or successor.
8. **FCC** - Federal Communications Commission and any legally-appointed, designated, or elected agent or successor.
9. **Monopole** - A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.
10. **Person** - Any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or non-profit.
11. **Tower** - A self-supporting lattice, guyed, or monopole structure constructed from grade which supports wireless telecommunications facilities. The term tower shall not include amateur radio operator's equipment as licensed by the FCC.

7. Co-Location - All wireless telecommunications facilities shall be subject to the co-location requirements set forth in this Section.
  8. Abandonment - All wireless telecommunications facilities shall be subject to the abandonment requirements set forth in this Section.
  9. Setback from Edge of Roof - Any wireless telecommunications facility and its appurtenances permitted on the roof of a building shall be set back 1 foot from the edge of the roof for each 1 foot in height of the wireless telecommunications facility. However this setback requirement shall not apply to antennas that are less than 2 inches in thickness mounted to the sides of antenna support structures and do not protrude more than 6 inches from the side of such an antenna support structure. This requirement is subject to change by the Township upon review of the photo simulation provided in compliance with this Section.
  10. Security Enclosure Required - All towers and equipment shelters shall be enclosed either completely or individually as determined by the Township. No fencing shall be permitted in a residential zone. The Township and co-locators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.
  11. Existing Vegetation and Buffer Plantings - Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. Buffer plantings shall be located around the perimeter of the security enclosure as deemed appropriate by the Township. An evergreen screen may be required around the perimeter of the property in lieu of such buffer plantings.
  12. Access Control and Emergency Contact - "No Trespassing" signs shall be posted around the wireless telecommunications facility, along with a telephone number of who to contact in the event of an emergency.
  13. The Owner shall provide for a "clear fall zone" that shall be maintained at all times the tower or support structure is standing. The "clear fall zone" along with the manufacturer's recommendations of such a zone, must be attached to the engineering report submitted as part of the application.
- E. Co-Location Requirements
1. Exemption from Proof of Co-Location Availability - Persons locating a wireless telecommunications facility on a publicly-owned property shall be exempted from the requirements herein regarding presentation of proof that co-location is not available. However, persons locating a wireless telecommunications facility on publicly-owned property shall continue to be subject to the requirements contained in this Section.
  2. Exemption from Certain Requirements - Persons locating a wireless telecommunications facility on a publicly-owned property identified by the Township

accessory building regulations of the district and not be located aboveground within any required front or side yard.

- 3) Vehicular Access - Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.
3. Conditional Use - The following wireless telecommunications facilities are permitted as a conditional use on a lot, subject to the following requirements:
- a. Tower - A wireless telecommunications tower may be an Accessory Use to a public or institutional use within a residential zoning district, provided the BZA finds the following standards have been met:
    - 1) Minimum Lot Size for Principal Use - The minimum lot size for principal use for which the tower is accessory shall be 5 acres.
    - 2) Minimum Setback from Property Lines and Residential Structures – The minimum setbacks and yard requirements shall be as per this ordinance.
    - 3) Maximum Height - The height of such tower shall be subject to approval by the BZA and be the minimum height necessary.
    - 4) Equipment Shelter - The minimum setbacks, height limits, bulk requirements, and screening standards shall be established by the BZA during the conditional use process. Such shelter shall not be located aboveground in any required front or side yard.
  - b. Antenna - The BZA may approve the location of an antenna extending more than 20 feet above the roof of an existing building or structure.
    - 1) Attachment to Existing Building - An antenna for a wireless telecommunications facility may be attached to an existing residential building four or more stories in height or to an existing nonresidential structure subject to the following conditions:
      - I. Roof Setback - The pole structure supporting such antenna shall be set back 1 foot from the edge of such roof for each 1 foot of height above such roof. This requirement shall not apply to antennas 2 inches or less in thickness without a supporting pole structure.
      - II. Separate Equipment Shelter - If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located aboveground within any required front or side yard.

- b. Antenna - The antenna shall not be attached to a residential structure.
- 3. Conditional Use - The following wireless telecommunications facilities are permitted as a conditional use on lots subject to the following requirements:
  - a. Tower 200 Feet or More in Height
    - 1) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
    - 2) Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.
    - 3) Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.
  - b. Antenna - The antenna shall not be attached to a residential structure unless such structure is four or more stories in height.

#### H. Wireless Telecommunications Facilities in Industrial Districts

- 1. Permitted Principal Use - The following wireless telecommunications facilities are permitted as a principal use on a lot, subject to the following requirements:
  - a. Tower
    - 1) Maximum Height - The maximum height of such tower shall be less than the distance of such tower from the nearest property line.
    - 2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
    - 3) Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.
    - 4) Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located aboveground in any required front or side yard.
- 2. Accessory Use - The following wireless telecommunications facilities are permitted as a conditional use on a lot, subject to the following requirements:
  - a. Tower

period excludes any dormancy period between construction and the initial use of the facility. The owner/operator of the facility will receive written notice from the Trustees and be instructed to either reactivate use of the facility within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the Township will either remove the facility or will contract to have the facility removed and assess the owner/operator the costs.

2. **Required Notice to Owner** - The Township must provide the tower owner a 30-days notice and an opportunity to be heard before the BZA before initiating such action. After such notice has been provided the Township shall have the authority to initiate proceedings to either acquire the tower and its appurtenances attached thereto at the current fair market value at that time or in the alternative, order the demolition of the tower and all appurtenances.
3. **Right To Public Hearing By Owner** - The Township shall provide the tower owner with the right to a public hearing before the BZA which public hearing shall follow the 30-day notice required in this Section. All interested parties shall be allowed an opportunity to be heard at the public hearing.
4. **Order of Abatement or Demolition** - After a public hearing is held pursuant to this Section, the Township may order the abatement or demolition of the tower. The Township may require licensee to pay for all expenses necessary to acquire or demolish the tower.

#### J. Application and Review Requirements

1. **Required Information for Applications** - All applications for wireless telecommunications facilities including towers shall include the information required under this Section.
2. **Plot Plan Required** - When a proposed wireless telecommunications facility or antenna support structure is to include a new tower, a plot plan at a scale of not less than 1 inch equals 100 feet shall be submitted. This plot plan shall indicate all building and land uses within 200 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plans.
3. **Photo Simulations Required** - Photo simulations of the proposed wireless telecommunications facility from affected residential properties and public rights-of-way taken at designated locations shall be provided.
4. **Proof Why Nonresidential Tower Location Not Feasible** - In applying for authorization to erect a tower within any residential district, the applicant must present sufficient evidence as to why it is not technically-feasible to locate such tower in a more appropriate nonresidential zone. This evidence shall be reviewed by the Township. If the Township refutes the evidence, then the tower is not permitted.

**L. Separability**

Should any section, clause, paragraph, sentence, item, phrase, or provision of this Zoning Code be declared by a Court of competent jurisdiction to be unconstitutional or invalid such decision shall not affect the validity of this Zoning code as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

## **1131.00**

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## **1131.00 CONDITIONAL USES; SUBSTANTIALLY SIMILAR USES**

### **1131.01 Contents of Conditional Use Permit Application**

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a Conditional Use Permit by filing it with the Zoning Inspector, who shall within 20 days transmit it to the BZA. Such application at a minimum shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Locational description of the property.
- C. Zoning district.
- D. Description of existing use.
- E. Description of proposed conditional use.
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, lot lines, landscaping features, and such other information as the Zoning Inspector or the BZA may require.
- G. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration.
- H. A fee as established by the Township Trustees.
- I. A narrative addressing each of the applicable criteria contained in the following section, General Standards For All Conditional Uses.

### **1131.02 General Standards For All Conditional Uses**

In addition to the specific requirements for conditionally permitted uses as specified in this Section, the BZA shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Is in fact a conditional use as established under the provisions of these Regulations and appears on the Schedule of District Regulations adopted for the zoning district involved;

information and/or modifications which are deemed necessary. Make a written finding that the application is denied and specify the reason(s) for disapproval.

#### **1131.04 Additional Criteria**

##### **A. Additional Conditions**

The BZA may impose other conditions for a conditional use in addition to those prescribed in this Section if, in the BZA's judgment, additional conditions are necessary for the protection of the public health and for reasons of safety, and convenience.

##### **B. Supplemental Conditions and Safeguards**

In granting approval for any conditional use, the BZA may prescribe appropriate conditions and safeguards in conformance with this Zoning Code. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Zoning Code.

##### **C. Expiration of Conditional Use Permit**

A Conditional Use Permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within 30 days of the date on which the permit was issued, or if for any reason such use shall cease for more than 1 year.

#### **1131.05 Public Hearing**

A public hearing shall be held by the BZA in considering an application for a Conditional Use Permit.

The BZA shall hold a public hearing within 30 days after it receives an application for a Conditional Use Permit submitted by an applicant through the Zoning Inspector.

#### **1131.06 Notice of Public Hearing in Newspaper**

Before conducting a public hearing, notice of such hearing shall be given in one newspaper of general circulation in Union Township at least 10 days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

listed in the Zoning Code, the use listed in the Zoning Code about which the determination of substantial similarity was made, and the dates of any actions thereupon. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.

**1133.00**  
**Nonconformities**

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## **1133.00 NONCONFORMITIES**

### **1133.01 Intent**

Within the districts established by this Zoning Code, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Zoning Code was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Code. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Zoning Code shall be construed to require any change in the layout, plans, construction, size, or use of any lot, structure, or structure and land in combination, for which a Zoning Permit became effective prior to the effective date of this Zoning Code, or any amendment thereto. Nevertheless, while it is the intent of this Zoning Code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Zoning Board of Appeals, except as otherwise specifically provided for in this Zoning Code.

### **1133.02 Uses Under Conditional Use Provisions, Not Nonconforming Uses**

Any use which is permitted as a conditional use in a district under the terms of this Zoning Code shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

### **1133.03 Incompatibility of Nonconformities**

Nonconformities are declared by this Zoning Code to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Zoning Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

### **1133.04 Avoidance of Undue Hardship**

To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been

### **1133.08 Nonconforming Uses of Land**

Where, at the time of adoption of this Zoning Code, lawful uses of land exist which would not be permitted by the regulations imposed by this Zoning Code, the uses may be continued so long as they remain otherwise lawful, provided:

- A. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.
- B. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Zoning Code.
- C. No additional structure not conforming to the requirements of this Zoning Code shall be erected in connection with such nonconforming use of land.

### **1133.09 Nonconforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Code that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, setbacks, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. It shall not be considered an increase to its nonconformity if the addition meets all zoning requirements. (See Illustration – Exhibit “D” Section 1123.00 Definitions.)
- B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

### **1133.10 Nonconforming Uses of Structures or of Structures and Land in Combination**

If a lawful use involving individual structures, or if a structure and land in combination, exists at the effective date of adoption or amendment of this Zoning Code that would not be allowed in the district under the terms of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or

## **1135.00**

### **Off-Street Parking and Loading Facilities**

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## **1135.00 OFF-STREET PARKING AND LOADING FACILITIES**

### **1135.01 Intent**

The intent of the off-street parking and loading regulations is to protect the public health, safety, and welfare by insuring that all land uses have adequate amounts of off-street parking and loading areas in order to not create traffic hazards on public streets.

### **1135.02 General Parking Requirements**

In all districts, at any time any building, structure, or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for automobiles. A parking plan shall be required for all uses except for single- or two-family residential uses. The parking plan shall be submitted to the Zoning Inspector as part of the application for a Zoning Permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

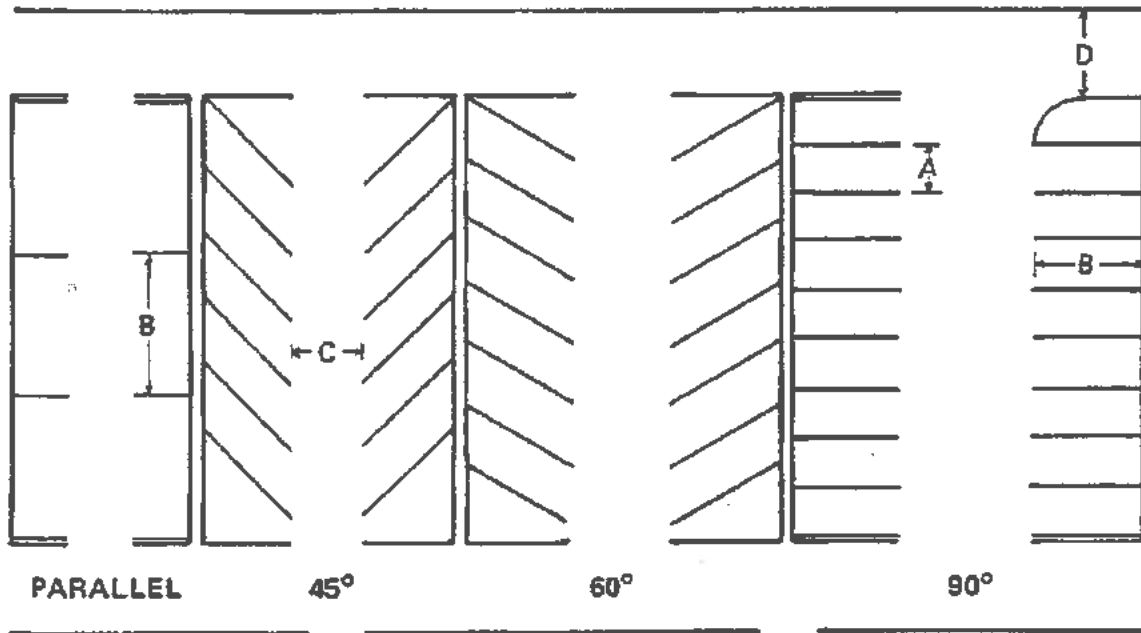
### **1135.03 Off-Street Parking Design Standards**

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

- A. Parking Space Dimensions: Each off-street parking space shall have an area of not less than 162 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. Access: There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street, an access drive shall be provided, with a dedicated easement of access, as follows:
  - 1. For a single-, two-, or three-family residential dwelling, the access drive shall be a minimum of 10 feet in width.
  - 2. For all other residential uses and all other uses, the access drive shall be a minimum of 18 feet in width.
  - 3. All parking spaces, except those required for single-, two-, or three-family dwellings, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
- C. Setbacks: In C and I districts, off-street parking spaces may be located in the required front yard on lots where business or industry is located, provided that a 10-foot grass

L. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any R Residential District.

M. Parking Space Dimensions: The minimum dimensions of parking spaces shall be as illustrated below:



**Off-Street Parking Minimum Dimensional Table**

		45°	60°	90°	Parallel
A	Width of Parking Space	12'	10'	9'	9'
B	Length of Parking Space	19'	19'	19'	23'
C	Width of Driveway Aisle	13'	17'6"	25'	12'
D	Width of Access Driveway	17'	14'	14'	14'

- A. Restaurants, drive-through beverage docks, and other similar commercial establishments that can normally serve customers in 3 minutes or less shall provide no less than five storage spaces per pick-up facility. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three additional storage spaces for each such stopping point.
- B. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four storage spaces per window.
- C. Motor vehicle service stations shall provide no less than two storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than 15 feet to any street right-of-way line.

#### **1135.07 Parking Space Requirements**

The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following minimum requirements. However, no parking area shall project into a required front yard in any residential district or be permitted between the curb line and property lines (within the right-of-way) in any district, except as otherwise provided. The number of parking spaces required for uses not specifically mentioned shall be determined by the BZA. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.

##### **A. Residential Uses**

- 1. Single-family detached dwellings: three spaces per dwelling unit.
- 2. Two-family dwellings: three spaces per dwelling unit.
- 3. Multi-family dwellings: three spaces per dwelling unit.
- 4. Mobile Home Courts: three spaces per mobile home site, plus one space per each five mobile home sites for guest parking.

##### **B. Institutional and Public Uses**

- 1. Elementary and Junior High Schools: one space per employee, plus one space per two classrooms.
- 2. High Schools: one space per employee, plus one space per six students at capacity.

4. Automobile Service Stations and Automobile Repair, Painting, and Body Shops: two spaces for each service bay, plus one space for each employee and service vehicle, with a minimum of six spaces.
5. Automobile Washing Facilities: one space for each employee with a minimum of four spaces, plus five off-street waiting spaces for each car washing device or stall, or five off-street waiting spaces for an assembly line type washing establishment, and two parking spaces at the end of each washing bay for drying and hand-finishing vehicles.
6. Convenience Food Stores, Carry-Outs, Mini-Markets: one and one-half spaces for every 200 square feet of floor area, plus one space for each employee.
7. Drive-Through and Drive-In Stores, and Stand-Alone Automatic Teller Machines: one space for each employee, plus off-street waiting space for five vehicles per transaction location, plus one space for each 200 square feet of sales area open to the public.
8. Fraternal and Social Associations, Dance Halls, Bingo Halls and Private Clubs: one space for every 50 square feet of floor area in assembly or meeting rooms, plus one space for every 200 square feet of other floor area.
9. Restaurants, Fast Food: one space per 50 gross square feet of floor area, plus one space per employee on the largest work shift with a minimum of fifteen total spaces and with off-street automobile waiting space for eight vehicles for each drive-in window, with such automobile waiting space to be located behind the point where a drive-in order is placed.
10. Bars, Taverns, and Nightclubs: one space for each three persons of capacity, plus one space for each employee on the largest work shift.
11. Vehicle Sales, Rental, and Service: one parking space for each 800 square feet of floor area, plus one space for each 3,000 square feet of open lot area devoted to the sale, rental, and display of motor vehicles.
12. Animal Hospitals and Veterinary Clinics: three spaces for each treatment area, plus one space for each staff and employee.
13. Commercial Schools and Studios: one space for every three students at capacity and one space for each employee.
14. Funeral Homes and Mortuaries: one space for every 50 square feet of public floor area, plus one space for each employee, plus one space for each business vehicle.

3. Wholesaling and Storage Facilities: one space for every 300 square feet of office and sales area, plus one space for every 4,000 square feet of warehouse and storage area, plus one space per employee on the largest work shift.
4. Construction Trades, Contractor Offices, and Industrial Craft Shops: one space for every 300 square feet of floor area, plus one space for every motor vehicle used by the business in its normal business affairs.
5. Lumberyards and Building Materials; Sales and Storage: one space for each 800 square feet of floor area, plus one space for every 3,000 square feet of lot area devoted to the storage and display of building materials.
6. Heavy Equipment Rental, Sales, Service, and Storage: one space for every 800 square feet of floor area, plus one space for every 3,000 square feet of lot area devoted to the sale and display of vehicles.

#### **1135.08 Handicapped Parking**

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows or by current ADA standards:

<u>Total Spaces in Lot/Structure</u>	<u>Number of Designated Accessible Spaces</u>
Up to 100	1 space per 25 parking spaces
101 to 200	4 spaces, plus 1 per 50 spaces over 100
201 to 500	6 spaces, plus 1 per 75 spaces over 200
Over 500	10 spaces, plus 1 per 100 spaces over 500

#### **1135.09 Off-Street Loading Space Requirements**

In any district in connection with every building or part thereof hereafter erected and having a gross floor area of 3,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one off-street loading space, and one additional loading space for each 10,000 square feet or fraction thereof of gross floor area so used in excess of 3,000 square feet.

**1137.00**  
**Signage**

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## **1137.00 SIGNAGE**

### **1137.01 Intent**

The intent of this Section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor billboards, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of Union Township, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance Union Township development by permitting signs which are compatible with their surroundings.

### **1137.02 Governmental Signs Excluded**

For the purpose of this Zoning Code, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

### **1137.03 General Requirements for All Signs and Districts**

The regulations contained in this Section shall apply to all signs and all zoning districts.

- A. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. This item and item "A" shall not apply to any sign performing a public service function indicating time, temperature, or similar services.
- C. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the applicable building and electrical codes.
- D. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.

**1137.04 Permit Required**

- A. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Section have been met. To assure compliance with these regulations, a Zoning Permit issued pursuant to this Zoning Code shall be required for each sign unless specifically exempted in this Section.
- B. A sign initially approved for which a permit has been issued shall not be modified, altered, or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered, or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.
- C. The repainting, changing of parts, and preventive maintenance of signs shall not be deemed alterations requiring a Zoning Permit.

**1137.05 Signs Permitted in All Districts Not Requiring a Permit**

The following signs shall be permitted in all districts without the required permit:

- A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed 12 square feet in area, except in all residential zoning districts where the area of the sign shall not be more than 6 square feet.
- B. Professional nameplates shall not exceed 4 square feet in area.
- C. Signs denoting the name and address of the occupants of the premises, not to exceed 2 square feet in area.
- D. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, schools, social clubs, or societies, which signs or bulletin boards shall not exceed 15 square feet in area and which shall be located on the premises of such institution.
- E. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed 12 square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

B. Detached Signs are signs which are not attached to a building, advertise an on-premises business or activity, and are 25 feet or less in height. There shall not be more than one detached business sign per business activity along each street frontage the use abuts. Where commercial uses are located on the same property with common features, such as shopping centers or commercial complexes, all such business signs shall be supported by only one structure per lot with street frontage. (See Illustration – Exhibit G.)

1. Shall not be located on or project over any right-of-way or required setbacks;
2. Shall not be larger than 100 square feet in area based on one side;
3. Shall not be higher than 25 feet in height;
4. Shall not obstruct or adversely affect vision clearance or traffic visibility;
5. Shall not be closer than 25 feet to the adjacent lot; and
6. Of a portable or temporary nature may be permitted in addition to permanently mounted detached signs, subject to the following provisions:
  - a) All portable and/or temporary signs shall comply with Section 1137.06 Temporary Signs and no such sign shall be permitted in the right-of-way of any street or alley.
  - b) The area of portable or temporary signs shall not exceed 50 square feet in area.
  - c) Not more than one portable or temporary sign shall be permitted for an individually-owned lot.
  - d) It shall be the applicant's or owner's responsibility to maintain portable or temporary signs in good condition and to remove such signs when the time limit for the sign has expired.
  - e) The maximum height for a temporary or portable sign shall be 6 feet and such signs shall not obstruct or adversely affect traffic visibility.
  - f) Portable and/or temporary business signs shall be permitted for a period not to exceed 3 weeks, a maximum of 4 times per year.

C. Architectural Canopy Signs are signs which are attached to a building with the message integrated into the canopy surface. (See Illustration – Exhibit F.)

1. The total area of all architectural canopy signs shall not exceed in the aggregate 2 square feet of area for each linear foot of building frontage and, if combined with attached signs, the total area of all signage shall not exceed in the aggregate 3 square feet of area for each linear foot of building frontage.
2. In applying sign area limits, only the area occupied by the sign message will be used. The sign area shall be the rectangular space occupied by lettering or insignia and the space immediately surrounding such lettering or insignia.

#### **1137.11 Sign Setback Requirements**

Except as otherwise provided in this Section, signs, where permitted, shall be set back from the established right-of-way line of any street at least 12 feet.

- A. Real estate signs and bulletin boards for a church, school, or any other public, religious, or educational institution may be erected less than 10 feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or drive intersections. Temporary real estate signs shall be a maximum of 10 square feet.
- B. On-premises signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within 10 feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than 10 feet, the latter shall apply.

#### **1137.12 Maintenance**

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Inspector shall remove any off-premises billboards or structure found to be unsafe or structurally unsound within 30 days of issuing a notification. Failure to comply shall be deemed a violation and shall be punishable under Section 1145.13 Penalties and Fines.

#### **1137.13 Nonconforming Signs and Structures**

Billboards and structures in existence prior to the effective date of this Zoning Code which violate or are otherwise not in conformance with the provisions of this Zoning Code shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Code. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

#### **1137.14 Loss of Legal Nonconforming Status**

A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this Zoning Code or be removed, if the sign structure is altered; or if it is enlarged, relocated, replaced, or damaged; or if it is part of an establishment which discontinues operation for 90 consecutive days; or if it is structurally damaged to an extent greater than one-half of its estimated replacement value. This Section does not apply to changes in sign copy or sign panel replacements.

**1139.00**  
**Amendments**

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## **1139.00 AMENDMENTS**

### **1139.01 Intent**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Trustees may by Ordinance, after receipt of recommendation thereon from the Zoning Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

### **1139.02 Initiation of Zoning Amendments**

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

- A. By a motion of the Zoning Commission.
- B. By the adoption of a resolution by the Trustees referring any amendment to Zoning Commission for recommendation.
- C. By the filing of an application by one or more of the owners or lessees of the affected property within the area proposed to be changed or affected by the proposed amendment with the Zoning Commission.

### **1139.03 Contents of Application for Zoning Map Amendment**

Applications for amendments to the Official Zoning Map adopted as part of this Zoning Code shall contain at least the following information:

- A. The name, address, and phone number of the applicant.
- B. Present use.
- C. Present zoning district.
- D. Proposed zoning district.
- E. A vicinity map at a scale showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- F. A statement of the reason(s) for the proposed amendment.
- G. A list of all property owners and their mailing addresses, as appearing on the Auglaize County Auditor's current tax list, who are within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted.

A. Notice of Public Hearing

Prior to holding the public hearing required, notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least 10 days before the date of such hearing.

1. If the proposed amendment alters the text of the Zoning Resolution or rezones or redistricts more than ten parcels of land as listed on the Auglaize County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include those requirements listed in Ohio Revised Code 519.12(D).
2. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land listed on the Auglaize County Auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include those requirements listed in Ohio Revised Code 519.12(C), inclusive.

B. Notice to Parties of Interest

1. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, written notice of the hearing shall be mailed by first class mail by the Zoning Commission, at least 10 days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted, to the addresses of such owners appearing on the Auglaize County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment. Published and mailed notices shall set forth the time, date, and place of the public hearing and shall include those requirements of Ohio Revised Code 519.12(C).

**1139.07 Action by the Zoning Commission**

The Township Zoning Commission shall, within 30 days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof, and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the County or Regional Planning Commission thereon to the Board of Township Trustees.

**1139.08 Public Hearing by Board of Township Trustees**

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission.

**1141.00**  
**Appeals and Variances**

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## **1141.00 APPEALS AND VARIANCES**

### **1141.01 Intent**

Appeals and variances shall conform to the procedures and requirements of this Zoning Code. The BZA has appellate jurisdiction relative to appeals and variances.

### **1141.02 Administrative Appeals**

- A. Appeals to the BZA concerning interpretation or administration of this Zoning Code may be taken by any person aggrieved or by any officer or bureau of the legislative authority of Union Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 days after the decision by filing, with the Zoning Inspector and with the BZA, a Notice of Appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.
- B. A record capable of transcription and containing all documents presented as evidence or utilized by the BZA shall be made of any hearing held under this section.

### **1141.03 Variances**

The BZA may authorize upon appeal in specific cases such variance from the terms of this Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Code would result in unnecessary hardship for use variance and practical difficulties for area variances. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Zoning Code would result in unnecessary hardship for use variance and practical difficulties for area variances.

### **1141.04 Application and Standards for Variances**

Except as otherwise permitted in this Zoning Code, no variance in the strict application of the provisions of this Zoning Code shall be granted by the BZA unless the BZA shall find that the written application for the requested variance contains all of the following requirements:

- A. Name, address, and phone number of applicant(s).
- B. Legal description of property.
- C. Description or nature of variance requested.
- D. A fee as established by Township Trustees.

**1141.06 Public Hearing by the Board of Zoning Appeals**

The BZA shall hold a public hearing within a reasonable time after the receipt of an application for an appeal or variance from the Zoning Inspector.

**1141.07 Notice of Public Hearing in Newspaper**

Before conducting the public hearing required, notice of such hearing shall be given in one or more newspapers of general circulation in Union Township at least 10 days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

**1141.08 Notice to Parties of Interest**

Before conducting the public hearing required, written notice of such hearing shall be mailed, by first-class mail, at least 10 days before the day of the hearing to all parties within 200 feet. The failure to deliver the notification as provided in this Section shall not invalidate any such action. The notice shall contain the same information as required in Section 1141.07 Notice of Public Hearing in Newspaper.

**1141.09 Action by Board of Zoning Appeals**

Within a reasonable time after the public hearing, the BZA shall either approve, approve with supplemental conditions as specified in Section 1141.05 Additional Conditions and Safeguards, or disapprove the request for appeal or variance. The BZA shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure.

**1141.10 Term of Variance**

No order of the BZA granting a variance shall be valid for a period longer than 12 months from the date of such order unless the Zoning Permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

**1143.00**  
**Administration**

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## **1143.00 ADMINISTRATION**

### **1143.01 Intent**

The intent is to set forth the powers and duties of the Zoning Commission, the BZA, the Trustees, and the Zoning Inspector with respect to the administration of the provisions of this Zoning Code.

### **1143.02 General Provisions**

The formulation, administration, and enforcement of the Zoning Code is hereby vested in the following offices and bodies within Union Township government:

- A. Trustees
- B. Zoning Commission
- C. Board of Zoning Appeals
- D. Zoning Inspector

### **1143.03 Zoning Inspector**

A Zoning Inspector designated by the Trustees shall administer and enforce this Zoning Code. He may be provided with the assistance of such other persons as the Trustees may direct.

### **1143.04 Responsibilities of the Zoning Inspector**

For the purpose of this Zoning Code, the Zoning Inspector shall have the following duties:

- A. Enforce the provisions of this Zoning Code and interpret the meaning and application of its provisions.
- B. Respond to questions concerning applications for amendments to the Official Zoning District Map.
- C. Issue Zoning Permits as provided by this Zoning Code, and keep a record of same with a notation of any special conditions involved.
- D. Act on all applications upon which the Zoning Inspector is authorized to act by the provisions of this Zoning Code within the specified time or notify the applicant in writing of the Zoning Inspector's refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit the Zoning Inspector's request to the BZA.

1. Rule upon and decide any issue where this Zoning Code requires Zoning Commission review and/or approval.
2. Submit recommendations to the Township Trustees regarding any and all proposals for amendments to this Zoning Code.

#### **1143.06 Duties of the Board of Zoning Appeals**

The Board of Township Trustees shall appoint a Board of Zoning Appeals in accordance with the Ohio Revised Code.

The BZA shall organize in January of each year to elect a Chairman and Vice-Chairman. The BZA shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Zoning Code, but does have power to act on those matters where this Zoning Code provides for an administrative review, interpretation, exemption, or special approval permit and to authorize a variance as defined in this Section. The BZA has the following specific responsibilities:

##### **A. Meetings**

All meetings of the BZA shall be held at the call of the Chairman and at times determined by the BZA. All hearings conducted by the BZA shall be open to the public. The Zoning Inspector, or his representatives, 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 also keep records of its hearings and other official action. Three members of the BZA shall constitute a quorum for the conduct of its business. The BZA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it. The BZA shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Zoning Code.

##### **B. Administrative Review**

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Zoning Code.

12-month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature.

The BZA, in granting permits for the above temporary uses, shall do so under the following conditions:

- a) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
  - b) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.
  - c) All setbacks, land coverage, off-street parking, lighting, and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of Union Township, shall be made at the discretion of the BZA.
  - d) In classifying uses as not requiring capital improvement, the BZA shall determine that they are either demountable structures related to the permitted use of the land, recreation developments, such as, but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems, or sanitary connections.
  - e) The use shall be in harmony with the general character of the district.
  - f) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place a public hearing is to be held as further provided for in this Zoning Code. Further, the BZA shall seek the review and recommendation of the Zoning Commission prior to taking of any action.
- E. In consideration of all appeals and all proposed variations to this Zoning Code, the BZA shall, before making any variations from the Zoning Code in a specific case, first determine that the proposed variation will not impair adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of Union Township. The concurring vote of three members of the BZA shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Zoning Code to render a decision.

**1143.09 Schedule of Fees**

Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure. All fees for the following shall be set by the Union Township Trustees under a separate resolution.

- Application for a Conditional Use Permit
- Application for Zoning Permit
  - Single-Family Residential
  - New Multi-Family Construction
  - Commercial and Industrial
  - Accessory Structures (attached and detached), Swimming Pools, Ponds
- Home Occupation Permit
- Sign permit (not including political)
- Application for Variance
- Administrative Appeal
- Application for Amendment to Zoning Map (Rezoning)
- Application for Temporary Use Permit

All fees shall be paid by cash or check and shall not be refundable.

## **1145.00**

### **Zoning Permit Requirements and Enforcement**

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## **1145.00 ZONING PERMIT REQUIREMENTS AND ENFORCEMENT**

### **1145.01 Intent**

The intent is to stipulate the procedures to be followed in obtaining permits, and other legal or administrative approvals under this Zoning Code.

### **1145.02 Zoning Permits Required**

No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure, or land be established or changed in use; nor shall any accessory structure, sign, or swimming pool be installed without a permit issued by the Zoning Inspector. Zoning Permits shall be issued only in conformity with the provisions of this Zoning Code unless the Zoning Inspector receives a written order from the BZA deciding an appeal, conditional use, or variance as provided by this Zoning Code.

### **1145.03 Recommended Contents of Application for Zoning Permits**

The Application for Zoning Permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within 6 months or substantially completed within 2 years. At a minimum, the application shall contain the following information, if applicable to a particular use, and be accompanied by all required fees:

- A. Name, address, and phone number of owner.
- B. Legal description of property or lot number and must include directions to the nearest state highway.
- C. Existing use.
- D. Proposed use.
- E. Zoning District.
- F. Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths, and their layout.

proposed use of such building or structure, including the number, type, and floor area of commercial uses to be accommodated in each.

- D. A complete utilities plan, providing electric, gas, telephone, cable television, storm sewer, water, and sanitary sewer services, including connections to existing service lines and existing and proposed easements. Such plans shall comply with Auglaize County Design Criteria and Construction Standards and Drawings.
- E. The location, size, and type of fire hydrants; building plans; fire suppression system plans; fire department access areas; and fire lane signage. Such plans shall comply with state and local Building and Fire Codes and shall be approved by the Fire Chief (or authorized representative),
- F. A grading and drainage plan to illustrate proposed grading of the site and methods used to comply with Union Township storm water runoff, erosion, and sediment control specifications found in Auglaize County Design Criteria and Construction Standards and Drawings.
- G. A landscaping plan showing the location and types of screen planting, buffer areas, manmade screening, and other features, which shall enhance the site.
- H. An exterior lighting plan showing the location of lighting fixtures, their type and output as well as the proposed radius of lighted area for each fixture.
- I. The proposed internal vehicular circulation of access roads shall be delineated and related to connections with public streets. Existing and proposed traffic patterns and volumes and the anticipated effect on existing public streets serving the site shall be provided for the Auglaize County Engineer's review. Complexes shall provide curb or other types of internal access lane separations for parking spaces to assist in internal circulation and parking area delineation.
- J. The division of the development into sections shall be delineated if staged construction is contemplated, as well as which parking areas and other improvements shall be provided for each stage of development.
- K. Proposed complexes designed for condominium, cooperative, or other multiple ownership arrangements shall indicate proposed individual, joint, or common ownership areas to assure maintenance and operation of common features such as lighting and parking facilities. Any arrangements requiring subdivision approval shall also be subject to the Auglaize County Subdivision Regulations.

#### **1145.05 Approval of Zoning Permit**

Within 30 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in accordance with the provisions of this Zoning Code. All Zoning Permits shall, however, be conditional upon the commencement of work within 6 months and

#### **1145.11 Complaints Regarding Violations**

Whenever a violation of this Zoning Code occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Zoning Code.

#### **1145.12 Notice of Violation**

Whenever the Zoning Inspector or the Officer's agent determines that there is a violation of any provision of this Zoning Code, a warning letter shall be issued and shall serve as a notice of violation. Such order shall:

- A. Identify the violation.
- B. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Code being violated.
- C. State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

- A. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
- B. Certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is refused or is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record.

#### **1145.13 Penalties and Fines**

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, move, repair, maintain, or structurally alter any building, structure, or land in violation of any provision of this Zoning Code or any amendment thereto. Any person, firm, or corporation who violates this Zoning Code or fails to comply with any of its requirements shall upon conviction thereof be fined not more than the maximum allowable by law and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Section.

## **Zoning Forms**

**Application for Zoning Permit**

**Zoning Permit**

**Revocation of Zoning Permit**

**Statement of Zoning Violation**

**Notice of Zoning Violation**

**Notice of Appeal**

**Application for Variance**

**Application for Conditional Use Permit**

**Application for Temporary Use Permit**

**Application for Zoning Map Amendment**

**Application for Zoning Text Amendment**

**Notice of Public Hearing To Property Owner**

**Notice of Public Hearing to Newspaper**

**APPLICATION FOR ZONING PERMIT  
UNION TOWNSHIP  
AUGLAIZE COUNTY, OHIO**

**Application No.** \_\_\_\_\_

The undersigned applies for a Zoning Permit for the following use. Said permit to be issued on the basis of the information contained within this application. The applicant hereby certifies that all information and attachments to this application are true and correct. This application must be completed and approved by the Zoning Inspector before beginning construction.

**1. Location Description**

Fire No. \_\_\_\_\_ Road \_\_\_\_\_

**2. Name of Owner** (as it appears on deed) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number: Home \_\_\_\_\_ Work \_\_\_\_\_

Estimated Cost \_\_\_\_\_ Builder \_\_\_\_\_

**3. Existing Use** \_\_\_\_\_

**4. Property presently zoned as** \_\_\_\_\_

**5. Proposed Use:** Residential \_\_\_\_\_ Commercial \_\_\_\_\_ Industrial \_\_\_\_\_

Number of Residential Units \_\_\_\_\_ Accessory Building \_\_\_\_\_

New Construction \_\_\_\_\_ Remodeling \_\_\_\_\_

Sign \_\_\_\_\_ Size \_\_\_\_\_ Area \_\_\_\_\_ (Attach drawings)

**6. Sanitary Sewer Permit Number** \_\_\_\_\_

**7. Proposed date of completion** \_\_\_\_\_

**8. Lot:** Width \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_

**9. Building Size:** (Square Feet)

Residential: Living area \_\_\_\_\_ sq.ft. Garage \_\_\_\_\_ Basement \_\_\_\_\_

Business \_\_\_\_\_ Industrial \_\_\_\_\_ Accessory Bldg. \_\_\_\_\_

**10. Building Heights:** Stories \_\_\_\_\_ Feet \_\_\_\_\_ (See illustration)

**11. Yard Setback Dimensions:** Front \_\_\_\_\_ Rear \_\_\_\_\_  
One side \_\_\_\_\_ Sum of side yards \_\_\_\_\_

**12. Accessory Building Dimensions:** Height \_\_\_\_\_ Size \_\_\_\_\_

# UNION TOWNSHIP ZONING PERMIT

NO. \_\_\_\_\_

Issued To: \_\_\_\_\_

Location: \_\_\_\_\_  
\_\_\_\_\_

Description of Use:

\_\_\_\_\_  
\_\_\_\_\_

Zoning Classification: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Zoning Inspector

**Note:** This permit must be posted on the premises.

Footing Inspection will be performed by the Zoning Inspector to verify zoning setback. It is the responsibility of the Owner to provide proper notification to the Zoning Inspector.

**REVOCATION OF ZONING PERMIT  
UNION TOWNSHIP  
AUGLAIZE COUNTY, OHIO**

Date \_\_\_\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby advised that for the following reason, namely:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Zoning Permit No.** \_\_\_\_\_ **issued on** \_\_\_\_\_, 20\_\_\_\_  
is hereby revoked and declared to be null and void.

Further alteration or change in the use of any land or building must cease until a valid Zoning Permit has been obtained. Further alteration or change is punishable under the Zoning Code. The Zoning Code states: "Any person who violates this Zoning Code or fails to comply with any of its requirements, shall upon conviction thereof, be fined not more than \$100 and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense."

Please contact the Zoning Inspector at the telephone number below so we may discuss this matter.

\_\_\_\_\_  
Zoning Inspector

\_\_\_\_\_  
Telephone number to contact.

**STATEMENT OF ZONING VIOLATION  
UNION TOWNSHIP  
AUGLAIZE COUNTY, OHIO**

This Statement is voluntarily given to the Union Township Zoning Inspector this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, with the understanding that he may initiate legal proceedings in a court of competent jurisdiction charging \_\_\_\_\_ with violating the Union Township Zoning Code.

In the event such legal proceedings are initiated, I will appear to testify in court to the facts stated in the following statement.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_

Prior to \_\_\_\_\_, 20 \_\_ the property located at \_\_\_\_\_  
\_\_\_\_\_ was being used for \_\_\_\_\_

\_\_\_\_\_. On \_\_\_\_\_, 20 \_\_,

I noticed that the above described property was being used for \_\_\_\_\_ and in my opinion this use is in violation of Section(s) \_\_\_\_\_ of the Union Township Zoning Code.

Describe below the uses being made of the property, give exact date and time where possible.

---

---

---

---

**NOTICE OF ZONING VIOLATION  
UNION TOWNSHIP  
AUGLAIZE COUNTY, OHIO**

Date \_\_\_\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby advised that you are in violation of the Union Township Zoning Code. The nature of this violation is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are further informed that unless this violation is corrected or otherwise made to comply by \_\_\_\_\_, 20\_\_\_\_, you will be subject to the penalty as provided by the Union Township Zoning Code.

The Zoning Code provides, in part, that: "Any person who violates this Zoning Code or fails to comply with any of its requirements, shall upon conviction thereof, be fined not more than allowable by law and in addition shall pay all costs involved in the case. each day such violation continues shall be considered a separate offense."

Please contact the Zoning Inspector at the telephone number below so that we may discuss this violation.

\_\_\_\_\_  
Zoning Inspector

\_\_\_\_\_  
Telephone number to contact

**NOTICE OF APPEAL  
BOARD OF ZONING APPEALS  
UNION TOWNSHIP  
AUGLAIZE COUNTY, OHIO**

Application No.: \_\_\_\_\_

**Name of Applicant:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Telephone No.:** (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

The undersigned requests review of the decision by the Zoning Inspector of **Application For Zoning Permit No. \_\_\_\_\_**, denied (issued) on \_\_\_\_\_, 20\_\_\_\_. It is the applicant's contention that the following error was made in the determination of the Zoning Inspector:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

**APPLICATION FOR VARIANCE  
UNION TOWNSHIP  
BOARD OF ZONING APPEALS  
AUGLAIZE COUNTY, OHIO**

Application No.: \_\_\_\_\_

1. **Name of Owner** \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

2. **Locational Description:**

Subdivision Name \_\_\_\_\_ Lot No. \_\_\_\_\_  
(If not in a platted subdivision, attach a legal description)

Street Name and Number \_\_\_\_\_

3. **Nature of Variance** (Describe generally the nature of the variance.)

\_\_\_\_\_  
\_\_\_\_\_

In addition, plans in triplicate and drawn to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

4. **Justification of Variance:** In order for a variance to be granted, the applicant must prove to the Board of Zoning Appeals that the following items are true:  
(Please attach these comments on a separate sheet.)

- a. Special conditions exist peculiar to the land or building in question;
- b. That a literal interpretation of the Zoning Code would deprive the applicant of rights enjoyed by other property owners;
- c. That the special conditions do not result from previous actions of the applicant; and
- d. That the requested variance is the minimum variance that will allow a reasonable use of the land or buildings.

I certify that the information contained in this application and its supplements is true and correct.

\_\_\_\_\_  
**Signature of Owner**

\_\_\_\_\_  
**Date**

**APPLICATION FOR CONDITIONAL USE PERMIT  
BOARD OF ZONING APPEALS  
UNION TOWNSHIP  
AUGLAIZE COUNTY, OHIO**

Application No.: \_\_\_\_\_

The undersigned requests a Conditional Use Permit for the use specified below. Should this application be approved, it is understood that it shall only authorize that particular use described in this application and any conditions or safeguards required by the Board. If this use is discontinued for a period of more than six (6) months, this permit automatically expires.

1. **Name of Owner** \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

2. **Locational Description:**

Subdivision Name \_\_\_\_\_ Lot No. \_\_\_\_\_  
(If not in a platted subdivision, attached a legal description.)

Street Name and Number \_\_\_\_\_

3. **Existing Use** \_\_\_\_\_

4. **Zoning District** \_\_\_\_\_

5. **Description of Conditional Use** \_\_\_\_\_  
\_\_\_\_\_

6. **Supporting Information:** Attach a plan for the proposed use (in triplicate) showing the location of building, parking and loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, yards, and refuse and service areas. Also attach a narrative statement relative to the above requirements and also explain the economic, noise, glare, and odor effects on adjoining property and the general compatibility with adjacent and other properties in the district.

\_\_\_\_\_  
**Signature of Owner**

\_\_\_\_\_  
**Date**

**APPLICATION FOR TEMPORARY USE PERMIT  
UNION TOWNSHIP  
AUGLAIZE COUNTY, OHIO**

Application No. \_\_\_\_\_

The undersigned applies for a Temporary Use Permit for the use and the time period specified. Such permit to be issued on the basis of the information contained herein and attachments hereto are true and correct.

**1. Locational Description:** Attach a graphic description of the property on which the temporary use is proposed to occur, to include a site plan depicting the yard(s), setback(s), parking facilities, and sanitary facilities, and the location of the temporary use proposed.

**2. Name of Owner** \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

**3. Existing Use** \_\_\_\_\_

**4. Property Presently Zoned As** \_\_\_\_\_

**5. Description of Proposed Temporary Use** \_\_\_\_\_  
\_\_\_\_\_

**6. Date(s) of Proposed Temporary Use** \_\_\_\_\_

**7. Name of Applicant/Organization:** \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Vendor's License Number: \_\_\_\_\_ (attach photocopy)

\_\_\_\_\_  
**Signature of Owner**

\_\_\_\_\_  
**Date**

**APPLICATION FOR ZONING MAP AMENDMENT  
UNION TOWNSHIP  
AUGLAIZE COUNTY, OHIO**

**Application No.** \_\_\_\_\_

The undersigned, owner(s) of the following legally described property hereby request the consideration of change in zoning district classification as specified below:

1.   **Name of Owner** \_\_\_\_\_  
  
      Mailing Address \_\_\_\_\_  
  
      Phone Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_
2.   **Locational Description:** Subdivision Name \_\_\_\_\_  
  
      Lot No. \_\_\_\_\_ Street Name and Number \_\_\_\_\_  
      (If not located in a subdivision, attach legal description)
3.   **Present Use** \_\_\_\_\_
4.   **Present Zoning District** \_\_\_\_\_
5.   **Proposed Use** \_\_\_\_\_
6.   **Proposed Zoning District** \_\_\_\_\_
7.   **Statement of Reason(s) for the Proposed Amendment:** \_\_\_\_\_  
\_\_\_\_\_
8.   **Supporting Information:** Attach the following items to the application:
  - a.   Vicinity map(s) showing property lines, streets and existing and proposed zoning.
  - b.   Legal description of property.
  - c.   A list of all property owners and their mailing addresses within, contiguous to and directly across the street from the proposed rezoning.
  - d.   A statement of how the proposed rezoning relates it to the Comprehensive Plan.
  - e.   The proposed amendment to the zoning map in ordinance form, approved as to form by the Union Township Trustees.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

**APPLICATION FOR ZONING TEXT AMENDMENT  
UNION TOWNSHIP  
AUGLAIZE COUNTY, OHIO**

Application No. \_\_\_\_\_

The undersigned, owner(s) of the following legally described property hereby request the consideration of change in zoning district classification as specified below:

1. **Name of Owner** \_\_\_\_\_

**Mailing Address** \_\_\_\_\_

**Phone Number:** (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

2. **Locational Description:** Subdivision Name \_\_\_\_\_

Lot No. \_\_\_\_\_ Street Name and Number \_\_\_\_\_  
(If not located in a subdivision, attach legal description)

4. **Statement of Reason(s) for the Proposed Amendment** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

5. **Supporting Information:** Attach the following items to the application:

- a. Vicinity map(s) showing property lines, streets and existing and proposed zoning.
- b. Legal description of property.
- c. A list of all property owners and their mailing addresses within, contiguous to and directly across the street from the proposed rezoning.
- d. A statement of how the proposed rezoning relates it to the Comprehensive Plan.
- e. The proposed amendment to the zoning text in ordinance form, approved as to form by the Union Township Trustees.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

**NOTICE OF PUBLIC HEARING  
TO PROPERTY OWNER  
UNION TOWNSHIP  
AUGLAIZE COUNTY, OHIO**

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Dear \_\_\_\_\_:

This is to inform you that the \_\_\_\_\_ will hold a  
public hearing on an application for a proposed \_\_\_\_\_  
\_\_\_\_\_ on the \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ a.m. (p.m.) at  
\_\_\_\_\_. The application,  
submitted by \_\_\_\_\_, requests that  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ be  
granted for the property located at \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Township Clerk

**NOTICE OF PUBLIC HEARING  
TO NEWSPAPER  
UNION TOWNSHIP  
AUGLAIZE COUNTY, OHIO**

The \_\_\_\_\_ will hold a public hearing on an application  
for a proposed \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ a.m. (p.m.) at  
\_\_\_\_\_. The application,  
submitted by \_\_\_\_\_, requests that  
\_\_\_\_\_  
\_\_\_\_\_  
be granted for the property located at \_\_\_\_\_  
\_\_\_\_\_

(The Regional Planning Commission of Auglaize County will, within 30 days after  
notification, refer to the Union Township Trustees a recommendation on the proposed  
amendment.)

\_\_\_\_\_  
Township Clerk

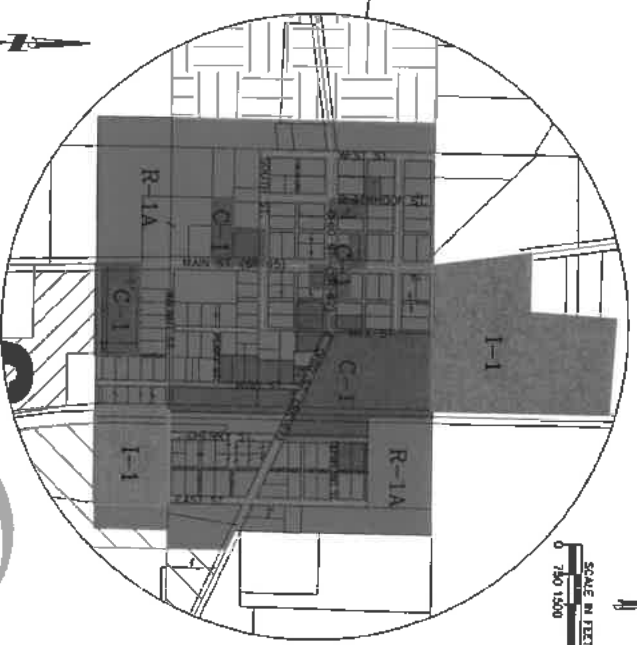
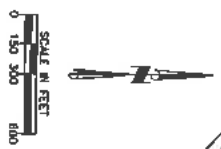
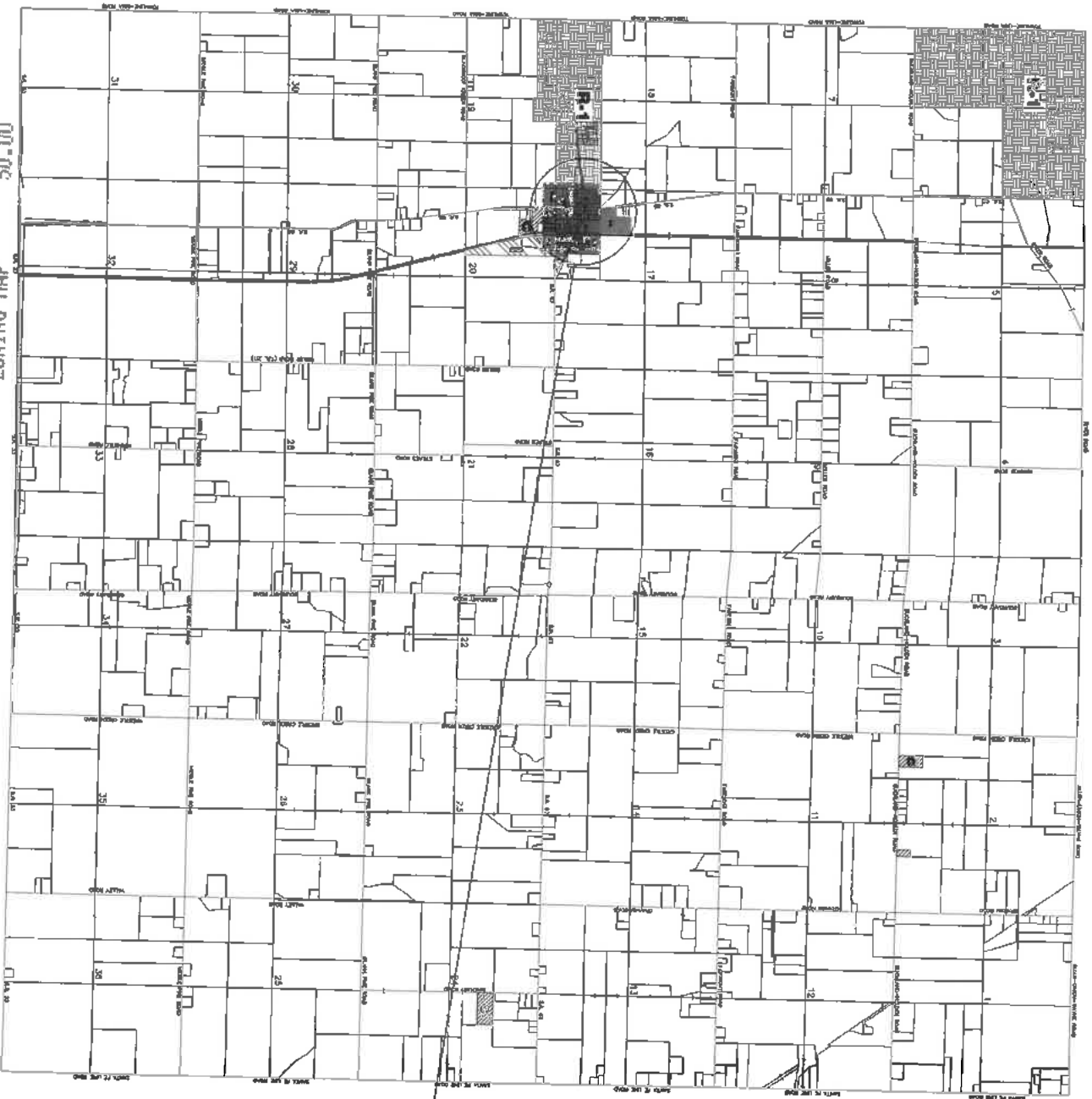
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**For Newspaper Only**

This Notice is to be published on the following dates:

\_\_\_\_\_

Return proof of publication and invoice to: Union Township, ADDRESS.

0  
 Filed for Record in  
 AUGLAIZE COUNTY, OHIO  
 CHRISTINA LAMBERT, RECORDER  
 42 28 2019 10:01:38 PM  
 ZONING MAP 50-00



- LEGEND**
- A-R AGRICULTURAL RESIDENTIAL DISTRICT
  - C COMMERCIAL DISTRICT
  - C-1 LIGHT COMMERCIAL DISTRICT W/ CENTRAL SEWER
  - R-1A SINGLE FAMILY RESIDENTIAL DISTRICT W/ CENTRAL SEWER
  - R-1 RESIDENTIAL DISTRICT
  - I INDUSTRIAL DISTRICT
  - I-1 LIGHT INDUSTRIAL DISTRICT W/ CENTRAL SEWER

# **ZONING MAP** FOR **UNION TOWNSHIP** AUGLAIZE COUNTY, OHIO



4042 E. 100TH AVE. SUITE 100, CLEVELAND, OH 44130  
 216.270.0000 FAX 216.270.0001  
 207 N. ARDEN STREET, CLEVELAND, OH 44115  
 WWW.CHOICEONEENGINEERING.COM

## RESOLUTION

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

WHEREAS the Zoning Commission of Union Township has recommended the approval of amendment to the Union Township Zoning Resolution; by redistricting certain parcels of ground located in Union Township, Auglaize County Ohio and providing for additional text changes; and,

WHEREAS, the Union Township Trustees set Wednesday, June 10, 2015, at 6:30 p.m. as a time for Public Hearing on the same, publication of which was made in the Wapakoneta Daily News; and

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

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

WHEREAS, the Union Township Trustees proposed additional modification (by deletion and addition) to the proposal of the Union Township Zoning Commission as follows;

- Section 1123.02 Definitions  
Added: Factory-Built Housing, Manufactured Home, and Manufactured Home Court.  
Removed: Mobile Home or Trailer and Mobile Home Court.
- Section 1127.01 Compliance with Regulations  
Added: Conditional Use for the Single-Family C-1 Light Commercial to the Summary of Permitted and Conditional Uses table.  
Removed: Conditional Use for the Mobile Home Court C Commercial from the Summary of Permitted and Conditional Uses table.
- Section 1127.43 Conditional Uses  
Removed: Mobile Home Court from the list of Conditional Use Permits.
- Section 1127.53 Conditional Uses  
Added: Dwellings; Single-Family to the list of Conditional Use Permits.  
Modified: Mobile Home Court to Manufactured Home Court

WHEREAS, the proposed modifications, above, were also accepted by the Board of Township Trustees by a unanimous vote of all members present.

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

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

\*\*\*\*\*

The foregoing Resolution was duly adopted at the regular meeting of the Union Township Board of Trustees held on June 10, 2015.

  
Cindy Bourne, Fiscal Officer  
Union Township

## ***AMENDMENTS TO THE UNION TOWNSHIP ZONING RESOLUTION***

The amendments proposed by the Union Township Zoning Commission, as modified by the Union Township Trustees, are attached hereto and marked as "Exhibit 1" as if fully re-written herein.

New language proposed is indicated by **BOLD** print and in the attachments to §§1125.03 & 1127.01 (map) by colored print &/or specific reference. Deleted language is indicated by specific reference or by strikethrough.

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

# "Exhibit 1"

## 1123.02 Definitions

### **FACTORY-BUILT HOUSING**

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

A. **Modular Home** – Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes, including permanent foundations.

### ~~Mobile Home or Trailer~~

~~Any vehicle or similar portable structure so designed or constructed as to permit occupancy for dwelling or sleeping purposes~~

### ~~Mobile Home Court~~

~~Any plot of ground upon which two or more trailer cachers or mobile homes occupied for dwelling or sleeping purposes may be located~~

## 1125.02 Establishment of Districts

The following zoning districts are hereby established for Union Township, Auglaize County, Ohio:

A-R Agriculture/Residential District

R-1 Residential District

**R-1A Single-Family Residential District**

C Commercial District

**C-1 Light Commercial District**

I Industrial District

**I-1 Light Industrial District**

## 1125.03 Zoning District Map

A. The districts established above, as shown on the official zoning map, which, together with all data, references, explanatory material, and notations thereon, are hereby officially adopted as part of this Zoning Code and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

B. The official zoning map shall be identified by the signature of the Trustees and clerk of Union Township. If, in accordance with the provisions of this Zoning Code, changes are made in district boundaries or other matter

portrayed on the official zoning map, these changes shall be made on the official zoning map within 30 normal working days after effective date of the amendment.

C. The original and one copy of the official zoning map are to be maintained and kept up to date; one copy on public display in the Union Township chambers, accessible to the public, and shall be final authority as to the current zoning status of lands, buildings, and other structures in Union Township.

*SEE ATTACHED IMMEDIATELY FOLLOWING AS PART OF §1125.03*

*Summary of Zoning District Requirements – (One Page)*

*Summary of Permitted and Conditional Uses (Three Pages)*

*Zoning Map*

## 1127.01 Compliance with Regulations

The Regulations for each district set forth by this Zoning Code shall be the minimum Regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

A. No building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified for the district in which it is located.

B. Except as otherwise provided in this Zoning Code, no building or other structure shall be erected or altered:

1. To provide for greater height or bulk;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area;
4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than required in its district, or in any other manner be contrary to the provisions of this Zoning Code.

C. Except as otherwise provided in this Zoning Code, no yard or lot existing at the time of passage of this Zoning Code shall be reduced in dimension or area below the minimum requirements set forth in the district. Yards or lots created after the effective date of this Zoning Code shall meet at least the minimum requirements set forth in the district.

## TOWNSHIP ZONING CODE

### Summary of Zoning District Requirements

Zoning District	Minimum Lot Area (1)	Minimum Lot Width (2)	Minimum Front Yard Setback* (3)	Minimum Side Yard Setback (4)	Minimum Rear Yard Setback (5)	Maximum Percent Lot Coverage (6)	Minimum Square-foot
A-R AGRICULTURE/ RESIDENTIAL	2.5 acres	250'	100'	20'	60'	20%	1200 s.f. **1500 s.f.
R-1 RESIDENTIAL	20000 sq. ft. with central sewer or 1 acre without	125'	50' with central sewer 100' without central sewer	20'	40' principal 20' accessory	25%	1200 s.f. **1500 s.f.
R-1A RESIDENTIAL	8450 sq. ft. central sewer only	65'	20'	10'	20'	N/A	**1500 s.f. 1200 s.f.
C COMMERCIAL	20000 sq. ft. with central sewer or 1 acre without	125'	100'	20'	40' principal 20' accessory	40%	
C-1 LIGHT COMMERCIAL	10200 sq. ft. central sewer only	85'	35'	10'	30'	N/A	
I INDUSTRIAL	1 acre	200'	100'	20'	40' principal 20' accessory	50%	
I-1 LIGHT INDUSTRIAL	12000 sq. ft. central sewer only	100'	40'	20' ***	20' ***	N/A	

- \* All front yard measurement from road right-of-way line  
 \*\* Other than one story.  
 \*\*\* Except when abutting an R-District, it must be 50 feet.  
 For definitions, see  
 1. Lot, Minimum Area of, also Illustration Exhibit "B"  
 2. Lot Measurements, Width, also Illustration Exhibit "B"  
 3. Yard, Front Yard, also Illustration Exhibit "B"

4. Yard, Side Yard, also Illustration Exhibit "B"  
 5. Yard, Rear Yard, also Illustration Exhibit "B"  
 6. Lot Coverage, also Illustration Exhibit "B"

# TOWNSHIP ZONING CODE Summary of Permitted and Conditional Uses

USE	ZONING DISTRICT					
	A-R Agri. Residential P	R-1 Residential C**	R-1A Single Fam. Residential C	C Commercial P	C-1 Light Commercial C	I Industrial P
P = Principal Permitted Use C = Conditional Use *						
Agriculture						
Airports						
Adult Entertainment Facilities						
Animal Hospitals/Clinics	C			C	C	
Automotive Filling Stations				P	P	
Repair, Painting, and Body Shops				C	C	
Sales				P	P	
Service Station				P	P	
Washing Facilities				P	P	
Bars, Taverns, Nightclubs				P	P	
Bed and Breakfast Inns	C	C	C	C	C	
Billboards						
Building and Related Trades				P	C	C
Business, Professional and Administrative Offices				P	P	C
Carryout				C	C	
Cemetery	C					
Clubs				P	P	
Commercial Entertainment Facilities				C	C	
Commercial Outdoor Recreation Facilities				C	C	
Community-Oriented Residential Social Service Facility				C	C	
Composting						
Construction Trade Facility						C
Convenience Store				P	P	C
Day Care Facility	C	C	C	P	P	
Drive-In Commercial Uses						
Dwellings, Efficiency Apartment				C	C	
Single-Family	P	P	P	C	C	
Two-Family		C	C	C	C	
Multi-Family				C	C	
Educational Institution				C	C	
Elderly Housing Facilities				C	C	

USE	ZONING DISTRICT						
	A-R Agri. Residential	R-1 Residential	R-1A Single Fam. Residential	C Commercial	C-1 Commercial	I Industrial	I-1 Industrial
P = Principal Permitted Use C = Conditional Use *							
Farm Implement Sales							
Financial Establishments				P	P	P	P
Funeral Homes				P	P		
General Merchandise Stores				P	P		
Grain Elevators and Feed Mills							
Group Homes	C	P	P	C	C	P	P
Home Occupations	C	C	C	C	C	C	C
Heavy Equipment Rental, Sales, Service, and Storage				C	C	C	C
Household Items Repair Shop				C	C		C
Industrial, Enclosed							
Industrial, Open						C	C
Junk Yard and Salvage Yard						C	C
Kennels							
Lock and Store Warehousing				C	C		
Lumber Yards and Building Materials Sale and Storage				C	C		
Manufacturing							
Medical Offices and Clinics				P	P	P	P
Mineral Extraction Storage and Processing							
Mobile Home Court				--C--	C	C	C
Nurseries and Garden Supplies Stores				C	C		
Nursing Homes				C	C		
Personal Services				P	P		
Pet Shops and Animal Grooming							
Private Business or Family Gathering Facility	C			C	C		
Private Landing Strips and Heliports	C						
Private Schools				C	C		
Public Service Facilities	C	C	C	C	C	C	C
Public Offices and Public Buildings	P	P	P	P	P	P	P
Public Recreation Facilities	P	P	P	P	P	P	P
Religious Places of Worship	C	C	C	C	P		
Retail Business				P	P		
Restaurants				P	P		
Sanitary Landfill or Transfer Station						C	C
Schools, Commercial				C	C		
Transport Trucking Terminals						C	C

**Union Township**  
**Revised February 2015**

USE		ZONING DISTRICT						
P = Principal Permitted Use C = Conditional Use *	A-R Agri. Residential	R-1 Residential	R-1A Single Fam. Residential	C Commercial	C-1 Commercial	I Industrial	I-1 Industrial	
Utility Service Companies						C	C	
Warehousing						P	P	
Wholesale Business		C		P	P	C	C	

\* Blank boxes represent uses not permitted.

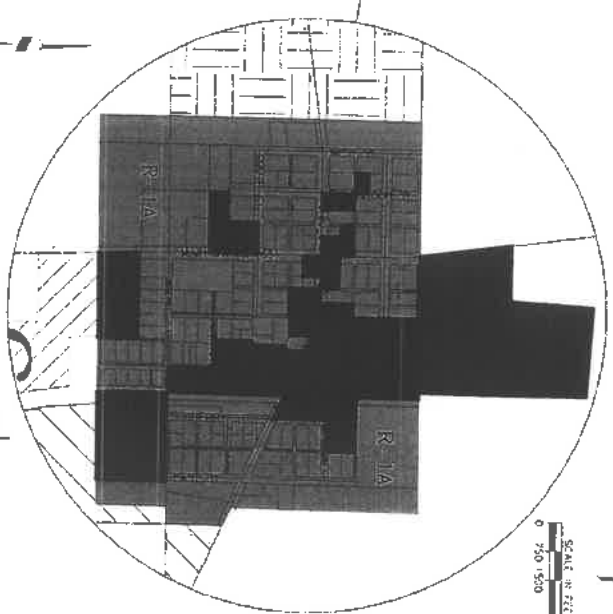
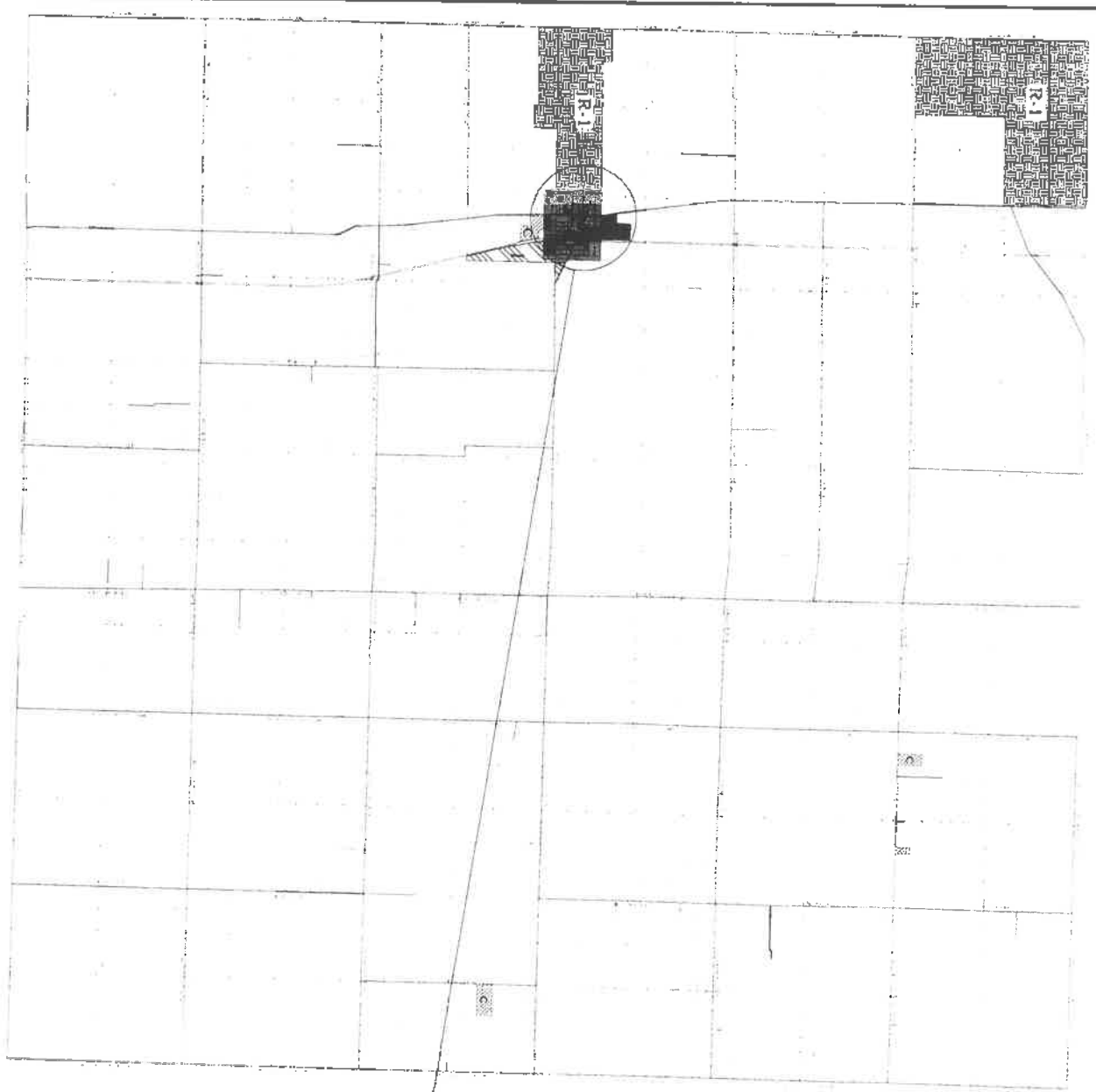
\*\* The Ohio Revised Code confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located. No zoning certificate shall be required for any such building or structure except any platted subdivision consisting of 15 or more lots of 1 acre or less.

# ZONING MAP

FOR  
UNION TOWNSHIP  
AUGLAIZE COUNTY, OHIO

## LEGEND

- COMMERCIAL DISTRICT
- RESIDENTIAL DISTRICT
- INDUSTRIAL DISTRICT
- INDUSTRIAL DISTRICT W/ GASOLINE SERVICE



SCALE IN FEET  
0 150 300 450

SCALE IN FEET  
0 750 1500 3000

CHOICE  
ONE

4401 Exchange Drive  
Suite 100  
P.O. Box 100  
Union Township, Ohio 45384

ENGINEERING

## 1127.14 Area Regulations

The width, area, and setback regulations within the A-R Agriculture/Residential District shall be as follows:

### General Requirements:

Minimum Lot Area 2.5 acres

Minimum Lot Width 250 feet

Minimum Front Yard Setback 100 feet

Minimum Side Yard Setback 20 feet

Minimum Rear Yard Setback 60 feet

Maximum Lot Coverage 20%

Minimum Square Feet for Dwellings 1200 s.f. **(1500 s.f. min. other than 1 story)**

## 1127.24 Area Regulations

The width, area, and setback regulations within the R-1 Low-Density Residential District shall be as follows:

### General Requirements:

Minimum Lot Area 20,000 sq. ft. with central sewer or 1 acre without

Minimum Lot Width 125 feet

Minimum Front Yard Setback 50 feet with central sewer

100 feet without central sewer

Minimum Side Yard Setback 20 feet

Minimum Rear Yard Setback 40 feet principal, 20 feet accessory

Maximum Lot Coverage 25%

Minimum Square Feet for Dwellings 1200 s.f. **(1500 s.f. min. other than 1 story)**

*DELETE THE PREVIOUS VERSIONS OF SECTIONS 1127.30, 1127.31, 1127.32, 1127.33, 1127.34 AND 1127.35*

## **1127.30 R-1A Single-Family Residential District**

### **1127.31 Intent**

The intent of this district is to provide medium-density, single-family dwellings, plus those public and private facilities serving the residents of the area. It is intended to be utilized in areas with central sewers

### **1127.32 Principal Permitted Uses**

- A. Dwellings, Single-Family**
- B. Group Homes**
- C. Public Offices and Public Buildings**
- D. Public Recreation Facilities**

### **1127.33 Conditional Uses**

A building or premises may be used for the following purposes in the R-1A Single-Family Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Agriculture**
- B. Bed & Breakfast Inns**
- C. Day Care Facility**
- D. Dwellings, Two-Family**
- E. Home Occupations**
- F. Public Service Facilities**
- G. Religious Places of Worship**
- H. Wholesale Business**

### **1127.34 Area Regulations**

The width, area, and setback regulations within the R-1A Single-Family Residential District shall be as follows:

**General Requirements:**

**Minimum Lot Area 8,450 square feet**

**Minimum Lot Width 65 feet**

**Minimum Front Yard Setback 20 feet**

**Minimum Side Yard Setback 10 feet**

**Minimum Rear Yard Setback 20 feet**

**Maximum Height 35 feet**

**Minimum Floor Area 1,200 square feet 1,500 square feet (other than one story)**

**1127.35 Cross References**

<b>Supplemental District Regulations, 1129.00 .....</b>	<b>53-86</b>
<b>Conditional Uses; Substantially Similar Uses, 1131.00 .....</b>	<b>87-91</b>
<b>Off-Street Parking and Loading Facilities, 1135.00 .....</b>	<b>96-105</b>
<b>Signage, 1137.00 .....</b>	<b>106-113</b>
<b>Zoning Permit Requirements and Enforcement, 1145.00 .....</b>	<b>128-133</b>

*DELETE THE PREVIOUS VERSIONS OF SECTIONS 1127.40, 1127.41, 1127.42, 1127.43, 1127.44 AND 1127.45*

**1127.40 C Commercial District**

**1127.41 Intent**

The intent of this district is to provide property to meet the retail and other commercial needs of Union Township. It is intended to be utilized in areas along major roads with good access. The minimum lot dimensions are intended to provide adequate room for fire separation, fire-fighting clearance, off-street parking, and on-site drainage retention.

**1127.42 Principal Permitted Uses**

**A. Agriculture**

**B. Animal Hospitals/Clinics**

**C. Automotive Filling Stations Sales, Service Station, and Washing Facilities**

- D. Building and Related Trades**
- E. Business, Professional, and Administrative Offices**
- F. Clubs**
- G. Convenience Store**
- H. Day Care Facility**
- I. Financial Establishments**
- J. Funeral Homes**
- K. General Merchandise Stores**
- L. Medical Offices and Clinics**
- M. Personal Services**
- N. Public Offices and Public Buildings**
- O. Public Recreation Facilities**
- P. Retail Business**
- Q. Restaurants**
- R. Wholesale Business**

## **1127.43 Conditional Uses**

**A building or premises may be used for the following purposes in the C Commercial General Business District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.**

- A. Adult Entertainment Facilities**
- B. Automotive Repair, Painting, and Body Shops**
- C. Bars, Taverns, Nightclubs**
- D. Carryout**
- E. Commercial Entertainment Facilities**
- F. Commercial Outdoor Recreation Facilities**
- G. Community-Oriented Residential Social Service Facility**
- H. Drive-In Commercial Uses**
- I. Dwellings; Efficiency Apartment**
- J. Dwellings, Two-Family**

- K. Dwellings, Multi-Family**
- L. Educational Institutions**
- M. Elderly Housing Facilities**
- N. Group Homes**
- O. Home Occupations**
- P. Household Items Repair Shop**
- Q. Lock and Store Warehousing**
- R. Lumber Yards and Building Materials Sale and Storage**
- S. Nurseries and Garden Supplies Stores**
- T. Nursing Homes**
- U. Pet Shops and Animal Grooming**
- V. Private Schools**
- W. Public Service Facilities**
- X Religious Places of Worship**
- Y. Schools; Commercial**

## **1127.44 Area Regulations**

The width, area, and setback regulations within the C Commercial General Business District shall be as follows:

### **General Requirements:**

- Minimum Lot Area 20,000 sq. ft. with central sewer or 1 acre without**
- Minimum Lot Width 125 feet**
- Minimum Front Yard Setback 100 feet**
- Minimum Side Yard Setback 20 feet**
- Minimum Rear Yard Setback 40 feet principal, 20 feet accessory**
- Maximum Lot Coverage 40%**

## **1127.45 Cross References**

Supplemental District Regulations, 1129.00 ..... 53-86

Conditional Uses; Substantially Similar Uses, 1131.00 .....	87-91
Off-Street Parking and Loading Facilities, 1135.00 .....	96-105
Signage, 1137.00 .....	106-113
Zoning Permit Requirements and Enforcement, 1145.00 .....	128-133

## **1127.50 C-1 Light Commercial District**

### **1127.51 Intent**

This district is intended to provide an integrated collection of structures and uses designed to supply a majority of the daily needs of Township residents.

### **1127.52 Principal Permitted Uses**

- A. Animal Hospitals/Clinics**
- B. Automotive Filling Stations Sales, Service Station, and Washing Facilities**
- C. Business, Professional, and Administrative Offices**
- D. Clubs**
- E. Convenience Store**
- F. Day Care Facility**
- G. Financial Establishments**
- H. Funeral Homes**
- I. General Merchandise Stores**
- J. Medical Offices and Clinics**
- K. Personal Services**
- L. Public Offices and Public Buildings**
- M. Public Recreation Facilities**
- N. Religious Places of Worship**

- O. Retail Business**
- P. Restaurants**
- Q. Wholesale Business**

## **1127.53 Conditional Uses**

**A building or premises may be used for the following purposes in the C-1 Commercial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.**

- A. Agriculture**
- B. Adult Entertainment Facilities**
- C. Automotive Repair, Painting, and Body Shops**
- D. Bars, Taverns, Nightclubs**
- E. Building and Related Trades**
- F. Carryout**
- G. Commercial Entertainment Facilities**
- H. Commercial Outdoor Recreation Facilities**
- I. Community-Oriented Residential Social Service Facility**
- J. Drive-In Commercial Uses**
- K. Dwellings; Efficiency Apartment**
- L. Dwellings, Single Family**
- M. Dwellings, Two-Family**
- N. Dwellings, Multi-Family**
- O. Educational Institutions**
- P. Elderly Housing Facilities**
- Q. Group Homes**
- R. Home Occupations**
- S. Household Items Repair Shop**
- T. Lock and Store Warehousing**
- U. Lumber Yards and Building Materials Sale and Storage**
- V. Manufactured Home Court**

**W. Nurseries and Garden Supplies Stores**

**X. Nursing Homes**

**Y. Pet Shops and Animal Grooming**

**Z. Private Schools**

**AA. Public Service Facilities**

**BB. Schools; Commercial**

## **1127.54 Area Regulations**

The width, area, and setback regulations within the C-1 Commercial District shall be as follows:

**General Requirements for all Permitted Uses:**

**Minimum Lot Area 10,200 square feet**

**Minimum Lot Width 85 feet**

**Minimum Front Yard Setback 35 feet**

**Minimum Side Yard Setback 10 feet**

**Minimum Rear Yard Setback 30 feet**

**Maximum Height 35 feet**

## **1127.55 Cross References**

<b>Supplemental District Regulations, 1129.00 .....</b>	<b>53-86</b>
<b>Conditional Uses; Substantially Similar Uses, 1131.00 .....</b>	<b>87-91</b>
<b>Off-Street Parking and Loading Facilities, 1135.00 .....</b>	<b>96-105</b>
<b>Signage, 1137.00 .....</b>	<b>106-113</b>
<b>Zoning Permit Requirements and Enforcement, 1145.00 .....</b>	<b>128-133</b>

## **1127.60 I Industrial District**

### **1127.61 Intent**

The purpose of this district is to provide for industrial and other uses that by virtue of their characteristics should be isolated from residential uses. These uses perform essential functions for Union Township including employment and should be provided for in areas that are best suited for industrial development by reasons of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.

### **1127.62 Principal Permitted Uses**

- A. Agriculture**
- B. Farm Implement Sales**
- C. Grain Elevators and Feed Mills**
- D. Manufacturing**
- E. Public Offices and Public Buildings**
- F. Public Recreation Facilities**
- G. Warehousing**

### **1127.63 Conditional Uses**

A building or premises may be used for the following purposes in the I Industrial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Airports**
- B. Building and Related Trades**
- C. Business, Professional, and Administrative Offices**
- D. Composting**
- E. Construction Trade Facility**
- F. Home Occupations**
- G. Heavy Equipment Rental, Sales, Service, and Storage**
- H. Industrial; Enclosed**
- I. Junk Yard and Salvage Yard**

- J. Kennels
- K. Mineral Extraction Storage and Processing
- L. Public Service Facilities
- M. Sanitary Landfill or Transfer Station
- N. Schools, Commercial
- O. Transport Trucking Terminals
- P. Utility Service Companies
- Q. Wholesale Business

## **1127.64 Area Regulations**

The width, area, and setback regulations within the I Industrial District shall be as follows:

**General Requirements for all Permitted Uses:**

**Minimum Lot Area 1 acre**

**Minimum Lot Width 200 feet**

**Minimum Front Yard Setback 100 feet**

**Minimum Side Yard Setback 20 feet**

**Minimum Rear Yard Setback 40 feet principal, 20 feet accessory**

**Maximum Lot Coverage 50%**

## **1127.65 Cross References**

<b>Supplemental District Regulations, 1129.00 .....</b>	<b>53-86</b>
<b>Conditional Uses; Substantially Similar Uses, 1131.00 .....</b>	<b>87-91</b>
<b>Off-Street Parking and Loading Facilities, 1135.00 .....</b>	<b>96-105</b>
<b>Signage, 1137.00 .....</b>	<b>106-113</b>
<b>Zoning Permit Requirements and Enforcement, 1145.00.....</b>	<b>128-133</b>

## **1127.70 I-1 Light Industrial District**

### **1127.71 Intent**

The purpose of this district is to provide for industrial and other uses that by virtue of their characteristics should be isolated from residential uses. These uses perform essential functions for the Township including employment and should be provided for in areas that are best suited for industrial development by reasons of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.

### **1127.72 Principal Permitted Uses**

- A. Farm Implement Sales**
- B. Grain Elevators and Feed Mills**
- C. Manufacturing**
- D. Public Offices and Public Buildings**
- E. Public Recreation Facilities**
- F. Warehousing**

### **1127.73 Conditional Uses**

A building or premises may be used for the following purposes in the I-1 Industrial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations -  
Conditional Use Permits.

- A. Agriculture**
- B. Building and Related Trades**
- C. Business, Professional, and Administrative Offices**
- D. Composting**
- E. Construction Trade Facility**
- F. Home Occupations**
- G. Heavy Equipment Rental, Sales, Service, and Storage**
- H. Industrial; Enclosed**
- I. Junk Yard and Salvage Yard**
- J. Kennels**
- K. Mineral Extraction Storage and Processing**
- L. Public Service Facilities**
- M. Sanitary Landfill or Transfer Station**

- N. Schools, Commercial
- O. Transport Trucking Terminals
- P. Utility Service Companies
- Q. Wholesale Business

## **1127.74 Area Regulations**

The width, area, and setback regulations within the I-1 Industrial District shall be as follows:

**General Requirements for all Permitted Uses:**

- Minimum Lot Area 12,000 feet
- Minimum Lot Width 100 feet
- Minimum Front Yard Setback 40 feet
- Minimum Side Yard Setback 20 feet\*
- Minimum Rear Yard Setback 20 feet\*
- Maximum Height 35 feet

\* Except when abutting an R-District, it must be 50 feet.

## **1127.75 Cross References**

Supplemental District Regulations, 1129.00 .....	53-86
Conditional Uses; Substantially Similar Uses, 1131.00 .....	87-91
Off-Street Parking and Loading Facilities, 1135.00 .....	96-105
Signage, 1137.00 .....	106-113
Zoning Permit Requirements and Enforcement, 1145.00 .....	128-133

## **1129.30 Small Wind Energy Project Regulation**

### **A. Intent**

The purpose of this regulation is to establish regulations for small wind energy projects in order to preserve and protect the public health and safety.

### **B. Applicability**

This regulation applies to all lands within the boundaries of Union Township, Ohio.

### **C. Definitions**

**In this regulation:**

#### **1. Clear Fall Zone**

An area surrounding the wind turbine unit into which the turbine, tower and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure. The area shall remain confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that, if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel, will not fall onto dwellings or accessory buildings, and will not intrude onto a neighboring property.

#### **2. Megawatt**

Unit of power equal to one million watts.

#### **3. Met Tower**

A tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, or wiring, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near a small wind energy project.

#### **4. Equipment Owner or Owner**

The person or entity that owns a small wind energy project or met tower.

#### **5. Participating Landowner**

The owner of the property on which a small wind energy project is built.

#### **6. Non-participating Landowner**

An owner of property on which a small wind energy project is not being built.

#### **7. Rotor Diameter**

The cross sectional dimension of the circle swept by the rotating blades.

#### **8. Small Wind Energy Project**

A wind energy project that has a capacity of more than 2 kilowatts and less than 5 megawatts, including the wind turbine generator or anemometer or any parts thereof and is primarily used to generate energy for use on the property where it is located. If the wind energy project is affixed to a primary or accessory structure and not a tower then the project developer must provide definitive evidence that the existing structure has adequate capacity to support that additional weight, overturning moments and cyclic loading due to operating resonance generated by the wind turbine. Approval by a licensed professional engineer is required for any building integrated projects over 5kW.

#### **9. Total Height**

The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

#### **10. Tower**

Either the freestanding or monopole structure that supports a wind generator or the freestanding or monopole structure that is used as a met tower.

#### **11. Wind Energy Project**

Equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Ohio R.C. 1551.20) and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the project.

#### **12. Wind Generator**

The mechanical and electrical conversion components mounted at the top of a tower in a wind energy project.

### **D. Standards – Small Wind Energy Project**

A small wind energy project is a conditional use in any district and is subject to the following requirements:

#### **1. Setbacks - A wind tower for a small wind energy project shall be set back:**

- a. A distance equal to 3 times its total height from any public road right of way;
- b. A distance equal to 3 times its total height from any overhead utility lines, unless written permission is granted from the affected utility;
- c. A distance equal to 3 times its total height from all adjacent property lines, unless written permission is obtained from the adjacent participating or non-participating landowner or landowners waiving such setback.

The Owner shall provide for a “clear fall zone” that shall be maintained at all times the turbine or tower is standing. The “clear fall zone”, along with the manufacturer’s recommendations of such a zone, must be attached to the engineering report submitted as part of the application.

#### **2. Sound – The noise generated by the operation of a small wind energy project may not exceed 40 decibels measured from all adjacent non-participating landowners’ property lines.**

#### **3. Blade Clearance - The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point shall be at least 30 feet.**

### **E. Standards – Met Tower**

A met tower is a conditional use in any district subject to the same standards as a small wind energy project set forth in this Section, except for the standards contained in Sections 534.D.2 and 534.D.3 in these Standards - Small Wind Energy Project.

### **F. Permit Requirements**

#### **1. Conditional Use Permit A Conditional Use permit is required for the installation of a small wind energy project or a met tower.**

#### **2. Site Plan Review - The Conditional Use permit application shall be accompanied by a site plan which includes the following:**

- a. Property lines and physical dimensions of the property;
- b. Location, dimensions, and types of existing major structures on the property;
- c. Location of the proposed wind project tower;

- d. Location of any overhead utility lines on or adjacent to the property;
  - e. The right of way of any public road that is contiguous with the property;
  - f. Description and specifications of the components of the small wind energy project, met tower, or both, including the manufacturer, model, capacity, blade length, rotor diameter, and total height of any small wind energy project; and
  - g. A statement from the applicant that all Wind Energy Project(s) will be installed in compliance with manufacturer's specifications, and a copy of those manufacturer's specifications.
3. Fees - The application for a Conditional Use permit for a small wind energy project shall be accompanied by the appropriate fee required.
4. Expiration - A Conditional Use permit issued pursuant to this regulation shall expire if:
- a. The small wind energy project or met tower is not installed and functioning within 12 months from the date the Conditional Use permit is issued; or
  - b. The small wind energy project is out of service or otherwise unused for a continuous 12-month period.
5. Building Permits - Applicants for all small wind energy projects and parts thereof shall obtain all applicable Building Permits from the State of Ohio, as required.
6. The system shall comply with all applicable Federal Aviation Administration (FAA) requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations regarding installations close to airports.
7. The Conditional Use permit application for a small wind energy project shall include standard drawings and an engineering analysis and report of the system's tower and certification by a professional engineer.

#### **G. Maintenance**

Wind turbines shall be maintained in good working order.

1. The equipment owner shall, within 30 days of permanently ceasing operation of a met tower or small wind energy project, provide written Notice of Abandonment to the Zoning Enforcement Officer.
2. A small wind energy project or met tower that is out-of-service for a continuous 12 month period will be deemed to have been abandoned. The Zoning Enforcement Officer may issue a Notice of Abandonment to the equipment owner of the small wind energy project or met tower that is deemed to have been abandoned. The equipment owner shall have the right to respond to the Zoning Enforcement Officer's Notice of Abandonment within 30 days from the Notice date. The Zoning Enforcement Officer shall withdraw the Notice of Abandonment and notify the equipment owner that the Notice has been withdrawn if the owner provides verification that demonstrates that the small wind energy project or met tower has not been abandoned.
3. If the small wind energy project or met tower is determined to be abandoned or the Zoning Enforcement Officer receives a Notice of Abandonment from the equipment owner, the small wind energy project or met tower must be removed within 90 days of the Notice of Abandonment and the site must be reclaimed. "Reclamation" includes removal of all equipment and apparatuses, supports and/or other hardware associated with the existing wind turbine, including removal of the above mentioned items to a depth of three (3) feet below grade. If the owner fails to remove a small wind energy project or met tower and reclaim the site, the Township may remove or cause the removal of the small wind energy project or met tower and cause the site to be reclaimed. The cost of removal and reclamation shall become a lien upon the property and may be collected in the same manner as property taxes.

#### **H. Conditional Use Permit Procedure**

- 1. An Owner shall submit an application to the Zoning Enforcement Officer for a Conditional Use permit for a small wind energy project. The application shall be on a form approved by the Township and shall be accompanied by three (3) copies of the site plan identified in Section 1129.30.F.2.**
- 2. The Board of Zoning Appeals shall authorize issuance of a permit or deny the application within the time provisions set out in the Zoning Ordinance.**
- 3. The Board of Zoning Appeals may authorize the issuance of a Conditional Use permit for a small wind energy project after a public hearing on the application if the application and supporting materials show that the proposed small wind energy project meets the requirements of this regulation and the use is otherwise authorized by the Board of Zoning Appeals.**
- 4. In the event that the maximum permitted height for a small wind energy system cannot be achieved on a specific property by virtue of setback constraints, the maximum permitted height shall be controlled by the setback constraints. The Board of Appeals shall not issue a variance to the minimum required setbacks for a small wind energy project.**
- 5. The Owner shall conspicuously post the Conditional Use permit on the premises upon issuance so as to be visible to the public at all times until construction or installation of the small wind energy project is complete.**

#### **I. Violations**

- 1. It is unlawful for any person to construct, install, or operate a small wind energy project or met tower that is not in compliance with this regulation or with any condition contained in a permit issued pursuant to this regulation. A small wind energy project or met tower that was installed prior to the effective date of this regulation is exempt from the requirements of this regulation.**
- 2. It is unlawful for a person to disobey, fail, neglect, or refuse to comply with or otherwise resist an order issued pursuant to this regulation.**

#### **J. Enforcement**

- 1. The Zoning Enforcement Officer may enter any property for which a permit has been issued under this regulation to conduct an inspection to determine whether there is any violation of this regulation or whether the conditions stated in the permit have been met.**
- 2. The Zoning Enforcement Officer may issue an order to abate any violation of this regulation.**
- 3. The Zoning Enforcement Officer may issue a citation for any violation of this regulation.**
- 4. The Zoning Enforcement Officer may refer a violation of this regulation to legal counsel for legal action.**

#### **K. Relationship to Other Regulations**

**This regulation does not abrogate, annul, impair, interfere with, or repeal any existing regulation.**

#### **L. Penalty**

- 1. Any person who fails to comply with any provision of this regulation or a building permit issued pursuant to this regulation shall be subject to enforcement and penalties as stipulated in the Zoning Ordinance.**
- 2. Nothing in this section shall be construed to prevent the Township from using any other lawful means to enforce this regulation.**

## **1129.31 Outdoor Woodburning Furnaces**

### **A. Purpose**

1. It is generally recognized that the type of fuel used, and the scale and duration of burning by outdoor woodburning furnaces, creates noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. It is the intention of the Union Township Trustees to establish and impose restrictions upon the construction and operation of outdoor woodburning furnaces within the limits of the Township for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Township and its inhabitants.

### **B. Definitions**

As used in this section, the following terms shall have the meanings indicated:

1. **Outdoor Woodburning Furnace** – An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.
2. **Violator or Any Person Who Violates Any Provision of this Section** – Any person who owns or occupies the property at the time the outdoor woodburning furnace has been installed and/or operated.

### **C. Construction and Operation Prohibited**

The construction and operation of outdoor woodburning furnaces are hereby prohibited within R-1A Single Family Residential District, C-1 Light Commercial District, and I-1 Light Industry Districts.

### **D. Penalties for Offenses**

1. Any person who shall violate any provision of this section shall be guilty of a violation and shall be subject to a fine of \$500. Each week's continued violation shall constitute a separate and distinct offense.
2. In the event the Township is required to take legal action to enforce this article, the violator will be responsible for any and all necessary costs incurred by the Township relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the property so affected by including such expense in the next annual Township tax levy against the property.

### **E. Nonconforming Uses**

1. Except as hereinafter provided, the lawful use of any outdoor woodburning furnace existing at the time of the adoption of this section may be continued, although such use does not conform with the provisions of this section.
2. No outdoor woodburning furnace existing at the time of the adoption of this section shall therefore be extended or enlarged.
3. Any existing outdoor woodburning furnace which is abandoned or discontinued for a period of seven consecutive months shall not be permitted to be reestablished as a nonconforming use, and must be immediately removed by the property owner from the subject premises.
  - a. If the property owner fails to remove the outdoor woodburning furnace by the end of said seven-consecutive-month period, the Union Township Code Enforcement Office shall give written notice by certified mail or personal service to the owner of the property upon which the outdoor woodburning furnace is located. Such notice shall provide that said owner shall remove the outdoor woodburning furnace within 15 days of the date the notice is either postmarked or personally served upon the owner.

b. Should the outdoor woodburning furnace not be removed within the time specified, the Union Township Trustees shall take reasonable steps to effect its removal.

c. The costs incurred by the Township to effect said removal (including any attorneys fees incurred by the Township to effect the removal), plus an amount equal to 50% of said costs of removal, shall be charged to the owner of said premises. Said expense shall be paid by the owner of the property so affected within 30 days from the date said costs are presented to the owner. If said expense is not paid within said thirty-day time frame, then said expense shall be charged to the property so affected by including such expense in the next annual Township tax levy against the property.

4. No existing outdoor woodburning furnace which has been damaged by any reason to the extent of more than 75% of its assessed value shall be repaired or rebuilt.

### **1129.32 Manufactured Homes on Individual Parcels (Lots)**

It is the intent of this ordinance that no Manufactured Home shall be permitted in any zoning district except those which exist in other districts prior to the enactment of this ordinance. Manufactured Homes which are in place on individual parcels (lots) at the enactment of this ordinance may continue, provided the following conditions are met:

A. An existing Manufactured Home is a vehicle or mobile structure more than 40-feet long, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by motor vehicle on a highway, and designed for living as a one-family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like.

B. An existing Manufactured Home may be replaced by a newer Manufactured Home of the same or larger size as long as the minimum zoning lot requirements of the district in which it is located are met.

If in so replacing the existing Manufactured Home, it is not physically possible to meet the minimum zoning lot requirements of this ordinance, the replacement will be permitted as long as the yard setbacks of the existing Manufactured Home being replaced are maintained. In no way shall the nonconforming yard setbacks be decreased.

C. If an existing Manufactured Home is removed from said individual parcel (lot) for a period of 3 months or longer, the use of the parcel (lot) reverts to that for which that district is zoned, and no Manufactured Home will be permitted thereafter.

### **1129.33 Wireless Telecommunications Facilities**

A. The purpose of this Section is to regulate the placement, construction, and modification of wireless telecommunications facilities and their support structures in order to protect the public health, safety, and welfare, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace. Specifically, the purposes of the Section are:

1. To direct the location of various types of towers and wireless telecommunications facilities into appropriate areas of the Township.

2. To protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunications facilities.

3. To minimize adverse visual impacts of towers and wireless telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques.
4. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers.
5. To avoid potential damage to adjacent properties caused by towers and wireless telecommunications facilities by ensuring such structures are soundly designed, constructed, and modified; are appropriately maintained; and are fully removed.
6. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses.
7. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

#### **B. Applicability**

All towers, antenna support structures, and wireless telecommunications facilities any portion of which are located within the Township are subject to this Zoning Code except as provided herein, any use being made of an existing tower or antenna support structure on the effective date of this Zoning Code shall be deemed a nonconforming structure and allowed to continue, even if in conflict with the terms of this Zoning Code. Any tower site that has received approval in the form of a permit by the Township, but has not yet been constructed or located shall be considered a nonconforming structure so long as such approval is current and not expired.

#### **C. Definitions**

Specific words and terms as used in this Section are defined as follows:

1. **Antenna** - Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets.
2. **Antenna Support Structure** - Any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.
3. **Clear Fall Zone** - An area surrounding the wireless telecommunication facility into which the tower and/or support structure components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing failure. The area shall remain confined within the property lines of the primary parcel where the facility is located. The purpose of the zone being that, if the facility should fall or otherwise become damaged, the falling structure will be confined to the primary parcel, will not fall onto dwellings or accessory buildings, and will not intrude onto a neighboring property.
4. **Co-location** - The use of a wireless telecommunications facility by more than one wireless telecommunications provider.
5. **Emergency** - A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.
6. **Equipment Shelter** - The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

**7. FAA - The Federal Aviation Administration and any legally-appointed, designated, or elected agent or successor.**

**8. FCC - Federal Communications Commission and any legally-appointed, designated, or elected agent or successor.**

**9. Monopole - A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.**

**10. Person - Any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or non-profit.**

**11. Tower - A self-supporting lattice, guyed, or monopole structure constructed from grade which supports wireless telecommunications facilities. The term tower shall not include amateur radio operator's equipment as licensed by the FCC.**

**12. Wireless Telecommunications Facility - Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower antenna support structure. However, the term wireless telecommunications facilities shall not include:**

- a. Any satellite earth station antenna 2 meters in diameter or less which is located in an area zoned Business or Industrial.**
- b. Any satellite earth station antenna 1 meter or less in diameter, regardless of zoning category.**
- c. Antennas used by amateur radio operators.**

#### **D. Standards Applicable to All Wireless Telecommunications Facilities**

**1. Construction Standards - All wireless telecommunications facilities and support structures shall be certified by an Engineer licensed in the State of Ohio to be structurally-sound and, at a minimum, in conformance with Ohio Basic Building Code.**

**2. Natural Resource Protection Standards - The location of the wireless telecommunications facility shall comply with all natural resource protection standards established either in this Zoning Code or in other applicable regulations, including those for floodplains, wetlands around water protection, and steep slopes.**

**3. Historic or Architectural Standards Compliance - Any application to locate a wireless telecommunications facility on a building or structure that is listed on a federal, state, or local historic register, or is in a historic district established by the Township, shall be subject to review by the County Building Commissioner to ensure architectural and design standards are maintained.**

**4. Color and Appearance Standards - All wireless telecommunications facilities shall be painted a non-contrasting gray or similar color minimizing its visibility unless otherwise required by the FCC, FAA, and/or by historical or architectural standards imposed. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the Township.**

**5. Advertising Prohibited - No advertising is permitted anywhere upon or attached to the wireless telecommunications facility.**

**6. Artificial Lighting Restricted - No wireless telecommunications facility shall be artificially lit except as required by the FAA.**

**7. Co-Location - All wireless telecommunications facilities shall be subject to the co-location requirements set forth in this Section.**

**8. Abandonment - All wireless telecommunications facilities shall be subject to the abandonment requirements set forth in this Section.**

**9. Setback from Edge of Roof - Any wireless telecommunications facility and its appurtenances permitted on the roof of a building shall be set back 1 foot from the edge of the roof for each 1 foot in height of the wireless telecommunications facility. However this setback requirement shall not apply to antennas that are less than 2 inches in thickness mounted to the sides of antenna support structures and do not protrude more than 6 inches from the side of such an antenna support structure. This requirement is subject to change by the Township upon review of the photo simulation provided in compliance with this Section.**

**10. Security Enclosure Required - All towers and equipment shelters shall be enclosed either completely or individually as determined by the Township. No fencing shall be permitted in a residential zone. The Township and co-locators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.**

**11. Existing Vegetation and Buffer Plantings - Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. Buffer plantings shall be located around the perimeter of the security enclosure as deemed appropriate by the Township. An evergreen screen may be required around the perimeter of the property in lieu of such buffer plantings.**

**12. Access Control and Emergency Contact - "No Trespassing" signs shall be posted around the wireless telecommunications facility, along with a telephone number of who to contact in the event of an emergency.**

**13. The Owner shall provide for a "clear fall zone" that shall be maintained at all times the tower or support structure is standing. The "clear fall zone" along with the manufacturer's recommendations of such a zone, must be attached to the engineering report submitted as part of the application.**

#### **E. Co-Location Requirements**

**1. Exemption from Proof of Co-Location Availability - Persons locating a wireless telecommunications facility on a publicly-owned property shall be exempted from the requirements herein regarding presentation of proof that co-location is not available. However, persons locating a wireless telecommunications facility on publicly-owned property shall continue to be subject to the requirements contained in this Section.**

**2. Exemption from Certain Requirements - Persons locating a wireless telecommunications facility on a publicly-owned property identified by the Township to be suitable for such purposes shall be exempt from the requirements of this Section.**

**3. Co-Location Design Required - No new tower shall be constructed in the Township unless such tower is capable of accommodating at least one additional wireless telecommunications facility owned by another person.**

**4. Technically-Suitable Space - Authorization for a tower shall be issued only if there is no technically-suitable space reasonably available on an existing tower or structure within the geographic area to be served.**

**5. Application Requirements - With the permit application, the applicant shall list the location of every tower, building, or structure within 3 miles that could support the proposed antenna. The applicant must demonstrate that a technically-suitable location is not reasonably available on an existing tower, building, or structure within such area. If another communication tower owned by**

another party within such area is technically-suitable, applicant must show that an offer was made to the owner of such tower to co-locate an antenna on a tower owned by the applicant on reciprocal terms within the geographic area, and the offer was not accepted. If such co-location offer has not been attempted by the applicant, then such other tower is presumed to be reasonably available.

#### **F. Wireless Telecommunications Facilities in Residential Districts**

**1. Permitted Principal Use** - No wireless telecommunications facility is permitted as a principal use on a lot.

**2. Accessory Use** - The following wireless telecommunications facilities are permitted as an Accessory Use on a lot, subject to the following requirements:

**a. Tower** - No wireless telecommunications tower is permitted as an Accessory Use within a residential district without conditional use approval under the guidelines of this Section.

**b. Antenna** - An antenna for a wireless telecommunications facility may be attached to an existing residential building four or more stories in height or to an existing nonresidential structure subject to the following conditions:

**1) Maximum Height** - The antenna shall not extend more than 20 feet above the roof of the existing building or top of the existing structure.

**2) Separate Equipment Shelter** - If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located aboveground within any required front or side yard.

**3) Vehicular Access** - Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.

**3. Conditional Use** - The following wireless telecommunications facilities are permitted as a conditional use on a lot, subject to the following requirements:

**a. Tower** - A wireless telecommunications tower may be an Accessory Use to a public or institutional use within a residential zoning district, provided the BZA finds the following standards have been met:

**1) Minimum Lot Size for Principal Use** - The minimum lot size for principal use for which the tower is accessory shall be 5 acres. **1) Maximum Height** - The antenna shall not extend more than 20 feet above

**2) Minimum Setback from Property Lines and Residential Structures** - The minimum setbacks and yard requirements shall be as per this ordinance.

**3) Maximum Height** - The height of such tower shall be subject to approval by the BZA and be the minimum height necessary.

**4) Equipment Shelter** - The minimum setbacks, height limits, bulk requirements, and screening standards shall be established by the BZA during the conditional use process. Such shelter shall not be located aboveground in any required front or side yard.

**b. Antenna** - The BZA may approve the location of an antenna extending more than 20 feet above the roof of an existing building or structure.

**I) Attachment to Existing Building - An antenna for a wireless telecommunications facility may be attached to an existing residential building four or more stories in height or to an existing nonresidential structure subject to the following conditions:**

**I. Roof Setback - The pole structure supporting such antenna shall be set back 1 foot from the edge of such roof for each 1 foot of height above such roof. This requirement shall not apply to antennas 2 inches or less in thickness without a supporting pole structure.**

**II. Separate Equipment Shelter - If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located aboveground within any required front or side yard.**

**III. Required Buffer- A buffer shall be planted in accordance with this Section.**

**IV. Vehicular Access - Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.**

**G. Wireless Telecommunications Facilities in Business and Professional Districts**

**1. Permitted Principal Use- The following wireless telecommunications facilities are permitted as a principal use on a lot, subject to the following requirements:**

**a. Tower**

**1) Maximum Height - The maximum height shall be less than 200 feet. Towers 200 feet or more in height shall require approval as a conditional use under the guidelines of this Section.**

**2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.**

**3) Minimum Setback from Residential Structure - No tower shall be located less than 200 feet from a structure used as a residence.**

**4) Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located aboveground in any required front or side yard.**

**2. Accessory Use - The following wireless telecommunications facilities are permitted as an Accessory Use on a lot, subject to the following requirements:**

**a. Tower**

**1) Maximum Height - The maximum height shall be less than 200 feet. Towers 200 feet or more in height shall require approval as a conditional use under the guidelines of this Section.**

**2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.**

**3) Minimum Setback from Residential Structure - No tower shall be located less than 200 feet from a structure used as a residence.**

4) Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located aboveground in any required front or side yard.

b. Antenna - The antenna shall not be attached to a residential structure.

3. Conditional Use - The following wireless telecommunications facilities are permitted as a conditional use on lots subject to the following requirements:

a. Tower 200 Feet or More in Height

1) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.

2) Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.

3) Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.

b. Antenna - The antenna shall not be attached to a residential structure unless such structure is four or more stories in height.

#### **H. Wireless Telecommunications Facilities in Industrial Districts**

1. Permitted Principal Use - The following wireless telecommunications facilities are permitted as a principal use on a lot, subject to the following requirements:

a. Tower

1) Maximum Height - The maximum height of such tower shall be less than the distance of such tower from the nearest property line.

2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.

3) Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.

4) Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located aboveground in any required front or side yard.

2. Accessory Use - The following wireless telecommunications facilities are permitted as a conditional use on a lot, subject to the following requirements:

a. Tower

1) Maximum Height - The maximum height of such tower shall be less than the distance of such tower from the nearest property line.

2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.

3) Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.

**4) Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.**

**b. Antenna - The antenna shall not be attached to a residential structure unless such structure is four or more stories in height.**

**3. Conditional Use - The following wireless telecommunications facilities are permitted as a conditional use on a lot, subject to the following requirements:**

**a. Tower**

**1) Maximum Height - Any height of such tower in excess of the distance of such tower from the nearest property line shall require approval of the BZA.**

**2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.**

**3) Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.**

**4) Equipment Shelter- The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.**

**b. Antenna - The antenna shall not be attached to a residential structure unless such structure is four or more stories in height.**

**I. Abandonment of Tower**

**1. Required Notification - All providers utilizing towers shall present a report to the Township notifying it of any tower facility located in the Township whose use will be discontinued and the date this use will cease. Such report shall be filed with the Township 30 days prior to the cessation date. If at any time the use of the facility is discontinued for 180 days, the T may declare the facility abandoned. The 180-day period excludes any dormancy period between construction and the initial use of the facility. The owner/operator of the facility will receive written notice from the Trustees and be instructed to either reactivate use of the facility within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the Township will either remove the facility or will contract to have the facility removed and assess the owner/operator the costs.**

**2. Required Notice to Owner - The Township must provide the tower owner a 30-days notice and an opportunity to be heard before the BZA before initiating such action. After such notice has been provided the Township shall have the authority to initiate proceedings to either acquire the tower and its appurtenances attached thereto at the current fair market value at that time or in the alternative, order the demolition of the tower and all appurtenances.**

**3. Right To Public Hearing By Owner - The Township shall provide the tower owner with the right to a public hearing before the BZA which public hearing shall follow the 30-day notice required in this Section. All interested parties shall be allowed an opportunity to be heard at the public hearing.**

**4. Order of Abatement or Demolition - After a public hearing is held pursuant to this Section, the Township may order the abatement or demolition of the tower. The Township may require licensee to pay for all expenses necessary to acquire or demolish the tower.**

**J. Application and Review Requirements**

- 1. Required Information for Applications - All applications for wireless telecommunications facilities including towers shall include the information required under this Section.**
- 2. Plot Plan Required - When a proposed wireless telecommunications facility or antenna support structure is to include a new tower, a plot plan at a scale of not less than 1 inch equals 100 feet shall be submitted. This plot plan shall indicate all building and land uses within 200 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plans.**
- 3. Photo Simulations Required - Photo simulations of the proposed wireless telecommunications facility from affected residential properties and public rights-of-way taken at designated locations shall be provided.**
- 4. Proof Why Nonresidential Tower Location Not Feasible - In applying for authorization to erect a tower within any residential district, the applicant must present sufficient evidence as to why it is not technically-feasible to locate such tower in a more appropriate nonresidential zone. This evidence shall be reviewed by the Township. If the Township refutes the evidence, then the tower is not permitted.**
- 5. Technical Necessity - The applicant shall demonstrate that the telecommunication tower must be located where it is proposed in order to provide adequate coverage to the applicant's service area. There shall be an explanation of why a tower and the proposed site are technically necessary.**
- 6. Land Owner Support and Access - Where the wireless telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and vehicular access is provided to the facility.**
- 7. Required Site and Landscaping Plan - The applicant shall present a site and landscaping plan showing the following:**
  - a. Specific placement of the wireless telecommunications facility on the site.**
  - b. The location of existing structures, trees, and other significant site features.**
  - c. Type and locations of plant materials used to screen the facilities.**
  - d. The proposed color of the facilities.**
- 8. Co-Location and Removal Agreement - The applicant shall present signed statements indicating that:**
  - a. The applicant agrees to allow for the potential co-location of additional wireless telecommunications facilities by other providers on the applicant's structure or within the same site location; and**
  - b. The applicant agrees to remove the facility within 180 days after its use is discontinued.**
- 9. Review Procedure - Once an application for the placement or expansion of a wireless telecommunications facility has been submitted and accompanied by a \$100 nonrefundable application fee, the application shall be reviewed by the Planning Commission within 30 days after submission of all necessary information required in this Section.**
- 10. Denial by Township - Any decision to deny a request to place, construct, or modify a wireless telecommunications facility and/or tower shall be in writing and supported by evidence contained in a written record.**

#### **K. Variances**

**Any request to deviate from any of the requirements of this Zoning Code shall require approval of a variance in conformance with the procedure set forth herein.**

**L. Separability**

**Should any section, clause, paragraph, sentence, item, phrase, or provision of this Zoning Code be declared by a Court of competent jurisdiction to be unconstitutional or invalid such decision shall not affect the validity of this Zoning code as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.**

## RESOLUTION

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

WHEREAS the Zoning Commission of Union Township has recommended the approval of amendment to the Union Township Zoning Resolution; by redistricting certain parcels of ground located in Union Township, Auglaize County Ohio; and,

WHEREAS, the Union Township Trustees set Tuesday, December 6, 2016, at 6:00 p.m. as a time for Public Hearing on the same, publication of which was made in the Wapakoneta Daily News; and

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

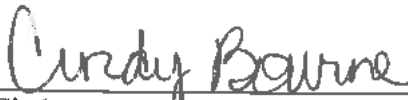
WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a unanimous vote of all members present; and

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

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

\*\*\*\*\*

The foregoing Resolution was duly adopted at the special meeting of the Union Township Board of Trustees held on December 6, 2016.

  
Cindy Bourne, Fiscal Officer  
Union Township

## RESOLUTION

RESOLVED, that whereas amendments have been proposed by the Sunrise Cooperative, Inc. to amend/revise the Union Township Zoning Resolution; to rezone/redistrict those areas set forth in the attached "Exhibit A", and

WHEREAS, a Public Hearing was held on Thursday, November 10, 2016 at 6:00 p.m. in the Union Township House, Uniopolis, Ohio after publication in the Wapakoneta Daily October 28, 2016.

WHEREAS, all the members of the Zoning Commission present took the matter under advisement and gave consideration.

Upon motion made, duly seconded, and passed, the amendment/revision is hereby adopted in full as set forth in the attached "Exhibit A" and the same is hereby ordered forwarded to the Union Township Board of Trustees for further action.

\*\*\*\*\*

## CERTIFICATION

The foregoing is a true copy of the Resolution made by motion, seconded, and duly passed by the Union Township Zoning Commission on November 10, 2016 following Public Hearing pertaining to the same.

Dated this 10<sup>th</sup> day of November, 2016.


  
Chairman, Zoning Commission

Exhibit A

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

**PROPOSED CHANGE OF CLASSIFICATION**

To redistrict/rezone various parcels of real estate located in Union Township, Auglaize County, Ohio as set forth below from their present classification to the proposed new classification. All of the parcels proposed to be rezoned are owned by Sunrise Cooperative, Inc. and are located in or near the Village of Uniopolis, Auglaize County, Ohio. The permanent parcel number, location of property, acreage (if noted), and present classification and proposed new classification, for each parcel is set forth as follows:

**Parcel #1-A**

L3302001804

Pt of Section 20

15.159 acres

A-R District to I district

**Parcel #1-R**

L33200007300 & L3320000720

W Pt of Lots 5, 6, 7, & 8 Howes Addition

R-1 District to I District

**Parcel #2-R**

L33200007400

Lots 5-8 Howes Addition & vac. alley

R-1 District to I District

**Parcel #3-R**

L33200007600 & L33200007700

Lot 9-10 Howes addition and vac. alleys

R-1 District to I District

**Parcel #4-R**

L33200007100, L33200007001,

L33200007800, & L33200007900,

W½ Lot 2 & Lots 3, 4, 11, 12

Howes Addition

R-1 District to I District

**Parcel #5-R**

L33200008000, & L33200007000

Lot 13 & E½ Lot 2 Howes addition

R-1 District to I District

**Parcel #6-R**

L3320015800

Lot 1 Howes Addition

R-1 & I District to I District

**Parcel #7-R**

L3320016400

Railroad Ground

R-1 District to I District

**Parcel #8-R**

L3320015200

Pt. of Lott 33

R-1 District to I District

**Parcel #9-R**

L3320015300 & L3320015400

E Pt. Lot 33 & 34 Outlot

R-1 District to I District

All of said parcels being more specifically described in the legal descriptions attached hereto and marked "Exhibit 1"

# Exhibit 1

## Legal Description

### Property 1 - A

Situate in Sections 17 and 20, Town 5 South, Range 7 East, Union Township, Auglaize County, Ohio and being more fully described as follows:

Commencing for reference at a monument box with iron pin found at the southeast corner of the southwest quarter of Section 17 and being on the centerline of State Route 67;

thence, North  $64^{\circ} 55' 57''$  West, 595.98 feet, along the centerline of State Route 67 to a Mag Nail set at the northwest corner of a 1.332 acre tract of land owned by Mark A. and Connie S. Gossard and being the principal place of being of the tract herein conveyed;

thence, South  $00^{\circ} 19' 33''$  West, 283.02 feet, along the west property line of said Gossard tract to an iron pin found, passing for reference an iron pin with cap set at 27.53 feet on the south right-of-way line of State Route 67;

thence, North  $89^{\circ} 56' 53''$  East, 155.48 feet, along the south property line of said Gossard tract to an iron pin with cap set;

thence, South  $00^{\circ} 33' 02''$  West, 2628.66 feet, along a new division line to an iron pin with cap set on the south line of the northwest quarter of Section 20 and being the north property line of a tract of land owned by Alan Van Horn and Mark Van Horn as described in Official Record 543, Page 71;

thence, South  $89^{\circ} 52' 04''$  West, 250.00 feet, along the south line of the northwest quarter of Section 20 and the north property line of said Van Horn tract to an iron pin with cap set and being the southeast property corner of a tract of land owned by Auglaize Farmers Cooperative, Inc. as described in Official Record 69, Page 262;

thence, North  $00^{\circ} 33' 02''$  East, 2955.62 feet, along the east line property line of said Auglaize Farmers Cooperative, Inc. tract to a Mag Nail set on the centerline of State Route 67, passing for reference an iron pin with cap set at 2928.14 feet on the south right-of-way line of State Route 67;

thence, South  $64^{\circ} 55' 57''$  East, 102.66 feet, along the centerline of State Route 67 to the principal place of beginning.

Containing 15.744 acres more or less with 0.059 acres, more or less, being within existing road right-of-way and all being subject to any legal highways and easements of record. Of which 0.585 acres are within Section 17 (Parcel L3301701701) and 15.159 acres within Section 20 (Parcel L3302001801).

The bearings are based on NAD 83 CORS 2011 adjustment, Ohio North Zone, ODOT VRS CORS Network.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, based on a field survey performed under his direct supervision and dated April 19, 2016.

S:\Lshough\Trupointe Cooperative, Inc\Rezoning Retry\Exhibit B Agriculture.docx

**[REDACTED]**

**PROPERTY #1-R:**

Situate in the unincorporated hamlet of Uniopolis, County of Auglaize and State of Ohio, to-wit:

**PARCEL 1:**

The West half of Lot Number Five (5) and Six (6) of Howe's First Addition; EXCEPTING THEREFROM one (1) foot in width off of the East end of the West half of said Lot Six (6).

Part of Parcel Number L3320007300 and L3320007200

**PARCEL 2:**

The West part of Lots Number Seven (7) and Eight (8) in Howe's First Addition to Uniopolis, as recorded in Auglaize County, Ohio record of plats, October 4, 1978, Volume 2, Page 5 and more particularly described as follows: Commencing at the Southwest corner of Lot Number Seven (7); thence North on the West line of Lots Numbered Seven (7) and Eight (8), One Hundred Thirty-Eight (138) feet to the center of the Uniopolis Waynesfield Pike; thence east in the center of said Pike Seventy-three and one-half ( $73 \frac{1}{2}$ ) feet; thence South to the bearing of the East line of Lot Seven (7), One Hundred Seven and One-half ( $107 \frac{1}{2}$ ) feet to the South line of Lot Seven (7); thence West on the South line of said Lot Seven (7), Sixty-six (66) feet to the PLACE OF BEGINNING. EXCEPTING THEREFROM a strip of land four (4) feet in width off of the East side of the West half of said Lots Seven (7) and Eight (8).

Part of Parcel Number L3320007300

**PARCEL 3:**

The West half of Vine Street vacated by Ordinance No. 18 of the Ordinances of the unincorporated hamlet of Uniopolis, Ohio, situated between Lot Number Six (6) and Five (5) of Howe's First Addition to said former Village of Uniopolis.

Part of Parcel Number L3320007300 and L3320007200

**PARCEL 4:**

Cherry Street as vacated by Ordinance No. 88-5A of the Ordinance of the unincorporated hamlet of Uniopolis, Ohio adjacent to the West side of Lot Number Five (5), Six (6), Seven (7) and Eight (8), and West of Vine Street vacated in Howe's First Addition to said former Village of Uniopolis.

Part of Parcel Number L3320007300 and L3320007200

**PROPERTY #2-R:**

Situate in the Unincorporated Hamlet of Uniopolis, formerly the Village of Uniopolis, Township of Union, County of Auglaize and State of Ohio, to-wit:

**TRACT I:**

Being the east half (½) of Lot Number 5 of Howe's First Addition to the former Village of Uniopolis;

ALSO, the east half (½) of Lot Number 6 of Howe's First Addition to the former Village of Uniopolis; and

ALSO, the east parts of Lots Number 7 and 8 of Howe's First Addition to the former Village of Uniopolis being more fully described as follows:

Commencing at the southeast corner of Lot Number Seven (7); thence west 66 feet; thence north 107 feet and 6 inches to the center of the Uniopolis and Waynesfield Pike; thence east in the center of said Pike 73 feet; thence south 75 feet to the place of beginning.

ALSO that portion of Vine Street vacated by the Council of the former Village of Uniopolis (See Ordinance #18 of the former Village of Uniopolis passed September 4, 1956, recorded at Official Record Volume 69, Page 13, Auglaize County, Ohio) lying between the portions of Lots 5 and 6 of Howe's First Addition as described herein.

ALSO, being a tract one foot wide off of the east end of the west half of Lot Number 6 of Howe's First Addition to the former Village of Uniopolis

ALSO, a part of Lots Number 7 and 8 in Howe's First Addition to the former Village of Uniopolis, described as follows:

Commencing 66 feet west of the southeast corner of Lot Number 7, thence west 4 feet; thence north 107 feet and 6 inches; thence east 4 feet to the center of the Uniopolis and Waynesfield Pike; thence south 107 feet and 6 inches to the place of beginning, all in Howe's First Addition to Uniopolis.

Part of Parcel Number L3320007400

**TRACT II:**

Being a part of Lots 5 and 6 of Howe's First Addition and a portion of vacated Vine Street to the former Village of Uniopolis, and more particularly described as follows:

Commencing for reference at a 5/8" re-rod w/cap (found) at the intersection of the centerline of a vacated alley, and the south right-of-way line of Uniopolis Pike (SR 67), said alley laying immediately west of Lot 9 of Howe's Second Addition; thence, N 64 degrees 01' 47" W along the southerly right-of-way line of Uniopolis Pike for a distance of 85.87 feet to a 5/8" re-rod w/cap (found); thence, S 01 degree 29' 51" W for a distance of 86.65 feet to a 5/8" re-rod w/cap (found) on the north line of Lot 6, said re-rod being the point of beginning for the tract herein described;

Thence, S 88 degrees 38' 09" E along the aforesaid north line of Lot 6, for a distance of 2.96 feet to a 5/8" re-rod w/cap (found);

Thence, S 01 degree 05' 52" W for a distance of 86.03 feet to a 5/8" re-rod w/cap (found) on the centerline of vacated Vine Street;

Thence, S 88 degrees 39' 43" E along the centerline of the aforesaid vacated Vine Street for a distance of 0.95 feet to a 5/8" re-rod w/cap (found);

Thence, S 01 degree 21' 45" W for a distance of 86.01 feet to a 5/8" re-rod w/cap (found) on the south line of Lot 5;

Thence, N 88 degrees 40' 51" W along the aforesaid south line for a distance of 4.70 feet to a 5/8" re-rod w/cap (set);

Thence, N 01 degree 29' 42" E for a distance of 172.04 feet to the point of beginning, containing therein 0.016 acres.

It is understood by the Grantor and Grantee that this is an "add-on" tract and cannot be transferred to a non-adjoining property owner.

Prepared by James M. Kent, PS 6792, with reference hereby made to a plat of survey recorded P-125, Auglaize County, Ohio; Kent Surveying, Inc., Drawing #4606 dated August 9, 2005.

Part of Parcel Number L3320007400

TRACT III:

Being the west one half (1/2) of a 16 foot wide north-south alley as vacated by the Council of the former Village of Uniopolis (See Ordinance #19 of the former Village of Uniopolis passed May 7, 1956, as recorded at Official Record Volume 366, Page 682, Auglaize County, Ohio) adjoining Tract I hereof on the east side.

Part of Parcel Number L3320007400

TRACT IV:

Being the east one half ( $\frac{1}{2}$ ) of a 16 foot wide north-south alley as vacated by the Council of the former Village of Uniopolis (See Ordinance #19 of the former Village of Uniopolis passed May 7, 1956, as recorded at Official Record Volume 366, Page 682, Auglaize County, Ohio) and being further described as:

Commencing for reference at a 5/8 inch iron pin with "Sheldon E&S Lima, OH" cap found marking the northeast corner of Lot Number 9 in J. W. Howe's 2nd Addition (Plat Book 2, Page 34) and the intersection of the west line of East Street with the south line of State Route 67, also being Ohio Street (formerly known as Waynesfield Pike);

Thence north  $65^{\circ}-22'-45''$  west (bearing base) on and along the north line of said Lot Number 9 and the south line of said State Route 67 (Ohio Street) for a distance of 145.20 feet to a 5/8 inch pin set marking the northwest corner of said Lot and the northeast corner of said vacated alley and being the principal point of beginning for the parcel to be described by this instrument;

Thence south  $00^{\circ}-00'-00''$  west on and along the west line of Lots Number 9 and 10 and the east line of vacated alley for a distance of 219.23 feet to a point in a large tree marking the southwest corner of said Lot Number 10, passing at 216.23 feet a 5/8 inch iron pin set for reference;

Thence north  $90^{\circ}-00'-00''$  west for a distance of 8.00 feet to a 5/8 inch iron pin set on the former centerline of said vacated alley;

Thence north  $00^{\circ}-00'-00''$  east on and along said former centerline for a distance of 222.90 feet to a 5/8 inch iron pin set on the south line of State Route 67 (Ohio Street);

Thence South  $65^{\circ}-22'-45''$  east on and along said south line for a distance of 8.80 feet to the point of beginning.

The foregoing description is based on a current field survey completed in July, 1999, under the supervision of Ohio Registered Professional Surveyor James D. Sheldon (\$4569) and the tract as described contains in all 1,769 square feet or 0.041 acres of land.

NOTE: all iron pins set are 5/8" x 30" rebar with yellow "Sheldon E&S Lima, OH" cap.

Part of Parcel Number L3320007400

**PROPERTY #3-R:**

Situated in the County of Auglaize, in the State of Ohio and in the unincorporated Hamlet of Uniopolis, to wit:

Being lots numbered Nine (9) and Ten (10) in Howe's Second Addition to Uniopolis, Ohio, as the same are recorded on the Plat recorded at Plat Records Volume 2, Page 34.

ALSO that portion of a vacated alley lying directly north of Lot 10 and directly south of Lot 9 and running east and west from the west line of East Street to the east end of the property conveyed in Official Record Volume 659, Page 1576, Auglaize County, Ohio, in said Howe's Second Addition, as vacated by Ordinance Number 18, of the Council of the Village of Uniopolis, Ohio, and as recorded at Official Record Volume 69, Page 13, Auglaize County, Ohio.

Parcel numbers L33-200-076-00 and L33-200-077-00

**PROPERTY #4-R:**

Situate in the County of Auglaize, State of Ohio and in the unincorporated hamlet of Uniopolis: The West one-half (1/2) of Lot #2, and all of Lots Number Three (3) and Four (4) in J. Howe's First Addition to said former Village and Lot Number Eleven (11) in J. Howe's Second Addition to said former Village.

Parcel numbers L33-200-078-00 and L33-200-071-00 and L33-200-07001

Tract II

Situated in the Unincorporated Hamlet of Uniopolis, Township of Union, County of Auglaize and State of Ohio, to wit:

Lot Number Twelve (12) in J.W. Howe's Second Addition in said Hamlet, County and State.

ALSO:

The south half of the vacated alley lying north of said Lot Number 12 (See Ordinance #15 of the former Village of Uniopolis passed May 7, 1956, recorded at Official Record Volume 69, Page 9, Auglaize County, Ohio); and

The east half of the vacated alley lying west of said Lot Number 12 (See Ordinance #19 of the former Village of Uniopolis passed September 4, 1956, recorded at Official Record Volume 366, Page 682, Auglaize County, Ohio).

Parcel Number: L33-200-079-00

**PROPERTY #5-R:**

Situated in the Township of Union, County of Auglaize and State of Ohio, to wit: Inlot Number Thirteen (13) in the J.W. Howe's Second Addition and the East one-half of Inlot Number Two (2) in J.W. Howe's Addition to said Township.

And also in addition to said lots mentioned herein, the alley lying between said lots and being part of the alley vacated in Ordinance Number 19 passed on May 7, 1956, as recorded at Official Record Volume 367, Page 489, Auglaize County, Ohio.

Parcel No.: L33-200-080-00 and L33-200-070-00

**PROPERTY #6-R:**

PARCEL I: Lot Number One (1) in Howe's Addition to the former Village of Uniopolis, County of Auglaize and State of Ohio.

Parcel Number: L3320015800

**PROPERTY #7-R:**

PARCEL I: A parcel of land located in Sections 17 and 20, Town 5, Range 7, Union Township, Auglaize County, Ohio, described as follows:

Being part of:

All that part of the right of way of the Detroit, Toledo and Ironton Railroad Company located Easterly of a line 46 feet Easterly of and parallel to the centerline of Main Track of said Railroad Company, containing 1.11 acres, more or less.

Parcel Number L3320016400

Note: the above legal description also describes parcel number L3320016500 which is not part of this application as it is already zoned Industrial.

**PROPERTY #8-R:**

**TRACT I:**

Situated in the Township of Union, the County of Auglaize and State of Ohio:

Being a part of the southwest quarter of the southeast quarter of the southwest quarter of Section 17, Township 5 South, Range 7 East, and more particularly described as follows:

Commencing on the east line of Walnut Street 20 feet from the center of the Uniopolis and Waynesfield Pike; thence running south on the east line of said street 22 rods  $9\frac{1}{4}$  feet to the Section Line; thence east on the Section Line between Sections 17 and 20, 48 feet; thence north 20 rods and 1 foot; thence west along the south line of the Uniopolis and Waynesfield turnpike 6 rods and 10 feet to the place of beginning, containing 98 square rods, more or less.

TRACT II:

Being a part of the southwest quarter of Section 17, Town-5-South, Range-7-East, Union Township, Auglaize County, Ohio as evidenced by Official Record Volume 69, Page 262 and more particularly described as follows:

Commencing for reference at a monument box (found) at the north quarter corner of Section 20 (south quarter corner of Section 17) and the point of intersection for the legal centerline of State Route 67; thence, along the centerline of State Route 67, N 64° 02' 48" W for a distance of 804.72 feet to a mag-nail (set), said nail being the POINT OF BEGINNING for the tract herein described;

Thence, S 10° 09' 01" W (passing through a 5/8" re-rod w/cap set on the south right-of-way line of State Route 67 at a distance of 26.10 feet) for a total distance of 341.25 feet to a 5/8" re-rod w/cap (set);

Thence, N 88° 48' 40" W for a distance of 25.31 feet to a wooden fence post (found);

Thence, N 10° 09' 01" E (passing through a 5/8" re-rod w/cap found at a distance of 317.27 feet) for a total distance of 352.27 feet to a mag-nail (found) on the centerline of State Route 67;

Thence, S 64° 02' 48" E for a distance of 25.98 feet to the POINT OF BEGINNING, containing therein 0.199 acres, of which 0.014 acres is road right-of-way.

Subject to all easements and right-of-way of record at the time of the recording of this instrument. Basis of bearings is per Kent Surveying, Inc., drawing #3915-C dated 2005. Prepared by James M. Kent, PS 6792 with reference herein made to a plat of survey; Kent Surveying, Inc. drawing #3915-D dated April 20, 2010. This is an "add-on" tract and does not meet requirements for a stand-alone building lot.

Parcel Number L3320015200

PROPERTY #9-R:

Situated in the State of Ohio, County of Auglaize, Township of Union: Being a parcel of land situated partially within the unincorporated hamlet of Uniopolis, Ohio, partially in the Southwest quarter of Section 17 and partially within the Northwest quarter of Section 20, T-5-S, R-7-E, Union Township, Auglaize County, Ohio, and being more particularly described as follows:

Commencing at the southeast corner of the Southwest quarter of said Section 17, Union Township and on the extended centerline of State Route 67; thence (with an assumed bearing from an previous survey) N. 75° 00' 00" W. along the centerline of said State Route 67, 698.64

feet to a PK nail set and the PLACE OF BEGINNING; thence S. 09° 26' 55" E. (passing through a 5/8 inch rebar set at 35.00 feet), 2956.03 feet to a 5/8 inch set on the east-west half section line of Section 20, Union Township; thence S. 80° 30' 37" W. with said east-west half section line, 134.78 feet to a wood corner post found on the easterly right-of-way of the D.T. & I. Railroad; thence N. 23° 58' 33" W. with said easterly right-of-way line, 1492.11 feet to a point; thence continuing with said easterly right-of-way N. 66° 01' 27" E., 33.00 feet to a point; thence continuing with said easterly right-of-way N. 23° 58' 33" W., 214.98 feet to a point at the southwest corner of a 7.97 acres parcel of land described as Parcel No. 6 in Deed Volume 23 on Page 673 in the Auglaize County Recorder's Office; thence easterly and northerly the following three courses that define the south and east lines of said 7.97 acres parcel; N. 80° 14' 35" E., 232.91 feet; N. 02° 48' 25" W., 649.69 feet; N. 08° 49' 25" W., 355.00 feet to a point where the east line of Walnut Street intersects the north line of Outlot Number 34 in the former Village of Uniopolis, Ohio; thence N. 80° 13' 35" E. with said north line of said Outlot Number 34, 46.00 feet to a wood corner post found at the southeast corner of a 0.60 acre parcel of land off the west side of Outlot Number 33 in said unincorporated hamlet of Uniopolis, Ohio; thence N. 00° 48' 35" W. with the east line of said 0.60 acre parcel of land, 352.17 feet to a PK nail set on the centerline of State Route 67; thence S. 75° 00' 00" E. with said centerline of said State Route 67, 132.06 feet to the PLACE OF BEGINNING, containing 19.948 acres more or less and subject to all highways and other easements of record. 1.854 acres of said parcel being within the corporate limits of Uniopolis, Ohio, 0.518 acre of said parcel being in the Southwest quarter of Section 17 and 17.576 acres of said parcel being in the Northwest quarter of Section 20.

Parcel Numbers: L3320015300 and L3320015400

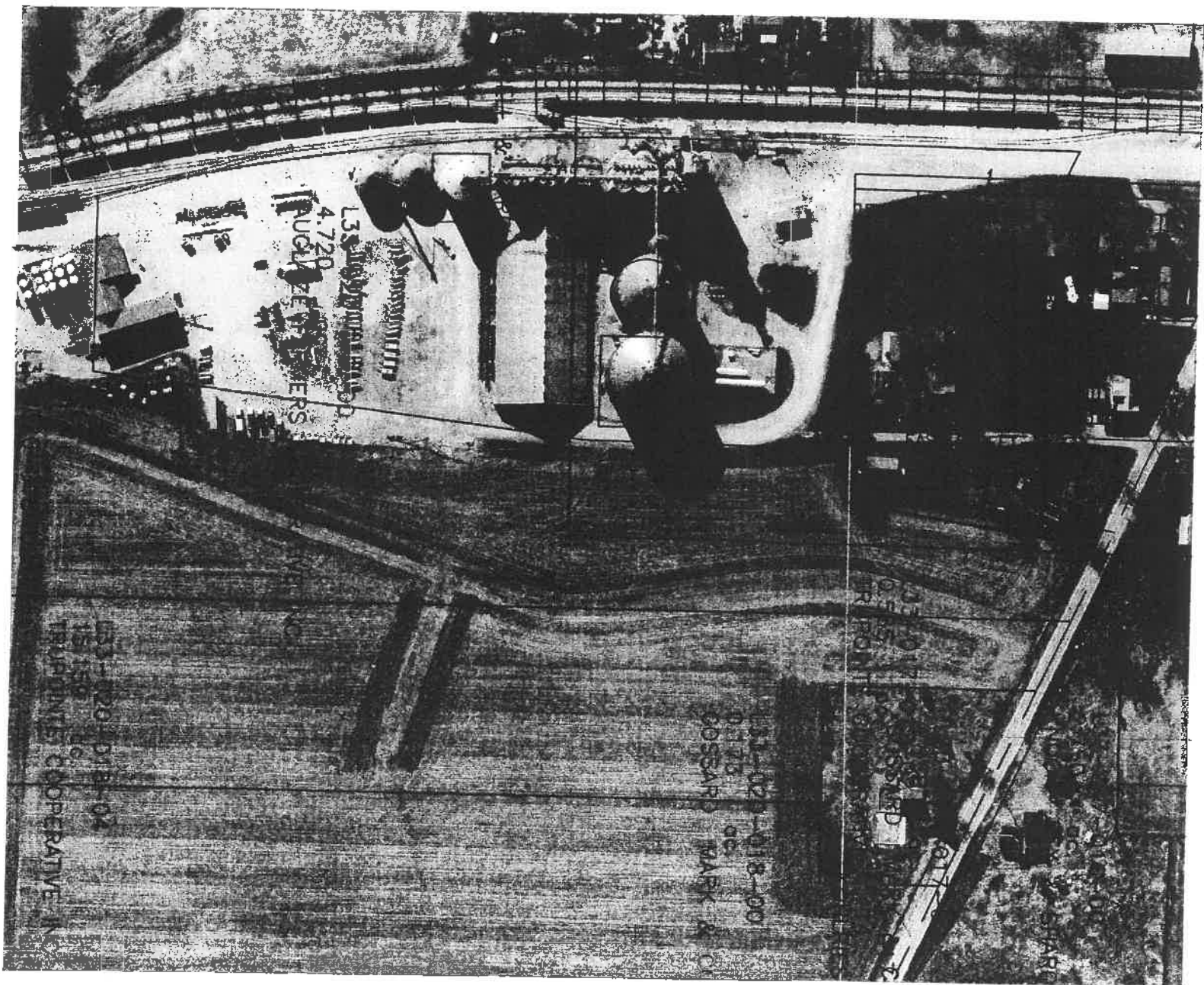
Note: This legal description also includes parcel number L3302001802 which is not part of the petition for rezoning due to the fact that it is already zone industrial.

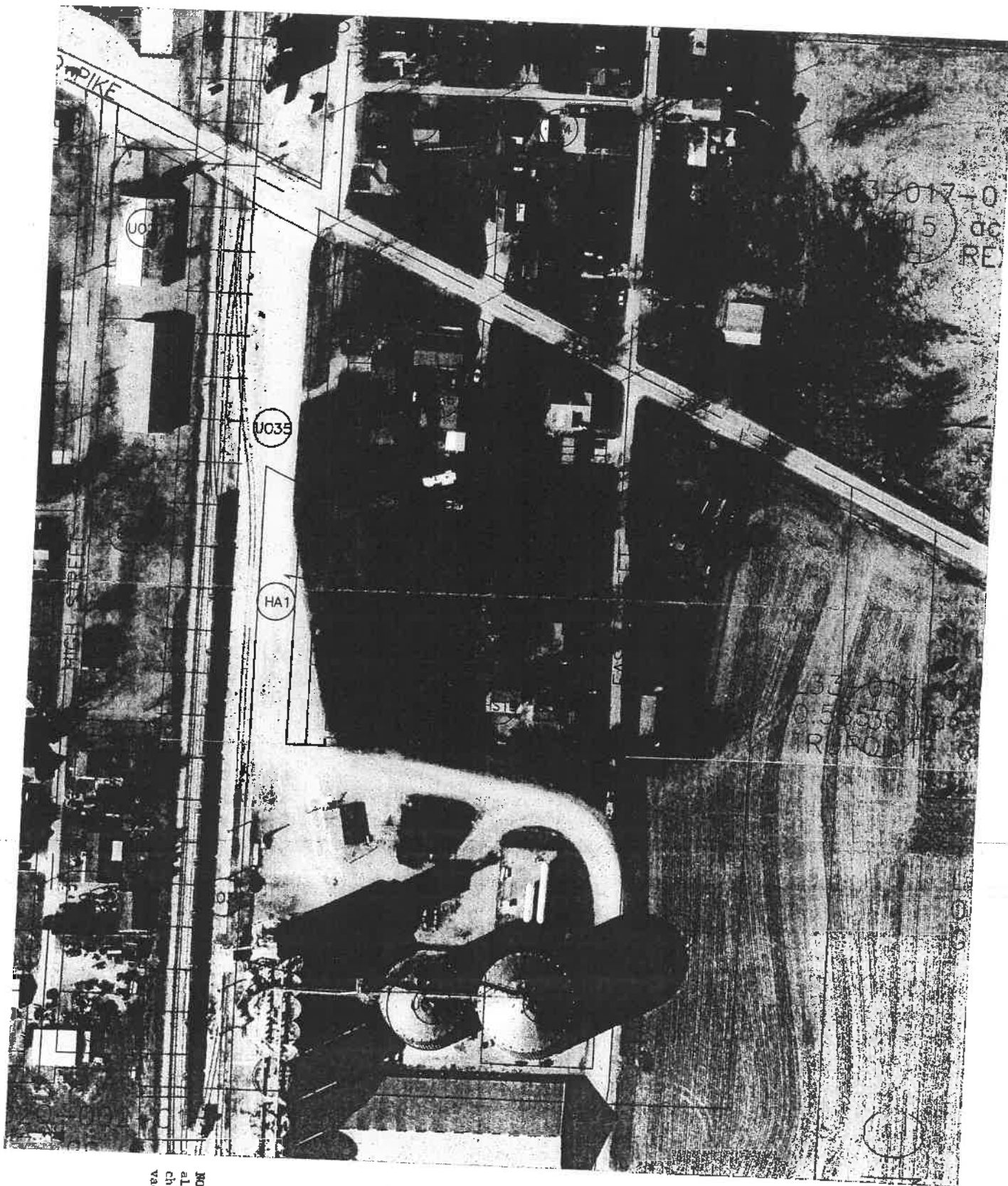
#### **ADDITIONAL LANDS COVERED**

This application to rezone the real property described herein is to apply to and shall cover any and all alleys, streets, and roads that are vacated and that lie between the above described platted lots and lands owned by applicants and that are adjoining lands located therein.

**PROPOSED ZONING:  
INDUSTRIAL**

**CURRENT ZONING:  
AGRICULTURE**





NOTE: All streets and  
alleys within zoning  
change have been  
vacated.