

**ALLEN TOWNSHIP
HANCOCK COUNTY, OHIO
PROPOSED ZONING RESOLUTION
~~NOVEMBER 5, 2024~~
MAY 6, 2025**

Prepared By:
Allen Township Zoning Commission

Legal Review By:
Hancock County Prosecutor's Office

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ALLEN TOWNSHIP ZONING RESOLUTION
HANCOCK COUNTY, OHIO
~~November 7, 2024~~
May 6, 2025

TITLE

A Resolution enacted under Section 519 of the Ohio Revised Code, governing the unincorporated area of Allen Township, Hancock County, Ohio, to regulate the location and use of buildings, structures and lands for trade, industry, agriculture, residence and for public and semipublic or other specified uses; and to regulate and limit the height and area of structures; to regulate and to determine the size of yards and open spaces; to limit the density of population; and for these purposes to divide the Township into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts, defining certain terms used herein; providing for enforcement; establishing a Board of Zoning Appeals; and imposing penalties for the violation of this Resolution.

PREAMBLE

Pursuant to the authority conferred by Section 519 of the Ohio Revised Code, and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of Allen Township, by protecting and conserving the character and social and economic stability of the agricultural, residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements, and by other means, all in accordance with a Comprehensive Land Use Plan now therefore:

ENACTING CLAUSE

Allen Township Resolves:

ARTICLE I - SHORT TITLE

This Resolution shall be known and may be cited as the Allen Township, Hancock County Ohio Zoning Resolution.

ARTICLE II – CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 200. CONSTRUCTION OF LANGUAGE

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary, and the word "may" is permissive.
4. A "building" or "structure" includes any part thereof.
5. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
6. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either ...Or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either ...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
7. Terms not herein defined shall have the meaning customarily assigned to them.

Section 201. DEFINITIONS

ACCESSORY USE, OR ACCESSORY: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same lot as the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants and/or caretakers.
2. Swimming pools, tennis courts or other recreational facilities for the use of the occupants of a residence, or their guests.

3. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
4. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable District regulations.
5. Storage of goods used in or produced by industrial uses or related activities, unless such a storage is excluded in the applicable District regulations.
6. Accessory off-street parking spaces, open or enclosed.
7. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
8. Accessory off-street loading.
9. Accessory signs, subject to the sign regulations for the District in which the zoning lot is located.

AIRBNB: is a residential property that is rented, by the owner, on a short-term basis, generally less than 30 days.

ALTERATIONS: As applied to a building or structure, a change or rearrangement in the structural parts, whether by enlargement or by increasing height, or the moving of a building or structure from one location to another.

ARTIFICIAL POND – any man-made body of water that retains water on an ongoing basis, with a surface area greater than 500 square feet or more, with a depth of no less than 6 feet at its deepest point.

AUTOMOBILE REPAIR: The general repair, rebuilding or reconditioning of motor vehicles; engine rebuilding; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles, conversions and alterations.

AUTOMOBILE REPAIR, MAJOR: The general repair, rebuilding or reconditioning of motor vehicles; engine rebuilding; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

AUTOMOBILE REPAIR, MINOR: The general repair of motor vehicles including minor tune-up, change of oil and filter, repair of the flat tire, brake part replacement, lubrication or other similar operations.

AUTOMOBILE SERVICE STATION: Any building, structure, or land used for the disbursing, sale, or offering for sale, at retail, minor accessories, including the lubrication of automobiles and the replacement or installation of minor parts and accessories, but not including major repair work, such as motor replacement, and body and fender repair, or both, fuel and/or charging ports.

BOARD: The Board of Zoning Appeals of Allen Township, Hancock County, Ohio.

BED & BREAKFAST—a small establishment with four to 10 guest rooms where the owner lives on-site and provides breakfast as part of the cost of the room.

BOARDING HOUSE: A building other than a motel or hotel with three (3) or more guest rooms used as permanent (more than four (4) weeks) lodging for compensation.

BORROW PIT- an area excavated or to be excavated from which soil and unconsolidated materials are removed or extracted below the grade level of the property, which existed before any overbuilding of the site occurred, for any purpose including but not limited to: for sale, exchange, or for use, as fill for activities, including but not limited to landscaping, building construction, levees, dams, highway construction or maintenance, or low-lying areas, whether on-site or off-site.

BUILDING: Any structure, greater than 50 square feet, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, or property of any kind. For the purpose of this Resolution, a Mobile/Manufactured Home shall be considered a building.

BUILDING HEIGHT: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip and gambrel roofs; and two-thirds (2/3) of the vertical distance between eaves and the ridge for A-frame roofs.

BUILDING LINE: A line formed by the face of the building, and for the purposes of this Resolution, a minimum building line is the same as a front setback line.

CLINIC: a health care facility, smaller than a hospital where patients are less sick and do not stay overnight or where you receive routine preventative care when you are healthy or visit your Doctor/Primary Care Provider when you are sick.

CONVALESCENT OR NURSING HOME: A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing, and medical care.

COMMISSION: The Zoning Commission of Allen Township, Hancock County, Ohio.

COMPREHENSIVE LAND USE PLAN: The Comprehensive Land Use Plan of Allen Township, Hancock County, Ohio, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, and including any unit or part of such plan.

DISTRICT: A portion of the unincorporated area of Allen Township within which certain regulations and requirements apply under the provisions of this Resolution.

DWELLING UNIT: A building, or portion of a building, designed for occupancy by one (1) family for residential purposes and having cooking facilities, running water and sanitary sewer facilities.

DWELLING, ONE-FAMILY: A building designed for and occupied exclusively by one (1) family.

DWELLING, MULTIPLE-FAMILY: A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

ENERGY STORAGE FACILITY, ACCESSORY: A system used to store electrical energy as chemical energy and convert it back to electrical energy as needed. A facility is considered an Accessory Energy Storage Facility only if it supplies electrical power solely for on-site use.

ENERGY STORAGE FACILITY, NON-ACCESSORY: A system used to store electrical energy as chemical energy and convert it back to electrical energy. A facility is considered a Non-Accessory Energy Storage Facility if it supplies electrical power solely for off-site uses. Non-Accessory Energy Storage Facilities have a rated capacity of not more than 50 kilowatts.

ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like shall be considered a part of that process.

EXCEPTION: A use permitted only after review of an application by the Board of Zoning Appeals, or Zoning Commission. A modification in the standards of this Resolution specifically permitted after review by the Board of Zoning Appeals, Zoning Commission; such review being necessary because the provisions of this Resolution covering conditions precedent or subsequent are not precise enough to all applications without interpretation and such review and exception is provided for by this Resolution. An exception is provided for by this Resolution. An exception is not a variance.

EXIT RAMP: A roadway connecting a limited access highway with a feeder road and used for access from such limited access highway to a feeder road.

FAMILY: One (1) or two (2) persons or parents, with their direct lineal descendants and adopted or foster children (including any domestic employees) together with not more than three (3) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit.

FARM: Any agricultural activity as a source of income.

FEEDER ROAD: A street or road intersecting with a limited access highway and having traffic interchange facilities with such limited access highway.

FLOOR AREA, RESIDENTIAL: For the purpose of computing the minimum allowable floor area in a residential dwelling unit the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the center-line of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of buildings or structures. The building grade shall be the level of the ground adjacent to the walls of the building or structure, if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure.

HOME BUSINESS: Any occupational activity carried on exclusively by an immediate family member residing on the premises and conducted entirely on the premises. No commodity shall be sold on the premises nor mechanical equipment used, the external effects of which may adversely affect adjacent property. Home businesses shall be clearly incidental and secondary to the use of the premises for dwelling purposes, and shall not change the structural character thereof.

HOME OCCUPATION: Any occupational activity carried on exclusively by an immediate family member residing in the dwelling and conducted entirely within the dwelling. No commodity shall be sold on the premises nor mechanical equipment used, the external effects of which may adversely affect adjacent property. Home occupations shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and shall not change the structural character thereof.

HOSPITAL: A building or structure in which patients or injured persons are given medical or surgical care, generally with a full-time staff and facilities for boarding patients overnight. This definition, as used in the Resolution, does not include the care or treatment of animals.

HOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms is made through an inside lobby, hall or office.

JUNK YARD: an establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk. For the purposes of Allen Township zoning, "junk yard" includes scrap metal processing facilities.

LANDFILL/SANITARY LANDFILL: pits, cells, trenches, mounds or other sites sealed with impermeable synthetic bottom liners where waste is isolated from the rest of the environment.

LOADING SPACE: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings and uses.

LOT, CORNER: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Resolution if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.

LOT, INTERIOR: Any lot, other than a corner lot.

LOT AREA: The total horizontal area within the lot lines of the lot.

LOT COVERAGE: The part or percent of the lot occupied by buildings including accessory buildings.

LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINES: The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of a through lot, is that line separating said lot from either street.
2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a document or map on file with the County Recorder or in common use by County Officials, and which actually exists as so shown.

LOT WIDTH: The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

MAJOR ROAD/STREET: An arterial street which is intended to serve as a large volume traffic way for both the immediate area and the region beyond, and is designated as a Major Road/Street, parkway, freeway, expressway, or equivalent term on the Comprehensive Land Use Plan to identify those streets comprising the basic structure of the area's highway system.

MANUFACTURED/MOBILE HOME: A structure of vehicular, portable, design built on a chassis and designed to be moved from one site to another and to be used without a permanent foundation.

MANUFACTURED/MOBILE HOME PARK: Any plot of ground upon which two (2) or more Mobile/Manufactured Homes, occupied for dwelling or sleeping purposes, are located.

MODULAR HOME: housing built in a factory to the local building code, trucked to the site where sections are placed and installed on a permanent foundation.

NON-CONFORMING BUILDING: A building or a portion of a building, lawfully existing at the effective date of this Resolution, and that does not conform to the provisions of the Resolution in the District in which it is located.

NON-CONFORMING USES: The use of land, or a building, or a portion thereof, which does not conform with the use regulations of the District in which it is situated.

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles for the parking of more than three (3) vehicles, and not located in the public right-of-way.

PARKING SPACE: An area of definite length and width, fully accessible, for the parking of permitted vehicles, and said area shall be exclusive of drives, aisles or entrances giving access to the space.

PRINCIPAL USE: The main use to which the premises are devoted and the principal purpose for which the premises exist.

PRIVATE CLUB: A building or portion thereof or premises owned or operated by a corporation, association, membership, person or persons for a social, educational or recreational purpose, but not primarily for profit or for rendering a service which is carried on as a business.

PROSECUTOR: The Hancock County Prosecutor.

PUBLIC UTILITY: A person, firm or corporation, municipal department, board or commission duly authorized to furnish, and furnishing, under federal, state or municipal regulations to the public: gas, electricity, sewage disposal, communication, telephone, transportation or water.

RECREATIONAL FACILITIES:

Non-Commercial Recreational Facilities: Private and semi-private recreational facilities which are not operated for commercial gain, including private country clubs, riding stables, golf courses, game preserves, and other private non-commercial recreational areas and facilities or recreational centers including private community swimming pools, and marinas.

Commercial Recreational Facilities: Recreational facilities established and operated for profit such as commercial golf courses, swimming pools, race tracks, amusement parks, carnivals, and similar commercial enterprises.

RECREATIONAL VEHICLE: Vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary occupancy. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes.

ROAD/STREET: A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

ROOM: For the purpose of determining lot area requirements and density in a Multiple-Family District, a room is a living room, dining room, or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one (1), two (2) or three (3) bedroom units and including a "den" "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

SCREENING: The provision of a physical barrier intended to obscure view from one property to another. The screening typically runs parallel to a property line(s) and consists of opaque materials, both natural and manufactured. Natural landscaping involves using tall bushes such as arborvitae, hedges, or fir trees and other coniferous vegetation. It may also involve the use of mounding and shorter growth vegetation. Manufactured screening is typically in the form of fencing, wood or vinyl, or in walls made of stone or brick. Screening height typically measures six feet (6') but may be as high as eight feet (8') depending on the uses adjacent to the site subject to the review. The screening may be combined with buffering to offset different uses and their affects.

SETBACK: The distance required to obtain minimum front, side or rear yard open space provisions of this Resolution.

SIGN: The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

SIGN, ACCESSORY: A sign which is related to the principal use of the premises upon which it is located.

SIGN, NON-ACCESSORY: A sign which is not related to the principal use of the premises upon which it is located; these include outdoor advertising such as billboards and the like.

SOLAR ENERGY PANEL: A structure or panel containing solar cells that collects sunlight and converts it to electric current.

SOLAR ENERGY SYSTEM: Items including but not limited to a solar photovoltaic cell, solar energy panels, lines, pumps, batteries, mounting brackets, framing and/or foundations used for or intended to be used for the collection of solar energy.

SOLAR ENERGY SYSTEM, ACCESSORY: A solar collection system consisting of one or more roof and/or ground mounted solar collector devices and solar related equipment, which has a rated capacity of less than or equal to twenty-five (25) kilowatts of electricity and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

SOLAR ENERGY PRODUCTION FACILITY, NON-ACCESSORY: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one or more freestanding ground or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, heat exchangers, substations, electrical

infrastructure, transmission lines and other appurtenant structures and facilities, which has a rated capacity of a maximum of fifty (50) kilowatts.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SURFACE AREA: for a pond or borrow pit, is the measurement taken from the highest point to be excavated able to retain water.

TEMPORARY USE OR BUILDING: A use or building permitted to exist during a specified period of time by the Board Zoning of Appeals or other authorized Body or official.

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

VARIANCE: A modification of the literal provisions of the Zoning Resolution granted when strict enforcement of the Zoning Resolution would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are: (a) undue hardship not created by the property owner; (b) unique circumstances; and (c) applying to property. A variance is not justified unless all three (3) elements are present in the case. A variance is not an exception.

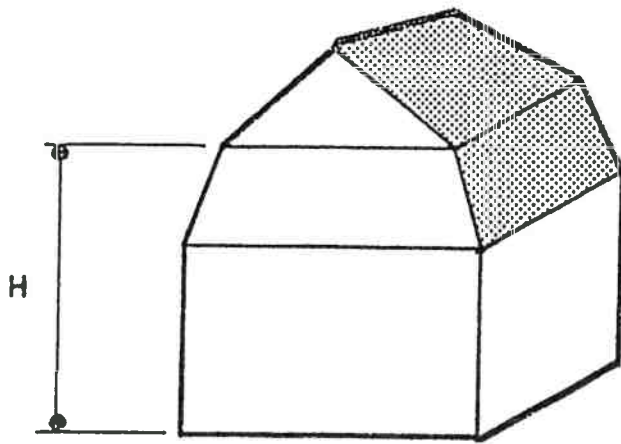
WALL, OBSCURING: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Resolution.

WIND ENERGY CONVERSION SYSTEM HEIGHT: The highest point, measured in feet above grade at the base of the Wind Energy Conversion Facility, that any part of the Wind Energy Conversion Facility reaches during normal operation.

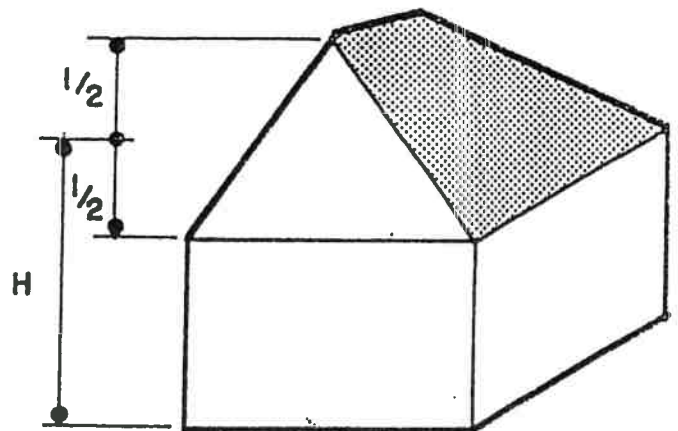
WIND ENERGY CONVERSION SYSTEM: A system designed to convert the wind's kinetic energy into an alternative form of energy, specifically electrical.

YARDS: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Resolution, and as defined herein: (Also see "Setback")

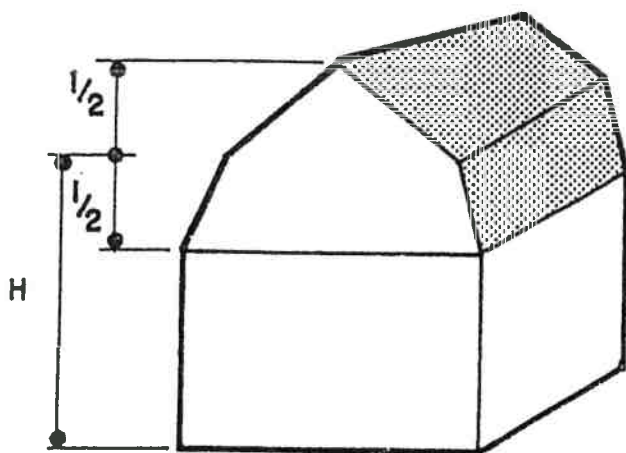
1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the nearest point of the main building and the proposed road right-of-way line as depicted on the Allen Township Comprehensive Land Use Plan.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.



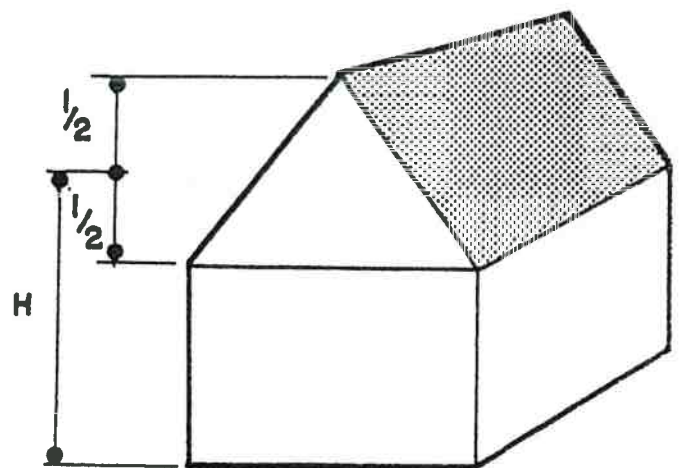
MANSARD ROOF



HIP ROOF



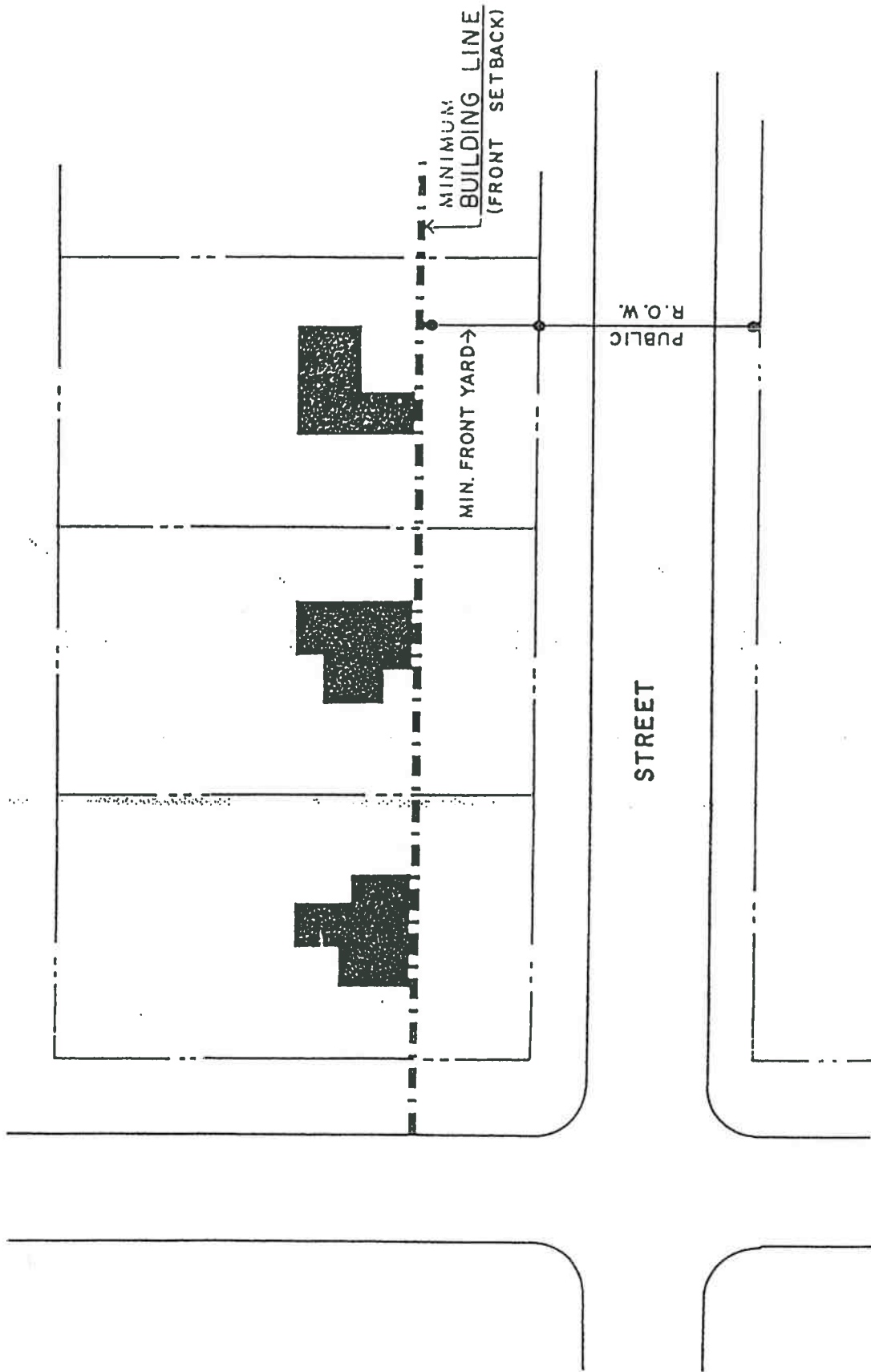
GAMBREL ROOF



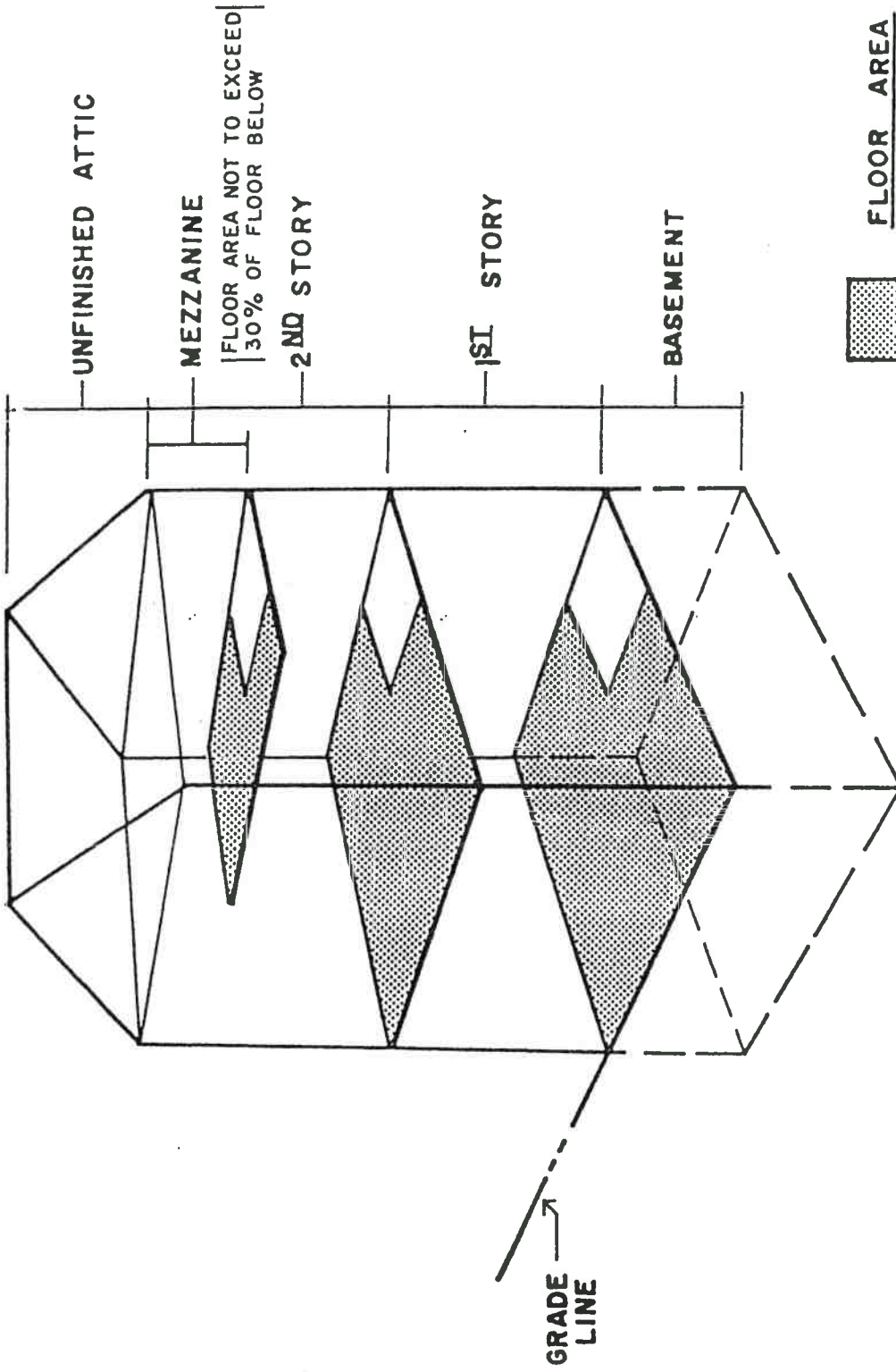
GABLE ROOF

H = HEIGHT OF BUILDING

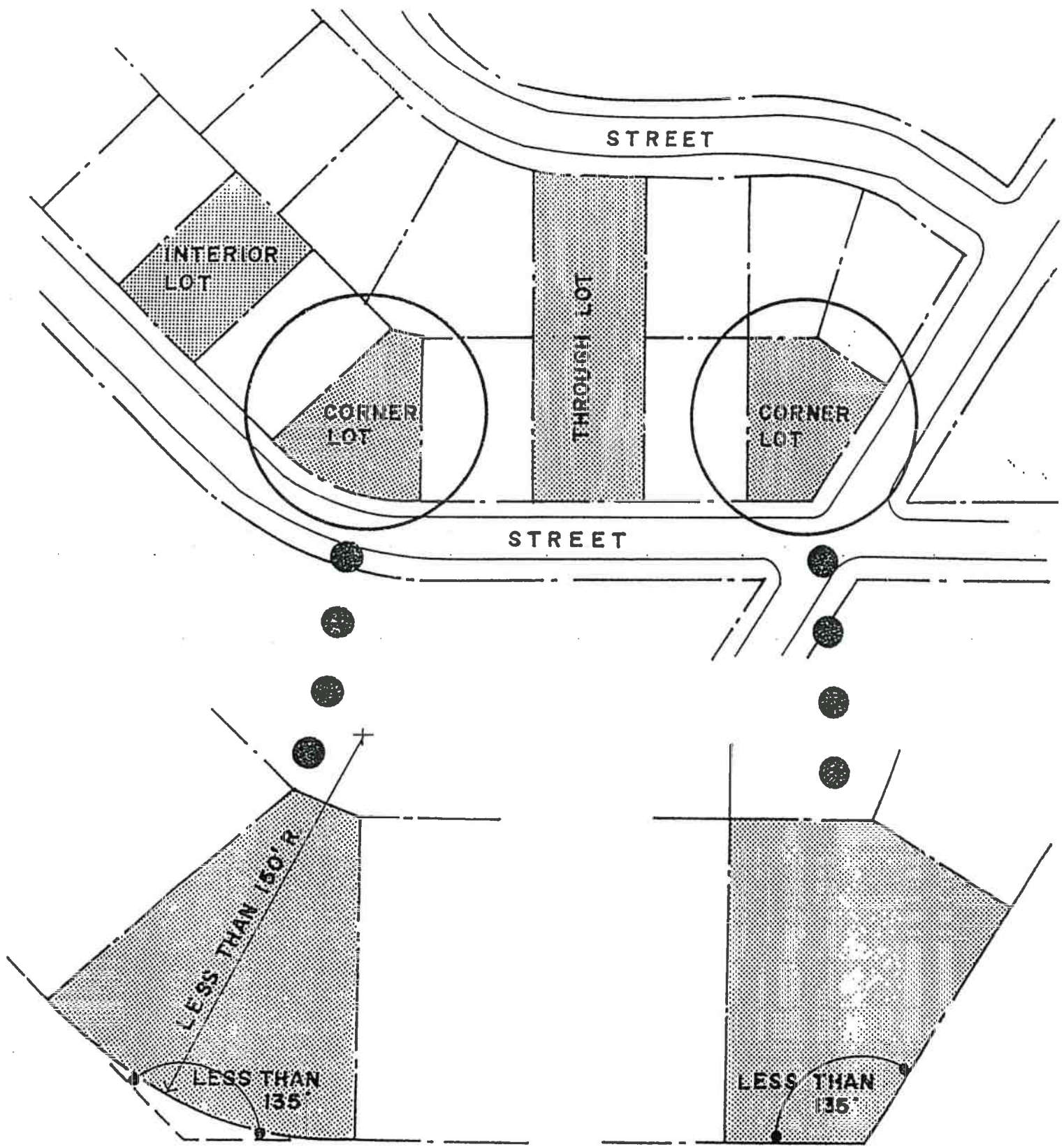
BUILDING HEIGHT



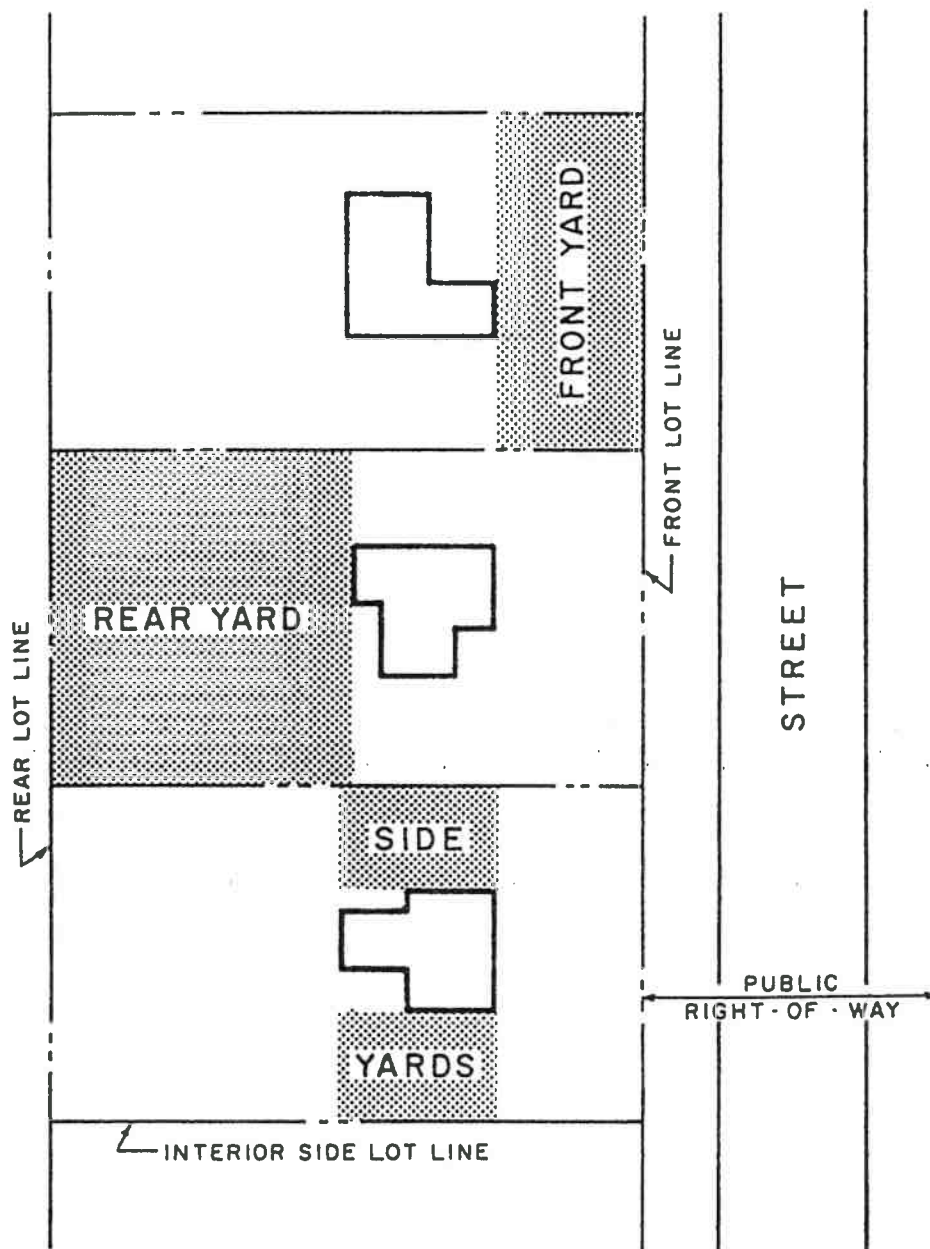
BUILDING LINE



BASIC STRUCTURAL TERMS



INTERIOR, THROUGH & CORNER LOTS



YARDS

3. Side Yard: An open space between a main building and the side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

ZONING INSPECTOR: The Zoning Inspector of Allen Township, Hancock County, Ohio or his authorized representative.

ZONING DISTRICT MAPS: The Zoning District Map or Maps of the Township together with all amendment subsequently adopted.

ARTICLE III – ZONING DISTRICTS AND MAP

Section 300. DISTRICTS ESTABLISHED

For the purpose of this Resolution, Allen Township is divided into the following districts:

A-1	Agricultural District
R-1	One-Family Residential District
RM-1	Multiple-Family Residential District
B-1	Local Business District
B-2	Community Business District
B-3	General Business District
ES	Expressway Service District
I-1	Light Industrial District
I-2	General Industrial District

Section 301. DISTRICT BOUNDARIES

The boundaries of these Districts are established as shown on the Zoning Districts Map which accompanies this Resolution, and that map, with all notations, references, and other information shown on it, shall be as much a part of this Resolution as if it were verbally described.

Section 302. DISTRICT BOUNDARIES INTERPRETED

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center-lines of streets, highways or alleys, shall be construed to follow such center lines of the Right of way.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Districts Map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Districts Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Zoning Appeals shall interpret the District boundaries.
8. Insofar as some or all of the various Districts may be indicated on the Zoning Districts Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such District boundaries do extend to the center of any public rights-of-way.

SECTION 303. ZONING OF VACATED AREAS

Whenever any street, alley or other public way, within the unincorporated area of Allen Township shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zoning District as the property to which it attaches.

SECTION 304 - DISTRICT REQUIREMENTS

All buildings and uses in any District shall be subject to the provisions of ARTICLE XV - GENERAL PROVISIONS and ARTICLE XVI GENERAL EXCEPTIONS.

ARTICLE IV - A-1 AGRICULTURAL DISTRICT

Section 400. INTENT

The A-1 Agricultural Districts are intended to provide for agricultural use of those areas best suited to farming activity, and, recognizing that prime farm land is an unrenovable resource, to protect and preserve such land for agricultural usage. The intent is to provide for an environment of predominantly agricultural activity, wherein residential development is clearly accessory and ancillary to a farming operation.

Section 401. PERMITTED USES

In an A-I Agricultural District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution:

1. Single-family dwellings, provided there is a minimum lot area of two (2) acres, subject to all requirements of the Hancock Subdivision Regulations, Hancock Public Health and the Ohio EPA.
2. Farms and farming operations.
3. Publicly owned and operated libraries, parks, parkways and recreational facilities.
4. Public, parochial and other private elementary and secondary schools offering courses in general education, and not operated for profit.
5. Churches and other facilities normally incident thereto.
6. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of such building within the district in order to serve the immediate vicinity.
7. Home Occupations.
8. Cemeteries which lawfully occupied land at the time of adoption of this Resolution.
9. Accessory buildings and uses customarily incident to any of the above permitted uses. In the case of agricultural uses, this may include the outside storage of implements and/or machinery.
10. Non-accessory signs not exceeding thirty-two (32) square feet.

Section 402. CONDITIONAL USES

The following uses shall be permitted subject to the conditions hereinafter imposed for each use, and subject further to the review and approval of the Zoning Commission:

1. Home businesses shall be permitted subject to conditions the Zoning Commission deems necessary for the protection of the agricultural character of the surrounding area.
2. Kennels and animal boarding facilities.
3. Mobile and/or manufactured homes used to replace existing mobile homes.
4. Private Camp Grounds
5. Accessory buildings and uses customarily incident to any of the above conditional uses.

Section 403. AREA AND BULK REQUIREMENTS

see ARTICLE XIV - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lots by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

ARTICLE V - R-1 ONE-FAMILY RESIDENTIAL DISTRICTS

Section 500 INTENT.

The R-1 One-Family Residential District is designed to be the most restrictive of the Residential Districts. The intent is to provide for an environment of predominately low-density detached dwellings along with other residentially related facilities which serve the residents in the District.

Section 501. PERMITTED USES

In the One-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution:

1. One-family detached dwellings.
2. Farms and farming operations.
3. Publicly owned and operated libraries, parks, parkways and recreational facilities.
4. Accessory buildings, structures and uses customarily incident to any of the above permitted uses.

Section 502. CONDITIONAL USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Zoning Commission:

Uses permitted in A-1 Agricultural Districts as, CONDITIONAL USES, and subject to the conditions stated therein.

1. Churches and other facilities normally incidental thereto.
2. Public, parochial and private elementary, intermediate and/or secondary schools offering courses in general education, not operated for profit.
3. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
4. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit.

5. Private pools shall be permitted as an accessory use within the rear yard only private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
 - a. Private pools shall not require Zoning Commission review and approval.
 - b. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right- of-way and the outside of the pool wall.
 - c. Side yard setbacks shall apply to side yards if greater than ten (10) feet.
 - d. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
 - e. No swimming pool shall be located less than thirty-five (35) feet from any front lot line.
 - f. No swimming pool shall be located in an easement.
 - g. For the protection of the general public, it is recommended that swimming pools be completely enclosed by a fence not less than four (4) feet in height. it is recommended that gates be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. It is recommended that gates be capable of being securely locked when the pool is not in use for extended periods.
6. Cemeteries which lawfully occupied land at the time of adoption of this Resolution.
7. Home Occupations
8. Daycare facilities operated in the home.
9. Accessory buildings, structures and uses customarily incident to the above permitted uses.

Section 503. AREA AND BULK REQUIREMENTS

see ARTICLE XIV - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

ARTICLE VI - RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

Section 600. INTENT

The RM-1 Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and lower density Single-Family Districts. The Multiple-Family District

is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, single-family community.

Section 601. PERMITTED USES

In a Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this Resolution:

1. All uses permitted and as regulated in the R-1 One-Family Residential District.
2. Multiple-family dwellings.
3. Convalescent homes.
4. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 602. CONDITIONAL USE

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Zoning Commission:

1. General hospitals,
2. Telephone exchange buildings, and public utility offices, including transformer stations, substations, or gas regulator stations, all without storage yards.
3. Daycare facilities.
4. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 603. AREA AND BULK REQUIREMENTS

see ARTICLE XIV - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, maximum density permitted and providing minimum yard setback requirements.

ARTICLE VII - B-1 LOCAL BUSINESS DISTRICT

Section 700. INTENT

The B-1 Local Business District is intended to permit those uses as are necessary to satisfy the basic convenience shopping or service needs of persons residing in nearby residential areas. The District is intended to accommodate neighborhood-oriented businesses which can serve as transitional areas between residential and higher intensity districts. B-1 Districts should typically be located at intersections of Major and/or Secondary Roads, as opposed to being applied in a lineal fashion along major highways.

Section 701. PERMITTED USES

In a B-1 Local Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Resolution:

1. Retail businesses which supply commodities on the premises, and service establishments which perform services, on the premises doing business in a facility no larger than 2,500 square feet.
2. Restaurants or other places serving food or beverage, except those having a drive through.
3. Dry cleaning establishments, or pickup stations, dealing directly with the consumer. Central dry-cleaning plants servicing more than one and retail outlet are prohibited.
4. Business establishments and professional offices, doing business in a facility no larger than 2500 square feet which perform services on the premises.
5. Day care facilities
6. Accessory structures and uses customarily incident to the above permitted uses.

Section 702. REQUIRED CONDITIONS

1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.
2. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

Section 703. AREA AND BULK REQUIREMENTS

see ARTICLE XIV - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, maximum density permitted and providing minimum yard setback requirements.

ARTICLE -VIII- B-2 COMMUNITY BUSINESS DISTRICT

Section 800. INTENT

The B-2 Community Business Districts are designed to cater to the needs of a large consumer population, and are generally characterized by an integrated or planned cluster of

establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

Section 801. PERMITTED USES

In a Community Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution:

1. All uses allowed in B-1 shall be permitted in B-2 Community business
2. Offices, service establishments or retail businesses doing business in a facility exceeding 2500 square feet but not greater than 10,000 square feet, such as but not limited to the following:
 - a. Office buildings
 - b. Medical office, including clinics
 - c. Financial institutions
3. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
4. Private clubs, fraternal organizations and lodge halls.
5. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
6. Business schools and colleges or private schools operated for profit.
7. Accessory structures and uses customarily incident to the above permitted uses.

Section 802. REQUIRED CONDITIONS

1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being subject to special conditions in section 1103, below, shall be conducted within completely enclosed buildings.

Section 803. CONDITIONAL USES

All conditional uses must be authorized by the Zoning Commission prior to a permit being issued.

1. Indoor recreational facilities
2. Minor automobile repair

Section 804. AREA AND BULK REQUIREMENTS

see ARTICLE XIV - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE IX - B-3 GENERAL BUSINESS DISTRICT

Section 900. INTENT

The B-3 General Business Districts are designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Community Business District. B-3 General Business Districts are typically provided adjacent to Major highways and are designed to accommodate uses requiring the high traffic volumes normally experienced at such locations.

Section 901. PERMITTED USES

In a General Business District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this Resolution:

1. Any retail business or service establishment permitted in B-1 and B-2 Districts as Principal Uses Permitted and Use Permitted Subject to Special Conditions.
2. Auto wash.
3. Bus passenger stations.
4. New and used car salesroom, showroom or office.
5. Hotels.
6. Accessory structures and uses customarily incident to the above uses.

Section 902. CONDITIONAL USES

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Zoning Commission:

1. Automobile service station.
2. Outdoor sales space for exclusive sales of new or secondhand automobiles, mobile homes, camper trailers, or rental of trailers and/or automobiles, or similar property.

3. Business in the character of a drive-in or drive-through establishment.
4. Veterinary hospitals or clinics.
5. Plant materials nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies.
6. Mortuary establishments.
7. Publicly owned buildings, telephone exchange buildings, and public utility offices, including transformer stations, substations, or gas regulator stations, all without storage yards.
8. Contractor offices without storage yards.
9. Other uses similar to the above uses.

Section 903. AREA AND BULK REQUIREMENTS

see ARTICLE XIV - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE X - ES EXPRESSWAY SERVICE DISTRICTS

Section 1000. INTENT

The ES Expressway Service District is intended to serve the needs of automobile highway traffic at the interchange areas of feeder roads and expressway facilities; smooth traffic flow at an interchange area, and to protect adjacent properties in other zones from adverse influences of traffic.

Section 1001. CONDITIONAL USES

In ES Expressway Service District, the use of land, the location and erection of new buildings or structures, and the alteration, enlargement, and moving of existing buildings or structures from other locations or districts shall conform to the following specified uses, unless otherwise provided in this Resolution:

1. Automobile service stations and repair stations, gas stations, charging stations, bus passenger stations and truck stops.
2. Retail establishments to serve the needs of the highway travelers, including such facilities as, but not limited to: gift shops, and restaurants.

3. Motels, and hotels.
4. Other uses similar to the above as determined after Zoning Commission approval. In determining that the uses are similar, the Zoning Commission shall find that the use will primarily serve the needs of automobile highway traffic.
5. Accessory structures and uses customarily incident to the above permitted uses.

Section 1002. AREA AND BULK REQUIREMENTS

see ARTICLE XIV - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE XI I-1 LIGHT INDUSTRIAL DISTRICT

Section 1100. INTENT

The I-1 Light Industrial Districts are designed so as to accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the District and in no manner affect in a detrimental way any of the surrounding Districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

The general goals of this use District include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the Township's expected future economy for all types of manufacturing and related uses.
2. To protect abutting Residential Districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
4. To protect the most desirable use of land in accordance with a well-considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Township's tax revenue.

Section 1101. PERMITTED USES

In a Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution:

1. Manufacturing, compounding or processing is conducted wholly within a completely enclosed building.
2. Warehousing and self-storage facilities.
3. Wholesale establishments.
4. Trucking facilities, repair, sales and services.
5. Laboratories.
6. Central dry-cleaning plants or laundries, provided that such plants shall not deal directly with consumer at retail.
7. All public utilities, including buildings, necessary structures, storage yards and other related uses.
8. Retail sale and storage of compressed gases, natural gases, chemicals and crude oil by-products.
9. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, and landscaping materials.
10. Trade or industrial schools.
11. Freestanding non-accessory signs.
12. Other uses of a similar character to the above uses.
13. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 1102. CONDITIONAL USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Zoning Commission:

1. Major auto repair.
2. Lumber and planing mills when completely enclosed and when located in the interior of the District so that no property line shall form the exterior boundary of the I-1 District.

3. Commercial kennels.
4. Greenhouses.
5. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, and landscaping materials.
6. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities such as, but not limited to: lumber yards, building material outlets, outdoor boat or trailer sales, RV sales.
7. Other uses of a similar character to the above uses.

Section 1103. AREA AND BULK REQUIREMENTS

see ARTICLE XIV - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE XII - I-2 GENERAL INDUSTRIAL DISTRICTS

Section 1200. INTENT

The I-2 General Industrial Districts are designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding Districts. The I-2 District is so structured as to permit the manufacturing, processing and compounding of semi-finished or finished products from raw materials as well as from previously prepared material.

Section 1201. PERMITTED USES

In a General Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution:

Any principal use first permitted in an I-1 District.

1. Heating and electric power generating plants.
2. Any of the following production or manufacturing uses:
 - a. Junk yard, provided such are entirely enclosed within a building or within an eight (8) foot obscuring screen.
 - b. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
 - c. Blast furnace, steel furnace, blooming or rolling mill.

- d. Manufacture of corrosive acid or alkali, cement, concrete, lime gypsum or plaster of paris.
 - e. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
 - f. Petroleum or other inflammable liquids, production, refining or storage.
 - g. Smelting of copper, iron or zinc ore.
 - h. Limestone quarry operations.
 - i. Water supply and sewage disposal plants.
 - j. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, and landscaping materials.
3. Any other use which shall be determined by the Zoning Commission, to be of the same general character as the above permitted uses in Section 1201.
 4. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 1201. AREA AND BULK REQUIREMENTS

see ARTICLE XIV - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE XIII - CONDITIONAL USE REQUIREMENTS

The Zoning Commission shall have the duty to hear and decide applications for conditional use permits.

The Zoning Commission shall determine that the general standards pertinent to each conditional use identified in the Allen Township Comprehensive Zoning Plan adopted as the Allen Township Zoning Resolution shall be satisfied by the establishment and operation of the proposed conditional use. The Zoning Commission may also impose such additional conditions and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of the Allen Township Comprehensive Zoning Plan will be observed, including specified limitations as to future expansion.

The Zoning Commission has no obligation to approve a Conditional Use. The Allen Township Zoning Resolution assumes that the uses listed as Conditional Uses are will be considered appropriate after an applicant proves that the use preserve the public health, safety or general welfare of the Township or the neighborhood in which it is proposed. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, side access and potential impact upon public facilities will be adequately addressed.

Section 1300 General Standards

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

1. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Allen Township Zoning Resolution of current adoption;
2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
5. Will be served adequately by essential public facilities and services such as highways, roads/streets, police, and fire protection, drainage structures, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

A. Approval, Expiration & Revocation.

1. An approved conditional use will be for a period of one year provided substantial progress and completion is made, unless an extension has been granted by the Zoning Inspector of an additional one (1) year may be allowed if the scope of the approval has not changed and the proposed use and site plan still satisfy the decision standards.
2. A Conditional Use Permit shall be valid and run with the land, provided substantial progress and completion is made, only for the specific use and location approved and in accordance with any conditions approved.
3. Failure to complete or make substantial progress on the approved use shall result in the expiration of its authorization and require a new application.

4. Zoning Permits shall not be issued unless the plans substantially conform to those approved by the Township Zoning Commission, including conditions.
5. A Conditional Use Permit shall automatically expire if the Conditional Use ceases operation for more than two years.
6. A Conditional Use Permit may be revoked by the Zoning Commission if the existing Conditional Use Permit fails to meet one of the following requirements:
 - a. The conditions of approval are not met or maintained.
 - b. The continuance of the conditional use would pose a substantial risk to the public health, safety and welfare. Notification will be provided to all who are entitled to such notice.
7. Modifications to a Conditional Use.

Modifications shall be classified as a minor or major modification based on the following:

a. Minor Modification:

- i. Does not change the use or density to a more intense use or density than permitted by the approved plan
- ii. Does not change the location or amount of land designated for a specific land use
- iii. Are of a magnitude that will not substantially alter the appearance of the use from off of the site
- iv. Will not substantially or detrimentally affect the provision of public services to the site or general vicinity
- v. Will not substantially or detrimentally increase potential demand on public or private utilities
- vi. Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties and neighborhood
- vii. Are not contrary to and in no way diminish the intent of the originally approved permit

b. Major Modification:

- i. An increase in density or intensity
- ii. Changes to the property or project boundaries
- iii. Anything not classified as a minor modification above.

- iv. A major modification requires an entirely new Conditional Use application (including the fee), according to the provisions of this section.

8. Review of Modifications.

- a. If an applicant proposes to modify an approved Conditional Use, the applicant shall submit the proposed modifications to the Zoning Inspector, supplemented with a written statement describing the modifications.
- b. A Minor Modification may be reviewed administratively and approved by the Zoning Inspector and the chair of the Zoning Commission. Administrative approvals shall be clearly documented and made part of the original Conditional Use permit on file.
- c. Any changes to a Conditional Use that are not approved by the Zoning Inspector or Zoning Commission shall constitute a violation of the Township Zoning Resolution.

ARTICLE XIV – SCHEDULE OF REGULATIONS

Section 1400. Schedule Limiting Height, Bulk, Density And Area By Zoning District:

DISTRICT	MINIMUM LOT SIZE PER DWELLING UNIT		MAXIMUM HEIGHT IN FEET	MINIMUM YARD SETBACK IN FEET			MINIMUM FLOOR AREA PER UNIT	MAXIMUM % OF LOT COVER
	AREA IN SQUARE FEET OR ACRES	LOT WIDTH IN FEET		FRONT	EACH SIDE	REAR		
A-1 AGRICULTURAL	2 Acres	200	30 (a)(q)	40	20	20	1,000	
R-1 ONE-FAMILY RES.	15,000 (c,d)	100 (c,d)	30(q)	35 (b,e)	12 (b,e,f)	35(b,e)	1,200	25%
RM-1 MULTIPLE-FAMILY RE.	(g)	(g)	40 No more than 3 stories	30	30 (h)	30 (h)	1 BR - 500 2 BR - 700 3 BR - 900 4 BR - 1100	25%
B-1 LOCAL BUSINESS	-	-	30 No more than 2 stories	30 (i)	10 (j)	20 (k)	-	-
B-2 COMMUNITY BUSINESS	-	-	40 No more than 3 stories	30 (i)	20 (j)	20 (k)	-	-
B-3 GENERAL BUSINESS	-	-	60 No more than 4 stories	30 (i)	30 (j)	30 (k)	-	-
ES EXPRESSWAY SERVICE	-	-	60 (1) No more than 4 stories	50 (i)	30 (j)	50 (k)	-	-
I-1 LIGHT INDUSTRIAL	-	-	60	40 (m)	40 (n)	40 (o,p)	-	-
I-2 GENERAL INDUSTRIAL	-	-	60	60 (m)	40 (n)	40 (o,p)	-	-

Section 1401. NOTES TO SCHEDULE OF REGULATIONS

- (a) See section 1601 regarding Exceptions to height limitations for farm buildings.
- (b) For nonconforming lots of record existing prior to the effective date of this Resolution, lots having a frontage of one hundred (100) feet or greater shall comply with yard setback requirements of the R-1 One-Family Residential District.
- (c) In an instance where public sanitary sewers and water systems are not provided, lots shall be at least two (2) acres in area and at least two hundred (200) feet in width.
- (d) See Section 1402 PLANNED UNIT DEVELOPMENT.
- (e) For all uses permitted other than Single-Family Residential, the setback shall equal the height of the main building or the setback required in Section 602 or 1400, whichever is greater.
- (f) In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the District in which the property is located and all regulations applicable to a front yard shall apply.
- (g) In an RM-1 Multiple-Family Residential District the total number of rooms of eighty (80) square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by fifteen hundred (1,500). All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be an efficiency apartment type. For the purpose of computing the permitted number of dwelling units, the following room assignments shall control:

Efficiency	1 room
One Bedroom	2 rooms
Two Bedroom	3 rooms
Three Bedroom	5 rooms
Four Bedroom	7 rooms

Plans presented showing 1, 2, 3, or 4 bedrooms units as including a "den" "library" or other such room shall count such other room as a bedroom for the purpose of computing density. In an RM-1 District the area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.

- (h) In no instance shall the distance between buildings be less than thirty (30) feet. Off-street parking shall be permitted in a required side or rear yard setback.
- (i) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the Comprehensive Land Use Plan.
- (j) No side yards are required along interior side lot lines of the District, except as otherwise specified in the Building Code; provided that if walls of structures facing such interior side, lot lines contain windows or other openings, side yards of not less than ten (10) feet shall be provided. Off-street parking shall be permitted within a required side yard, except that on corner lots there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the parking area and the street right-of-way line.

On a corner lot which has a common lot line with a Residential District, there shall be provided a setback of twenty (20) feet on the side or residential street.

- (k) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building, and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- (l) The Zoning Commission may permit structures higher than the maximum height standards, provided that all yard setbacks are increased to equal the height of the proposed structures.
- (m) Off-street parking for visitors, over and above the number of spaces required under Section 1504, may be permitted in the required front yard, provided that such off-street parking is not located within twenty (20) feet of the front lot line.
- (n) Off-street parking shall be permitted in a required side yard setback. Along interior side lot lines of the District, side yards shall be equal to at least the height of the average of the various heights of the industrial masses (excluding towers, chimneys, stacks and the like) immediately abutting upon and adjacent to such side yard.
- (o) No building shall be located closer than fifty (50) feet or the height of the building, whichever is the greater, to the outer perimeter (property line) of the District when said property line abuts any residential district.
- (p) All storage shall be in the rear yard and be completely screened with an obscuring wall or greenbelt planting so as to obscure all view from any adjacent residential, office or business district, or from a public street.

- (q) Buildings of greater than the maximum height allowed in ARTICLE XIV SCHEDULE OF REGULATIONS may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

Section 1402. PLANNED UNIT DEVELOPMENT

1. Intent

The Planned Unit Development (PUD) option is intended to permit large scale developments executed in a manner consistent with sound land use planning principles, and in harmony with existing development in the surrounding area. The land use patterns created shall provide a desirable environment within the project area, while assuring that the value, utility, convenience, and general welfare of neighboring uses is not diminished.

2. Procedure For Application

Application shall be made to the Zoning Commission for consideration under this option. The Applicant applying shall be required to make a submittal of the following material for review and recommendation by the Commission:

- a. A property area survey of the exact area being requested.
- b. A disclosure of the Applicant's ownership interest in the land being requested for the PUD option.
- c. A topography map of the entire area at a contour interval appropriate to the site. For relatively level terrain, the interval shall not be more than two (2) feet. This map shall indicate all natural and man-made features within the site.
- d. A plan of the entire area carried out in such detail as to show the land uses being requested, the densities being proposed where applicable, the system of collector streets, and off-street parking system.
- e. A written statement explaining in detail the full intent of the Applicant, indicating the specifics of the development plan as it relates to the type of dwelling units contemplated and resultant population; the extent of non-residential development and the resultant traffic generated and parking demands created.

3. PUD Approval

The following procedure shall be used in review of the plan by the Zoning Commission and approval of the general plan by the Township Trustees:

- a. The PUD plan shall be reviewed and a recommendation shall be made by the Zoning Commission relative to the plan's meeting the general goals and objectives of the Township's Comprehensive Land Use Plan.

- b. Approval shall be given only after Public Hearing, and shall be granted by adoption of a Resolution designating the area to the PUD. Approval under this Section of the Resolution is based on the plan submitted, and therefore the plan and supporting documentation are basic to the PUD designation.
- c. Once an area has been included within a PUD, no development shall take place therein nor use made of any part thereof except in accordance with the general plan as originally approved, or in accordance with any approved amendments thereto.
- d. Upon approval by the Township Trustees of a PUD, the general plan shall become an integral part of the zoning for the PUD area, and for purposes of recordation shall be referred to as "Planned Unit Development #_____", which number shall correspond to the number of the Resolution designating the PUD. All approved plans shall be filed with the Township Clerk and the Zoning Inspector.
- e. Approval of a PUD general plan shall be effective for a period of two (2) years, with additional two (2) year extensions being automatic as long as development of the area continues to be carried out. Amendments to a PUD general plan must be approved by the Township Trustees through the steps outlined in 1. and 2. above.

4. Final Plan Approvals

Following approval of a PUD area by the Township Trustees, subdivision plats and site plans for each specific phase of the development shall be reviewed by the Zoning Commission. These plans shall be in such form and shall contain such information as the zoning Commission requires in its rules. The Zoning Commission, in reviewing the preliminary and final plans submitted under the PUD, shall use as a guide the standards set forth in the individual Zoning District regulations. Where strict application of specific use district standards would serve no significant purpose, the Zoning Commission shall have the authority to waive or modify such standards so long as the convenience, and general welfare of neighboring uses is not diminished. Before approving final plats or site plans, the Commission shall determine that:

- a. All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site.
- b. In residential areas any prorated open space shall be irrevocably committed by dedication to an association of residents and retained as open space for park, recreation and related uses.
- c. Provisions, satisfactory to the Township, have been made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the Applicant, and that maintenance of such improvements is assured by a means satisfactory to the Township.
- d. The cost of installing all streets and necessary utilities has been assured by a means satisfactory to Allen Township and Hancock County.

- e. The final plans of each project area of the approved plan are in conformity with the overall approved plan. Any changes or amendments requested shall terminate approval on the overall plan until such changes or amendments have been reviewed and approved as in the instance of the first submittal. Site plan approvals granted within a PUD area shall be effective for one (1) year. If construction commences within the initial approval period, such construction may continue until that phase of the project is complete. If construction fails to commence during that period, approval of that site plan shall lapse and permits issued in connection therewith shall cease to be in effect. Resubmittal of the site plan shall be necessary in order to secure new permits.

ARTICLE XV - GENERAL PROVISIONS

Section 1500. CONFLICTING REGULATIONS

Whenever any provision of this Resolution imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or resolution, then the provisions of this Resolution shall govern. Whenever the provisions of any other law or resolution impose more stringent requirements than are imposed or required by this Resolution, then the provisions of such resolution shall govern.

Section 1501. SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained for any building, structure or land, or part thereof, except in conformity with the provisions of this Resolution.

Section 1502. NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURES AND PREMISES.

1 . Intent

It is the intent of this Resolution to permit legal nonconforming lots, structures, or uses to continue until they are removed.

It is recognized that there exists within the Districts established by this Resolution and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Resolution was passed or amended which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments.

Such uses are declared by this Resolution to be incompatible with permitted uses in the Districts involved. It is further the intent of this Resolution that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the District involved.

To avoid undue hardship, nothing in this Resolution 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 Resolution and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

2 . Nonconforming Structures

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

- a. Such structures may only be enlarged or altered in a way which does not increase its nonconformity.
- b. Such structure may not be enlarged greater than a 50% increase in the structure size, but may not expand beyond the parcel upon which it is located and may not increase the structures nonconformity.
- c. Should such structure be damaged in any manner, to any degree, it may be reconstructed so long as the reconstruction does not increase its nonconformity.
- d. 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.

3 . Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be permitted in the District under the terms of this Resolution, 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 Resolution in the District in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the District in which it is located.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the District than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require conditions and safeguards in accord with the purpose and intent of this Resolution.
- d. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- e. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District in which such structure is located, and the nonconforming use may not thereafter be resumed.
- f. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for two (2) years, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the District in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- g. Mobile/manufactured homes, not permanently affixed to a foundation, occupied on the effective date of this Resolution may be replaced by a Mobile/manufactured home of not less floor area than the original mobile home, provided yard setbacks appropriate to the District are maintained.

4. Change of Tenancy or Ownership

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures or of structures and land in combination.

Section 1503. ACCESSORY BUILDINGS AND USES

Accessory buildings and uses, except as otherwise permitted in this Resolution, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Resolution applicable to the main building.
2. Accessory buildings and uses shall not be erected in any minimum side yard setback nor in any front yard unless otherwise provided in this Resolution.
3. An accessory building shall not occupy more than twenty-five percent (25%) of a required rear yard, provided that in a Residential District the accessory building shall not exceed the ground floor area of the main building, nor shall accessory buildings be located closer than ten (10) feet to both the rear lot line and side lot lines.
4. No detached accessory building shall be located closer than ten (10) feet to any main building.
5. No detached accessory building in an R-1 or RM-1 District shall exceed one (1) story of fourteen (14) feet in height nor exceed the height of the main building on the premises.
 - a. Accessory buildings in all other Districts may be constructed to equal the permitted maximum height of structures in said Districts, subject to Zoning Commission review and approval if the building exceeds one (1) story or fourteen (14) feet in height.
6. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right-of-way line.
7. The parking of a mobile/manufactured home for periods exceeding twenty-four (24) hours on lands not approved for mobile/manufactured home parks shall be expressly prohibited except that the Zoning Inspector may extend temporary permits allowing the parking of a mobile/manufactured home in a rear yard on private property, not to exceed a period of two (2) weeks.
8. The parking and/or storage of campers, recreational vehicles, boats or boat trailers, and other mobile recreational apparatus shall be in accordance with and respect all requirements applicable to accessory structures insofar as distance from principal structures, lot lines, and easements are concerned. No trailer vehicles parked or stored, shall be connected to sanitary facilities or shall be occupied.

Section 1504. OFF-STREET PARKING REQUIREMENTS

There shall be provided in all Districts, at the time of erection or enlargement of any main building or structure, automobile off- street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a Certificate of Occupancy, as hereinafter prescribed:

1. Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this Resolution. Off-street parking shall not be permitted within a front yard or a side yard setback unless otherwise provided in this Resolution.
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking stripe, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 1503 ACCESSORY BUILDINGS of this Resolution.
4. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Resolution in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Zoning Appeals may grant an exception.
8. The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Commission considers is similar in type.
10. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

a. RESIDENTIAL

(1) Residential, One-Family, Two Family and Multiple-Family: Two (2) for each dwelling unit.

(2) Housing for the Elderly: One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.

(3) Mobile/Manufactured Home Park: Two (2) for each Mobile/Manufactured Home site and one (1) for each employee of the Mobile/Manufactured Home park.

b. INSTITUTIONAL

(1) Churches: One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.

- (2) Hospitals: Two and one-half (2-1/2) for each one (1) bed.
- (3) Homes for the Aged and Convalescent Homes: One (1) for each four (4) beds.
- (4) Private Clubs or Lodge Halls: One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes.
- (5) Private Swimming Pool Clubs, Tennis Clubs or Other similar Uses: One (1) for each seventy-five (75) square feet of water area, and three (3) spaces per tennis court.
- (6) Golf Courses, Except Miniature or "Par-3" Courses: Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.
- (7) Stadium, Sports Arena, or Similar Place of Outdoor Assembly: One (1) for each three (3) seats or six (6) feet of benches.
- (8) Theaters and Auditoriums: One (1) for each three (3) seats plus one (1) for each two (2) employees.

c. BUSINESS AND COMMERCIAL

- (1) Planned Commercial or Shopping Center: One (1) for each two hundred (200) square feet of floor area.
- (2) Auto Wash (Automatic): One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
- (3) Auto Wash (Self-Service or Coin Operated): Three (3) for each washing stall in addition to the stall itself.
- (4) Salon or Barber Shop: Three (3) spaces for each of the first two (2) salon or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
- (5) Bowling Alleys: Five (5) for each one (1) bowling lane plus accessory uses.

- (6) Event Venues, one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
- (7) Establishment for sale and consumption on the premises, of beverages, food or refreshments: One (1) for each one hundred (100) square feet of floor space.
- (8) Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses: One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.)
- (9) Gasoline Service Stations: One (1) for each one hundred and fifty (150) square feet of floor space.
- (10) Laundromats and Coin Operated Dry Cleaners: One (1) for each five (5) washing and/or dry-cleaning machines.
- (11) Miniature or "Par-3" Golf Courses: Three (3) for each one (1) hole plus one (1) for each (1) employee.
- (12) Mortuary Establishments: One (1) for each seventy- five (75) square feet of floor space.
- (13) Motel, Hotel, or Other Commercial Lodging Establishments: One (1) for each one (1) occupancy unit plus one (1) for each employee.
- (14) Motor Vehicular Sales and Service Establishments: One (1) for each four hundred (400) square feet of floor space of sales room and one (1) for each one (1) auto service stall in the service room.
- (15) Retail Stores Except as Otherwise Specified Herein: One (1) for each one hundred and fifty (150) square feet of floor space.

d. OFFICES

- (1) Banks: One (1) for each one hundred and fifty (150) square feet of floor space.

- (2) Business Offices or Professional Offices Except as Indicated in the Following Item (3): One (1) for each two hundred (200) square feet of floor space.
- (3) Professional Offices or Doctors, Dentists or Similar Professions: One (1) for each seventy-five (75) square feet of floor space.

e. INDUSTRIAL

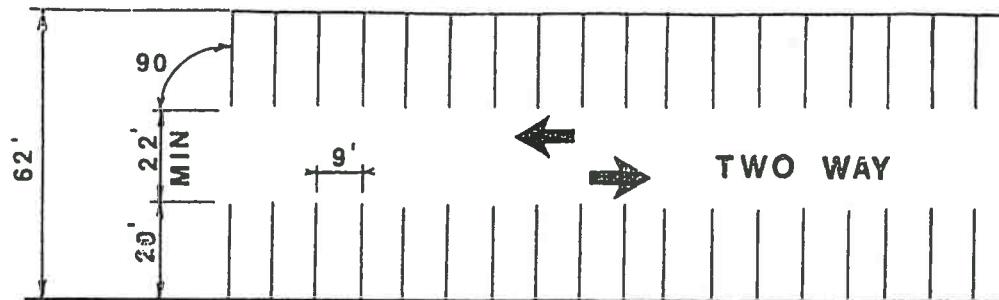
- (1) Industrial or Research Establishments, and Related Accessory Offices: Five (5) plus one (1) for every one and one-half (1-1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
- (2) Warehouses and Wholesale Establishments and Related Accessory Offices: Five (5) plus one (1) for every one (1) employee in the largest working shift.

Section 1505. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

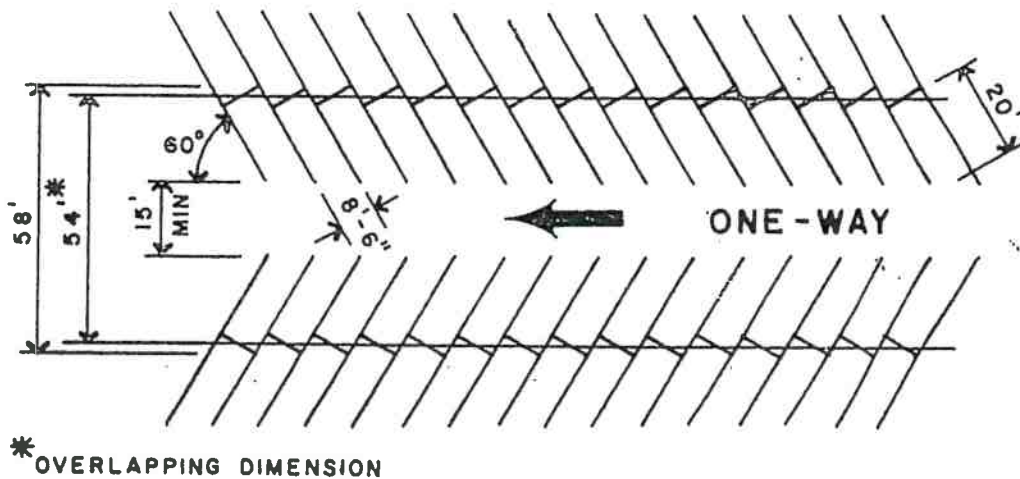
Whenever the off-street parking requirements in SECTION 1504. above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- 1. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Inspector.
- 2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

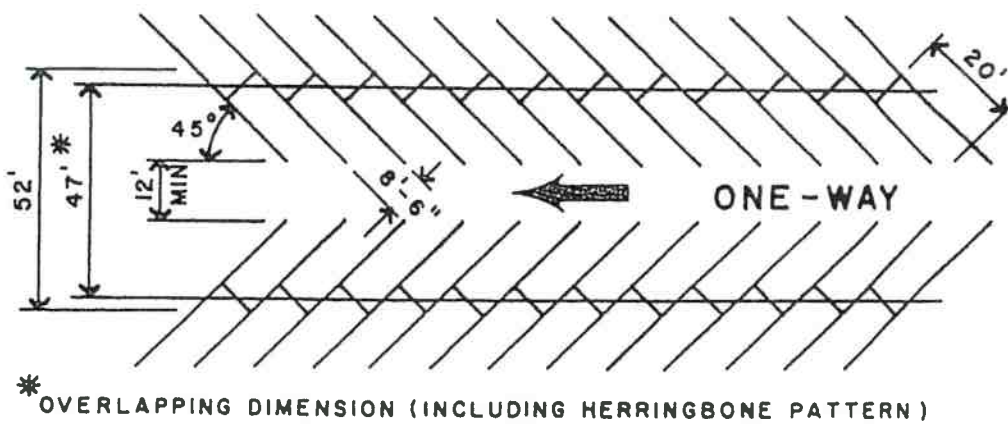
90 DEGREE



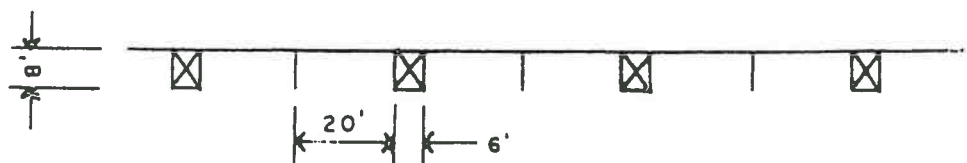
60 DEGREE



45 DEGREE



PARALLEL



PARKING LAYOUTS

<u>Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total Width Of One Tier Of Spaces Plus Maneuvering Lane</u>	<u>Total Width Of Two Tiers Of Spaces Plus Maneuvering Lane</u>
0° (parallel parking)	12'	8'	23'	20'	28'
30° to 53°	12'	8-1/2'	20'	32'	50'
54° to 74°	15'	8-1/2'	20'	32-1/2'	58'
75° to 90°	22'	9'	20'	42'	62'

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than Single-Family Residential use shall be at least twenty-five (25) feet distant from adjacent property located in any Single-Family Residential district.
7. The off-street parking area shall be provided with a continuous and obscuring screening device of such composition as shall be determined by the Zoning Commission. This device shall be provided on all sides where the next zoning district is designated as a Residential District.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in a lawn. All such landscaping and planting shall be maintained in a healthy growing condition, neat and orderly in appearance.

8. The entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Zoning Commission. The parking area shall be surfaced within one (1) year of the date the Certificate of Occupancy is issued.
9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

10. The Zoning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.

Section 1506. OFF-STREET LOADING AND UNLOADING

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. All spaces shall be provided as required in ARTICLE XIV -SCHEDULE OF REGULATIONS, under Minimum Rear Yards (footnote k), except as herein after provided for Industrial Districts.
2. Within an Industrial District, all spaces shall be laid out in the dimension of at least ten by fifty (10 X 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having a dustless surface. All spaces in I-1 and I-2 Districts shall be provided in the following ratio of spaces to floor area:

Gross Floor Area (In Square Feet)	Loading and Unloading Space Required
0-1,400	None
1,401-20,000	One (1) Space
20,001-100,000	One (1) Space plus one (1) space for each twenty thousand (20,000) square feet in excess of twenty thousand and one (20,001) square feet.
100,001- and over	Five (5) spaces

3. All loading and unloading in an Industrial District shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an Industrial District across a public road/street, loading and unloading may take place in said exterior side yard when the setback is equal to at least forty (40) feet.

Section 1507- USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they may be allowed and issued a zoning permit by the Zoning Inspector, under the conditions specified, and after Public Hearing, and after a recommendation has been received from the Zoning Commission. In every case, the uses hereinafter referred to shall be specifically prohibited from any Residential Districts, unless otherwise specified.

These uses require special considerations since they service an area larger than the Township or require sizable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this Section is as follows:

1. Outdoor Theaters

Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-1 and I-2 Districts only. Outdoor theaters shall further be subject to the following conditions:

- a. The proposed internal design shall receive approval from the Zoning Inspector and the County Engineer as to adequacy of drainage, lighting and other technical aspects.
- b. Outdoor theaters shall abut a Major Road/Street and points of ingress and egress shall be available only from such Major Road/Street.
- c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- d. The area shall be so laid out as to prevent the movie screen from being viewed from Residential areas or adjacent Major Road/Street. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.

2. Commercial Television and Radio Towers and Public Utility Microwaves and Public Utility T. V. Transmitting Towers

Radio and television towers, public utility microwaves and public utility T. V. transmitting towers, and their attendant facilities shall be permitted in A-1, I-1 and I-2 Districts Setbacks shall be determined by the Zoning Commission. Applicants intending to establish such uses shall provide the Commission with engineering data demonstrating the amount of space needed to assure that a tower collapse would be confined to Applicant's property.

3. Mobile/Manufactured Home Parks

Because mobile/manufactured home parks possess site design and density characteristics similar to multiple-family development, they are permitted herein as transitional uses between Multiple-Family and General Business or Light Industrial areas. Mobile/manufactured home parks shall be permitted in the RM-1 Multiple-Family Residential Districts, the B-3 General Business Districts, and in the I-1 Industrial Districts, subject to the following locational requirements:

RM-1 Multiple-Family Residential Districts: Mobile/manufactured home parks located in RM-1 Districts shall abut RM-1 Districts on not more than three (3) sides and shall abut a B-3 General Business District or an I-1 Light Industrial District on at least one (1) side. Mobile/manufactured home parks shall not abut R-1 Districts and shall have direct access to a Major or Secondary Road/Street (a road/street of at least eighty (80) feet of right-of-way), either existing or proposed.

B-3 General Business or I-1 Light Industrial Districts: Mobile/manufactured home parks located in B-3 or I-1 Districts shall abut B-3 or I-1 Districts on not more than three (3) sides and shall abut an RM-1 Multiple-Family Residential District on at least one (1) side. Mobile/manufactured home parks shall have direct access onto a Major or Secondary Road/Street, either existing or proposed.

4. Junk Vehicles and Rubbish

Junk Vehicles and/or rubbish, including but not limited to: unlicensed vehicles not being used in agriculture, or abandoned, wrecked, dismantled, or totally disabled automobiles, trucks, trailers, aircraft; or discarded furniture, appliances or other miscellaneous materials, shall not be permitted to remain exposed on the premises for more than 30 days.

Any such junk or rubbish as described above shall be totally obscured from view of all adjoining properties and from the road/street.

Section 1508. PLANT MATERIALS AND GREENBELTS

Whenever in this Resolution a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a Certificate of Occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. The proposed materials to be used and the spacing thereof shall be subject to the review and approval of the Zoning Commission.

Section 1509. SIGN STANDARDS

1. PURPOSE

The purpose of this chapter is to encourage the effective use of signs as a means of communication in the township; to maintain the township's aesthetic environment by ensuring compatibility of signs with the area surrounding them; to encourage the use of signs appropriate to residential, commercial, industrial and agricultural activities; to ensure the safety of vehicular and pedestrian traffic.

2. EXEMPT SIGNAGE: All Zoning Districts

The following types of signs are exempted from the permit requirements of this ordinance;

- a. PUBLIC SIGNS. Signs of a noncommercial nature and in the public interest, erected by or on the order of an official of the township, county or state acting in the performance of his duty, such as safety signs, danger signs, trespassing signs, traffic signs, and memorial plaques.

- b. **RESIDENTIAL NAMEPLATE.** A nameplate or wall sign which shall not exceed two (2) square feet on any dwelling.
 - c. **WALL SIGNS**
3. **PROHIBITED SIGNS.**
- a. **GENERAL.**
All signs are prohibited unless they are expressly permitted.
 - b. **RIGHTS-OF WAY & UTILITIES.**
Unless with township approval, no sign shall be placed within the public right-of-way of any public street.
 - c. **OBSTRUCTION OF STRUCTURAL OPENINGS.**
No sign shall obstruct any window, door, fire escape, stairway, or any opening intended to provide air, egress or ingress for any building or structure.
4. **LOW PROFILE SIGNS; RM-1, B-1, B-2, B-3, ES, I-1, AND I-2 DISTRICTS.**
- A. **QUANTITY.**
One low-profile sign with two sign faces is permitted for business identification purposes for each site not to exceed 200 square feet in area. Sites with less than 500 feet of frontage and two or more frontages on public or private streets may be permitted one additional low-profile sign not exceeding 32 square feet. Sites with more than 500 feet of frontage on the same public or private through street may have two low-profile signs on one frontage not exceeding 32 square feet each, provided that there is 250 feet of separation between signs. In no instance shall any one site contain more than three low-profile signs. One pylon sign may be used in lieu of a permitted low-profile sign.
 - B. **DIMENSIONS.**

A low-profile sign shall not exceed the following dimensions unless otherwise noted:
 - a. Height
The maximum height shall be eight feet including the sign's base, as measured from crown of the roadway.
 - b. Sign area
One-half (½) square foot per lineal foot of frontage, not exceed 200 square feet.
 - C. **LOCATION**
 - 1. Rights-of-Way

Signs shall be located not closer than ten feet (10') from the street right-of-way and all property lines.

D. ON-PREMISE. Signs shall be located on the property for which it identifies or promotes

5. PYLON SIGNS: B-2, B-3, ES, I-1 AND I-2 DISTRICTS.

A. QUANTITY. One pylon sign as defined herein is permitted for business identification purposes. There shall not be more than one accessory sign per site. The site must have public street frontage.

B. LOCATION. A pylon sign must be located so that no portion of the sign or pylon lies within ten feet (10') of the property line or the right-of-way of a public or private street.

C. DIMENSIONS.

a. Lots less than 100' of frontage

Lots with less than 100 lineal feet of frontage shall be limited to a maximum sign area of 50 square feet.

b. Lots with 100' of frontage or more

Lots with more than 100 lineal feet of frontage shall be calculated at a rate of one-half square feet of sign for each lineal foot of frontage.

D. LIMITS.

a. Sign Area

In no instance shall the area of a pylon sign exceed 200 square feet.

b. Sign Height

Signs shall not be higher than thirty feet (30') in height;

6. INTERSTATE HIGH-RISE SIGNS: B-2, B-3, ES, I1 and I-1

One Interstate High-Rise Sign is permitted per site. The sign must be within 1,500 feet of Interstate 75 (I-75) rights-of-way. Interstate High Rise Signs are limited to 90' height and setbacks that measure at least one-half ($1/2$) the height of the sign. The sign shall not exceed 300' square feet in area and not have more than four (4) additional panels not exceeding 75 square feet each.

7. DIGITAL / ELECTRONIC SIGNS: B-2, B-3, ES, I-1, I-2.

- a. Shall only be placed on conforming accessory signs, or on Interstate High-Rise Signs, where permitted and as defined.
- b. Shall not be permitted on any wall or fence.
- c. If a digital sign is erected as part of any freestanding conforming accessory sign, the overall height of the sign structure shall not exceed fifteen feet (15'). Interstate high rise signs are exempt from this height limitation.
- d. Digital Signs shall be at least 300 feet from any residential district.
- e. Digital signs shall only be permitted in the above listed districts and shall not be permitted in any other zoning district.
- f. Digital signs shall not exceed twenty-five percent (25%) of the total constructed sign area.

8. OFF PREMISE SIGNS: B-2, B-3, ES, I-1, I-2

This section identifies two types of Off Premise Signs. Static signs, typically papered with a single image and rented over a period of time, shall be referred to as 'Billboards.' The other type is referred to as Digital Boards, which are Light Emitting Diodes able to display multiple images. Both types are freestanding non-accessory signs offered as advertisements rather than used for site identification. In no instance shall an Off-Premise Sign be permitted for use as any other type of sign, including on-premise identification.

A. BILLBOARDS AND DIGITAL BOARDS

- 1. Maximum size and faces.
Shall not exceed 300 square feet per sign face nor contain more than four sign faces on any single structure.
- 2. Setbacks.
 - a. Front Yard - Twenty-five feet (25')
 - b. Side Yard - Ten feet (10')
 - c. Rear Yard - Thirty feet (30')
- 3. Required distance between off premise signs.
Locations for off premise signs shall be spaced no closer than 1500 feet apart on either side of a street right of way.
- 4. Distance from residential districts.
Off-premise signs shall not be placed within 300' of a residential zoning district; provided, however that distance may be reduced to 125' for off-premise signs that are non-illuminated and do not exceed 30' in height.
- 5. Maximum height.
The maximum height shall be 40 feet (40')
- 6. Maintenance.
Off-premise signs must be maintained properly.

9. SUBDIVISION ENTRYWAY SIGNAGE.

Entrances to residential, commercial or industrial subdivisions may be identified by monument signage. The sign area shall not exceed seventy (70) square feet in sign area. Signage shall be allowed on both sides of the major entry ways into the subdivision, each being no larger than seventy (70) square feet in sign area.

10. TEMPORARY SIGNS - NO PERMIT REQUIRED; ALL ZONING DISTRICTS.

Unless otherwise specified in this Ordinance, temporary signs identified herein shall be permitted anywhere within the township and are not required to have a permit. Temporary signs for commercial uses and in commercial zoning districts shall not be permitted within ten feet (10') of any street right-of-way. Temporary signage must be placed on private property.

Types of Temporary Signs;

- a. Construction signs
- b. Yard Sale signs
- c. Real estate signs
- d. Banners, inflatable, portable signs.
- e. Political Signs

11. NON-CONFORMING SIGNS.

For the purposed of this ordinance non-conforming signs shall be considered a non-conforming structure.

Section 1510. EXTERIOR LIGHTING

- 1. All outdoor lighting in all use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent Residential Districts or adjacent residents.
- 2. All outdoor lighting in all use Districts shall be directed toward and confined to the ground areas of lawns or parking lots.
- 3. All lighting in Nonresidential Districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
- 4. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.

5. All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

Section 1511. RESIDENTIAL ENTRANCEWAY

In all Residential Districts, so called entranceway structures including but not limited to: walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in Section 1512, CORNER CLEARANCE, provided that such entranceway structures shall comply to all codes of the County, and shall be approved by the Zoning Inspector and a Certificate issued.

Section 1512. CORNER CLEARANCE

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

Section 1513. SCREENING REQUIREMENTS

For those use Districts and uses listed below, there shall be provided and maintained in those sides abutting or adjacent to a Residential District, an obscuring wall as required below:

<u>USE</u>	<u>REQUIREMENTS</u>
(a) Off-Street Parking Area	4'-6" high screen
(b) B-1, B-2 and B--3 Districts	6' high screen
(c) I-1 and 1-2	4'- 6" to 8' high screen, depending upon the nature of the functions being screened.

Required screening devices may take the form of walls, earthen berms, greenbelts, or fences, or combinations thereof. In all cases the Zoning Commission shall review the manner of screening proposed to assure that:

1. The screening device will fulfill the intended purpose of reducing the potential detrimental impacts the above referenced uses could have upon an adjacent residential environment.
2. The screening device can be properly maintained by the operation to which it is appurtenant. Required screens shall be located on the lot line except where underground utilities or drainage patterns interfere, and except in instances where this Resolution requires conformance with front yard setback lines in abutting Residential Districts. Upon review of the Site Plan, the Zoning Commission may approve an alternate location for the screen, or may waive the screening requirement if in specific cases it would serve no useful purpose.

Section 1514. FENCES (RESIDENTIAL)

Fences are permitted, or required subject to the following:

1. Fences on all lots of record in all Residential Districts which enclose property and/or within a required side or rear yard, shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever is greater, except where easements exist, such fences may be located on a side or rear lot line.
2. Fences on all lots of record in all Residential Districts which enclose property and/or extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever is greater shall not exceed four (4) feet in height, measured from the surface of the ground and shall consist of at least 50% open spaces.
3. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat in all Residential Districts, are excluded from these regulations.
4. Fences on lots in recorded subdivisions shall not contain barbed wire, electric current or charge of electricity.
5. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
6. Structural side of the fence shall face the interior of the yard. All fences must be maintained in good repair.
7. Fences shall be set back at least 2 feet or one-half the height of the fence from the property line, whichever is greater.
8. Fences shall not be placed in any easement.

Section 1515. SITE PLAN REVIEW

1. A Site Plan shall be submitted to the Zoning Commission for approval of any development other than agricultural uses, and single-family dwellings.
2. Every Site Plan submitted to the Zoning Commission shall be in accordance with the requirements of this Resolution, and shall be in such form as the Zoning Commission shall prescribe in its rules.

Site Plans shall be submitted to the Zoning Commission at least fourteen (14) days in advance of the next regularly scheduled Commission meeting. Unless the applicant agrees to an extension of time in writing, the Zoning Commission shall take one (1) of the following courses of action at such meeting:

- a. Approval, in which case the Zoning Inspector may issue a Zoning Certificate.
 - b. Conditional Approval, setting forth, in writing, the conditions upon which approval is granted. In the case of a Conditional Approval, the applicant shall submit to the Zoning Inspector a revised Site Plan showing any and all requirements of the Commission. If the Zoning Inspector determines that all conditions have been satisfied on the amended Site Plan, a Zoning Certificate may be issued.
 - c. Disapproval in which case no Zoning Certificate may be issued, and a new Site Plan must be prepared for consideration by the Commission.
3. The following information shall be included on the Site Plan:
 - a. A scale of not less than 1" = 50' if the subject property is less than three (3) acres and 1" = 100' if three (3) acres or more.
 - b. Date, Northpoint and scale.
 - c. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - d. The location of all existing and proposed structures on the subject property and all existing structures within one hundred (100) feet of the subject property.
 - e. The location of all existing and proposed drives and parking areas, including the proposed parking layout.
 - f. The location and right-of-way widths of all abutting streets and alleys.
 - g. The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the Site Plan.
 - h. The existing and proposed drainage and watershed conditions.
 4. In the process of reviewing the Site Plan, the Zoning Commission shall consider:
 - a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.

- b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - i. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - ii. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
- c. The proposed method of surface drainage control, including the methods for storm water detention and erosion prevention.
- d. The Zoning Commission may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
- e. In those instances, wherein, the Zoning Commission finds that an excessive number of ingress and/or egress points may occur with relation to a Major or Secondary Road/Street, thereby diminishing the carrying capacity of the Road/Street, the Zoning Commission may require marginal access drives.

Section 1516. FRONTAGE ON A PUBLIC STREET

No lot shall be used for any purpose permitted by this Resolution unless said lot abuts a public road/street or duly recorded easement of access, unless otherwise provided for in this Resolution.

Section 1517-ARTIFICIAL PONDS AND BORROW PITS

ARTIFICIAL PONDS: may be permitted in all use Districts with review of the Zoning Commission and Zoning Inspector.

- 1. All artificial ponds shall comply with all requirements of this Resolution including, but not limited to, setback and yard requirements from main structures and site plan review requirements.
- 2. No artificial pond may exceed 3 acres in surface area size, with a limit of one pond per parcel.
- 3. In determining compliance with setbacks and yard requirements, the measurements shall be made as follows:
 - a. For in-ground ponds or portions thereof, from the edge of the pond bank nearest the road right-of-way or lot line to that road right-of-way or lot line.
 - b. For above-ground ponds or portions thereof, from the lowest point on the outside of any embankment nearest the road right-of-way or lot line to that road right-of-way or lot line.
- 4. A permit may be issued only after Zoning Commission approval and if the application for a zoning certificate for artificial pond is accompanied by a set of detailed plans made by the Hancock Soil and Water Conservation District, a certified engineer, or similar service.

BORROW PITS: may be permitted as a conditional use with review of the Zoning Commission and Zoning Inspector:

1. All Zoning Districts Except I-2 Industrial District:
 - a. Borrow Pits shall be no greater than 1 acre in surface area with a depth not greater than 20 feet but not less than 10 feet from bedrock. 75% of the soil excavated must remain on the parcel.
2. I-2 Industrial District:
 - a. The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Zoning Commission
 - b. Borrow Pits shall be less than 10 acres with a depth up to not greater than 20 feet but not less than 10 feet from bedrock.

AREA AND BULK REQUIREMENTS

see ARTICLE XIV - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

Section 1518 - USES PROHIBITED IN ALL DISTRICTS

It is the intent of this section to identify uses which are prohibited by either action of the Board of Allen Township Trustees or any other regulatory agency with jurisdiction in Allen Township.

1. Adult Entertainment Establishments
2. Commercial Marijuana
 - a. Prohibition on the cultivation, processing and retail dispensing of medical marijuana
 - b. Prohibition on the cultivation, processing and retail dispensing of adult use marijuana
3. Private Landfills.

Section 1519 - Solar and Wind Energy

The purpose of this section is to provide regulations for the safe, effective construction and operation of accessory solar energy systems installed to reduce the on-site consumption of utility supplied electricity. An Accessory Solar Energy System shall be considered a conditionally permitted accessory use in any district provided all requirements and regulations are met. No person shall cause, allow or maintain the use of an Accessory Solar Energy System without first having obtained a conditional zoning certificate from the Zoning Commission. Application for a conditional ZONING CERTIFICATE SHALL BE SUBMITTED TO THE Zoning Inspector and forwarded

to the Zoning Commission. Non-Accessory Solar Energy Facilities, otherwise known as Principal Solar Energy Production Facilities shall only be permitted as a conditional use in I-2 districts.

A. All Accessory Solar Energy Systems shall meet the following requirements:

1. A solar energy system may be conditionally permitted in all zoning districts as an accessory to a principal use.
2. Accessory Solar Energy Systems must be owned and operated by the owner of the principal use.
3. A solar energy system shall not generate greater than 25 kilowatts of electric output, but excess power generated, may from time to time be sold to the local utility company. Solar Energy Systems shall not be installed in any area greater than 1500 square feet in size and located on the same parcel as the principal use.
4. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
5. A roof/structure mounted solar energy system:
 - a. Roof/structure mounted solar energy systems are the preferred type of accessory system.
 - b. Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five percent (5%) steeper than the roof pitch on which it is mounted.
 - c. Shall not extend the perimeter (or edge of the roof) of the structure on which it is located
 - d. May be mounted to a principal or accessory structure.
 - e. Combined height of solar energy system and structure to which it is mounted may not exceed the maximum building height allowed in that zoning district for the type of structure to which it is attached.
6. A ground/pole mounted solar energy system:
 - a. Shall not exceed the maximum height of 10 feet from grade level.
 - b. Shall not be located within the front yard or side yard of the principal use.
 - c. The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
 - d. The minimum setback distance from property lines for solar energy systems and their related equipment shall be in conformance with the required setbacks for the district in which they are located
 - e. Solar Energy Systems shall be screened from adjoining property.

7. Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
8. A solar energy system shall not be constructed until all applicable zoning and building permits have been approved and issued.
9. The design of the solar energy system must conform to all applicable industry standards as well as all local power/utility regulations and standards.
10. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within three (3) months from the date they are not producing electricity, become damaged, discontinued or broken. Owners must verify every two years to the Zoning Inspector that the system is still functioning.
11. A site plan shall be submitted at the time of application and shall include:
 - a. Property lines and physical dimensions of the site.
 - b. Location of solar energy system(s) and all related equipment, setbacks from property lines, above and underground utility lines, easements and any structures on the property. Also show location of sewage treatment systems.
 - c. Elevation of the proposed solar energy system(s) at its maximum tilt.
 - d. Manufacturer's specifications, including make, model and picture.
 - e. Scaled drawing that clearly conveys all pertinent information.
12. Applicant for a conditional use of an Accessory Solar Energy System must provide a detailed decommission plan.

B. Primary/Non-Accessory Solar Energy Systems

1. A Primary/Non-Accessory Solar Energy Systems may be conditionally permitted in I-2 zoning districts as a Primary/Non-Accessory use.
2. A Primary/Non-Accessory solar energy system may not generate greater than 50 kilowatts of electric output, and may be used for the generation of power for the sale of energy to other users.
3. A ground/pole mounted Primary/Non-Accessory solar energy system:
 - a. Shall not exceed the maximum height of 10 feet from grade level.
 - b. The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
 - c. The minimum setback distance from property lines for Primary/Non-Accessory solar energy systems and their related equipment shall be in conformance with the required setbacks for the I-2 district in which they are located. Additionally:
 - i. Primary/Non-Accessory Solar Energy Systems shall not be located any closer than 1000 feet from any residential use.

- ii. A Primary/Non-Accessory Solar Energy Systems shall not be located any closer than one (1) mile, nearest lot line to nearest lot line, to any other Primary/Non-Accessory Solar Energy System.
 - d. Primary/Non-Accessory Solar Energy Systems shall not be installed in and consume any area greater than ¼ acre in size.
 - e. Solar Energy Systems shall be screened from adjoining properties.
4. Primary/Non-Accessory Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent road/street rights-of-way.
 5. Solar Energy Systems shall be designed and located in order to prevent the sound produced by the equipment to emit no greater than 40 dbl of sound at the edge of any property line of all adjoining property.
 6. A Primary/Non-Accessory solar energy system shall not be constructed until all applicable zoning and building permits have been approved and issued.
 7. The design of the Primary/Non-Accessory solar energy system must conform to all applicable industry standards as well as all local power/utility regulations and standards.
 8. Primary/Non-Accessory Solar energy systems and all solar energy equipment that are no longer functioning shall be fully restored to functioning status or removed from the property within three (3) months from the date they cease producing electricity, become damaged, discontinued or broken. Owners must verify annually to the Zoning Inspector that the system is still functioning.
 9. A site plan shall be submitted at the time of application and shall include:
 - a. Property lines and physical dimensions of the site.
 - b. Location of solar energy system(s) and all related equipment, setbacks from property lines, above and underground utility lines, easements and any structures on the property. Also show location of sewage treatment systems.
 - c. Elevation of the proposed solar energy system(s) at its maximum tilt.
 - d. Manufacturer's specifications, including make, model and picture.
 - e. Scaled drawing that clearly conveys all pertinent information.
 10. Applicant for a conditional use of a Primary/Non-Accessory solar energy system(s) must provide a detailed decommission plan and post with the Board of Allen Township Trustees, a Bond equal to the estimated cost of the proposed decommission plan. The Bond will be maintained during the full time the Primary/Non-Accessory solar energy system(s) is in place, whether functioning or not.
 - a. The decommission plan shall be reviewed with the opportunity to adjust the estimated cost every five (5) years.

C. Accessory Wind Energy Conversion Systems

1. An accessory wind energy conversion system may be conditionally permitted in all zoning districts as an accessory to a principal use.
2. An accessory wind energy conversion system shall not produce greater than 25 kilowatts of electricity and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
 3. Accessory wind energy conversion systems must be owned and operated by the owner of the principal use and shall be located on the same parcel as the principal use.
4. An accessory wind energy conversion system must conform to the following requirements:
 - a. Applicants for a conditional use permit must give written notice to all surrounding properties at least 10 days prior to the Zoning Commission meeting scheduled to consider the application.
 - b. Shall not exceed the maximum height of 30 feet from grade level.
 - c. Shall not be located within the front yard or side yard of the principal use.
 - d. The minimum setback distance from property lines for accessory wind energy conversion systems and their related equipment shall be equal to 2.5 times the height of the highest point of the system.
 - e. Wind energy conversion systems shall be designed and located in order to prevent the sound produced by the equipment to emit no greater than 40 dbl of sound at the edge of any property line of all adjoining property.
5. Wind energy conversion systems shall be designed with and have all lighting as required by the applicable FAA regulations without impacting the adjoining properties.
6. A wind energy conversion system shall not be constructed until all applicable zoning and building permits have been approved and issued.
7. The design of the wind energy conversion system must conform to all applicable industry standards as well as all local power/utility regulations and standards.
8. Wind energy conversion systems and all wind energy conversion equipment that are no longer functioning shall be completely removed from the property or fully restored to functioning status within three (3) months from the date they are not producing electricity, become damaged, discontinued or broken. Owners must verify every two years to the Zoning Inspector that the system is still functioning.
9. Applicant for a conditional use of an Accessory wind energy conversion system must provide a detailed decommission plan.
10. A site plan shall be submitted at the time of application and shall include:
 - a. Property lines and physical dimensions of the site.

- b. Location of the accessory wind energy conversion system and all related equipment, setbacks from property lines, above and underground utility lines, easements and any structures on the property. Also show location of sewage treatment systems.
- c. Elevation of the proposed accessory wind energy conversion system at its maximum height.
- d. Manufacturer's specifications, including make, model and picture.
- e. Scaled drawing that clearly conveys all pertinent information.

D. Primary/Non-Accessory Wind Energy Conversion Systems

1. A Primary/Non-Accessory wind energy conversion system may be conditionally permitted in I-2 zoning districts as a Primary/Non-Accessory use.
2. A Primary/Non-Accessory wind energy conversion system shall not produce greater than 50 kilowatts of electricity, but may be used for the generation of power for the sale of energy to other users.
3. A Primary/Non-Accessory wind energy conversion system shall not be located any closer than one (1) mile, nearest lot line to nearest lot line, to any other Primary/Non-Accessory wind energy conversion system.
4. A Primary/Non-Accessory wind energy conversion system shall not be located any closer than 1250 feet from any residential use.
5. A Primary/Non-Accessory wind energy conversion system must conform to the following requirements:
 - a. Applicants for a conditional use permit must give written notice to all surrounding properties at least 10 days prior to the Zoning Commission meeting scheduled to consider the application.
 - b. Shall not exceed the maximum height of 60 feet from grade level.
 - c. The minimum setback distance from property lines for Primary/Non-Accessory wind energy conversion systems and their related equipment shall be equal to five (5) times the height of the highest point of the system.
 - d. Wind energy conversion systems shall be designed and located in order to prevent the sound produced by the equipment to emit no greater than 40 dbl of sound at the edge of any property line of all adjoining property.
6. Wind energy conversion systems, shall be designed with and have all lighting as required by the applicable FAA regulations without impacting the adjoining properties.
7. A wind energy conversion system shall not be constructed until all applicable zoning and building permits have been approved and issued.
8. The design of the wind energy conversion system must conform to all applicable industry standards as well as all local power/utility regulations and standards.

9. Wind energy conversion systems and all wind energy conversion equipment that are no longer functioning shall be completely removed from the property or fully restored to functioning status within three (3) months from the date they are not producing electricity, become damaged, discontinued or broken. Owners must verify annually to the Zoning Inspector that the system is still functioning.
10. Applicant for a conditional use of a Primary/Non-Accessory wind energy conversion system must provide a detailed decommission plan and post with the Board of Allen Township Trustees, a Bond equal to the estimated cost of the proposed decommission plan. The Bond will be maintained during the full time the Primary/Non-Accessory wind energy conversion system is in place, whether functioning or not.
 - a. The decommission plan shall be reviewed with the opportunity to adjust the estimated cost every five (5) years.
11. A site plan shall be submitted at the time of application and shall include:
 - a. Property lines and physical dimensions of the site.
 - b. Location of the Primary/Non-Accessory wind energy conversion system and all related equipment, setbacks from property lines, above and underground utility lines, easements and any structures on the property.
 - c. Elevation of the proposed Primary/Non-Accessory wind energy conversion system at its maximum height.
 - d. Manufacturer's specifications, including make, model and picture.
 - e. Scaled drawing that clearly conveys all pertinent information.

Section 1520 - ENERGY STORAGE RELATED TO WIND AND SOLAR FACILITIES.

The purpose of this article is to provide regulations for the safe and effective construction and operation an Energy Storage Facilities (ESS) in Allen Township, subject to restrictions which will preserve the public health and safety. Non-Accessory Energy storage facilities are a conditional use in the I-2 industrial district. No person shall cause, allow or maintain the use of an Energy Storage Facility without first having obtained a conditional zoning permit from Zoning Inspector after approval by the Zoning Commission.

1. Non-Accessory Energy storage facilities

- a. Application for a conditional zoning permit shall be submitted to the Zoning Inspector and forwarded to the Zoning Commission.
- b. Non-Accessory Energy storage facilities shall have a minimum setback of 1000 feet from all property lines.

2. Accessory Energy storage facilities

- a. Application for a conditional zoning permit shall be submitted to the Zoning Inspector and forwarded to the Zoning Commission.
- b. Shall be used exclusively for on-site use.

ARTICLE XVI — GENERAL EXCEPTIONS

Section 1600. AREA, HEIGHT AND USE EXCEPTIONS

The regulations in this Resolution shall be subject to the following interpretations and exceptions.

Section 1601. HEIGHT LIMIT

The height limitations of this Resolution shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however, that the Zoning Commission may specify a height limit for any such structure when such structure requires authorization as a conditional use.

Section 1602- LOT AREA

Any lot existing on the effective date of this Resolution may be used for any principal use permitted (other than conditional uses for which special lot area requirements are specified in this Resolution) in the district in which such lot is located whether or not such lot complies with the lot area and width requirements of this Resolution. Such use may be established provided that all requirements other than lot area and width prescribed in this Resolution are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Resolution for required lot area for each dwelling unit.

section 1603- ACCESS THROUGH YARDS

For the purpose of this Resolution, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Resolution not be considered to be a structure, and shall be permitted in any required yard.

ARTICLE XVII - ADMINISTRATION AND ENFORCEMENT

Section 1700. ENFORCEMENT

The provisions of this Resolution shall be administered and enforced by the Zoning Inspector to enforce the provisions of this Resolution.

Section 1701- DUTIES OF ZONING INSPECTOR

The Zoning Inspector shall have the power to grant Zoning Permits and Occupancy Certificates, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Resolution. It shall be unlawful for the Zoning Inspector to approve any plans or issue any Zoning Certificates or Certificates of Occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Resolution.

The Zoning Inspector shall not refuse to issue a Zoning Certificate when conditions imposed by this Resolution are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said Certificate.

section 1702. PLOT PLAN

The Zoning Inspector shall require that all applications for Zoning Certificates shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

1. The actual shape, location and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Resolution are being observed.

Section 1703. ZONING PERMITS

The following shall apply in the issuance of any Zoning Certificate:

1. Permits Not To Be Issued

No Zoning Permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Resolution.

2. Permits for New Use of Land

No vacant land shall be used or an existing use of land be changed to a use of a different class or type unless a Change of use permit is first obtained for the new or different use.

3. Permits for New Use of Buildings

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.

4. Zoning Permits Required

No building or structure, or part thereof, shall be erected, altered, moved or repaired unless a Zoning Permit has been issued for such work. The terms "altered" and "repaired" shall include any changes in structural footprint; type, class or kind of occupancy; or other changes affecting or regulated by the Hancock County or State of Ohio Building Codes or this Resolution, except for minor repairs or changes not involving any of the aforesaid features.

5. Zoning Permits Expiration.

Zoning Permits shall expire at the end of one (1) year from the date of issuance unless the construction or use has commenced within that period of time. Where construction is being diligently carried on, the Zoning Inspector may issue one (1) twelve (12) month extension of the expiration date.

6. Farm Buildings Excepted

Zoning Permits shall not be required for barns, sheds, grain bins, and outbuildings incidental to agricultural uses. A Compliance Certificate shall be required, as such buildings shall, however, conform to yard requirements and setbacks established in Section 1400. Compliance Certificates shall be required for dwellings accessory to farming operations.

Section 1704. COMPLIANCE CERTIFICATE:

1. Although buildings, structures and uses for agricultural purposes, public utility purposes, and purposes are permitted in all use Districts, it shall be unlawful to hereafter erect, alter, move, change, convert, or enlarge such buildings or structures until such proposed work has been determined to comply with all requirements of this Resolution and a Compliance Certificate has been issued therefor.
2. No Compliance Certificate shall be issued for a building, structure, land, or part thereof which is not in accordance with the provisions of this Resolution.
3. A record of all Compliance Certificates issued shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the property involved.

Section 1705. FOOTER LOCATION INSPECTION

So that property owners may be protected from potential errors in the location of buildings, the Zoning Inspector shall inspect the excavation for structural footers before any concrete is installed. It shall be the responsibility of the property owner to notify the Zoning Inspector to schedule an inspection before pouring concrete, and to provide appropriate evidence of the location of lot lines.

section 1706. FINAL INSPECTION

The holder of every Zoning Permit and Compliance Certificate for the construction, erection, alteration, repair or moving of any building, structure, land or part thereof, shall notify the Zoning Inspector immediately upon completion of the work authorized by such Permit or Certificate for final inspection.

Section 1707. CHANGE OF USE PERMIT

No land, building, or part thereof, shall be occupied by or for any use unless and until a change of use permit shall have been issued for such use. The following shall apply in the issuance of any permit:

- 1. Permits Not To Be Issued**

No Certificates of Occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Resolution.

- 2. Permits Required**

No building or structure (except farm buildings) or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building structure.

- 3. Permits for Existing Buildings**

Change of use permit shall be issued for buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Resolution.

- 4. Record of Permits**

A record of all Certificates issued shall be kept on file in the office of the Zoning Inspector

Section 1708- FEES

Fees for inspection and the issuance of permits or copies thereof required or issued under the provisions of this Resolution may be collected by the Zoning Inspector in advance of issuance. The amount of such fees shall be established by the Township Trustees and shall cover the cost of inspection and supervision resulting from enforcement of this Resolution.

ARTICLE XVIII - BOARD OF ZONING APPEALS

Section 1800. CREATION AND MEMBERSHIP

A Board of Zoning Appeals, hereinafter referred to as the "Board", shall be established. The Board shall consist of five members appointed by the Board of Township Trustees. All Board of Zoning Appeals members shall be residents of the unincorporated area of Allen Township. The terms of each member shall be five (5) years, beginning January 1, except that the terms of the original members shall be of such length and so arranged that the term of one (1) member will expire each year. All members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

Section 1801. ORGANIZATION OF THE BOARD

1. The Board shall, within ten (10) days after appointment, meet and organize by electing a chairman, a vice-chairman, and a secretary from their membership. All meetings of the Board shall be held at the call of the chairman, or on the written request to the Chairman of two (2) members of the Board, and at such time and places as the Chairman may determine. The chairman, or in his absence, the vice-chairman, may administer oaths and require the attendance of witnesses. All meetings of the Board shall comply with requirements of State of Ohio open meeting laws.
2. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examination and other official actions. The Board shall adopt its own rules of procedure. Every order, requirement, decision or determination of the Board shall be filed in the office of the Township Fiscal Officer, and shall become a public record. In the performance of its duties, the Board may incur such expenditures as shall be authorized by Township Trustees. A majority of the members of the Board shall constitute a quorum; but no action of said Board shall be official unless such action be taken or authorized by a majority of the membership of the Board.

Section 1802. JURISDICTION

The Board of Zoning Appeals shall have the following duties and responsibilities:

1. Appeal

The Board shall hear appeals from any order, requirement, decision, or determination made by the administrative official charged with the enforcement of the Zoning Resolution. Such appeal shall be taken within such time as shall be prescribed by the Board in its rules, and by filing with the Zoning Inspector a notice of appeal, specifying the grounds thereof. The Zoning Inspector shall transmit to the Board all facts constituting the record on which the action of appeal is taken.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning officer from whom the appeal is taken certifies to the Board, after the notice of appeal is filed with him/her, that by reason of the facts stated in the certificate, a stay

would cause imminent peril to life or property. In such case no stay shall be had, unless a restraining order to that effect shall be issued by the Court of Common Pleas of Hancock County, Ohio, after due notice given to the zoning officer from whom the appeal is taken and for good cause shown.

The Board shall fix a time for the hearing of an appeal and give not less than ten (10) days' notice thereof to the parties, in accordance with its rules of procedure, and decide the same within a reasonable time. At the hearing any party may appear in person, or by agent or attorney. The Board may reverse, affirm, or modify the order, requirement, decision, or determination as in its opinion shall seem just and fair, and to that end, the Board shall have all the powers of the officer from whom the appeal is taken.

2. Variances

A variance is a modification of the literal provisions of this Zoning Code granted when strict enforcement of the Code would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are: (a) undue hardship, and (b) unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

The Board shall be permitted to grant variances as above defined in specific cases whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive an owner of the reasonable use of the land or building involved. However, in review of a variance request, no nonconforming use of neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance. Notice of Applications for Variance shall be provided to all abutting property owners and published in a newspaper of general circulation at least fourteen (14) days prior to the date of the meeting at which the variance request will be considered.

(1) Granting of Variances: No variance from the strict application of the standards of this Ordinance shall be granted by the Board of Appeals unless and until the applicant demonstrates to the Board's satisfaction all of the following:

- i. Conditions and Circumstances: That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same district.
- ii. Property Rights: That the literal interpretation of the provisions of this resolution would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of this resolution.
- iii. Applicant Not at Fault: That the special conditions and circumstances do not result from the actions of the applicant, his agents or prior property owners.
- iv. Harmony with Locality: That the variance requested shall not alter the essential character of the locality nor substantially or permanently impair the appropriate use or development of adjacent property.

(2) Required Findings for Issuance of Variances:

- i. In requests for variances, the burden of all required proofs shall be on the Applicant. Prior to approving any requested variance, the Board of Appeals shall make a determination that the reasons set forth in the application are valid and do justify the granting of the variance. The Board shall also determine if the variance is the minimum variance necessary to make possible the reasonable use of the land, building or structure. The Board's Minutes shall include the basis on which the Board justifies the granting of any variance.
 - ii. Under no circumstances shall the Board of Appeals grant a variance which will permit a use which is not permitted in the district in which the property is located. Further, the Board shall not have the authority to over-ride or grant variances to decisions and requirements imposed by the Township Zoning Commission in the Site Plan Review process.
- (3) Conditions: The Board of Zoning Appeals may prescribe appropriate conditions and safeguards as it may determine necessary to protect the value and utility of properties adjoining those involved in variance requests. Failure to adhere to such conditions and safeguards shall be a violation of this Resolution. In prescribing conditions, the Board shall, to the greatest extent possible, attach only those conditions which are visible from a building's exterior, and are, therefore, enforceable by the Zoning Inspector.
- (4) When a Variance from the strict application of the terms of this Resolution has been approved by the Board of Zoning Appeals, the Zoning Inspector may issue a zoning certificate. If an Applicant fails to secure the zoning certificate and complete construction within one (1) year of the date of approval of a variance, such variance shall expire. If it deems such measure to be appropriate in a specific case, the Board of Zoning Appeals shall have the authority to place a more restrictive time limit than one (1) year. However, at the end of one (1) year from the date of issuance, where construction is being diligently carried on, the Zoning Inspector may issue one (1) twelve (12) month extension of the expiration date.

3. Exceptions and Special Approvals

To hear and decide in accordance with the provisions of this Resolution, requests for exceptions, for interpretations of the Zoning Map, and for decisions on special approval situations on which this Resolution specifically authorizes the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the character of the Zoning District in question and otherwise promote the purpose of this Resolution, including the following:

- (1) Interpret the provision of this Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use Districts, accompanying and made part of this Resolution, where road/street layout actually on the ground varies from the road/street layout as shown on the map.
- (2) Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with

relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.

- (3) Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Township and for periods not to exceed six (6) months in developed sections.
- (4) Permit, upon proper application, the following character of temporary use, not otherwise permitted in any District, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature.
- (5) Permit the temporary use of a mobile/manufactured home for the residential use of an owner during the period of construction of a permanent, conforming residential structure on the land. No such temporary use shall exceed twelve (12) months unless an additional twelve (12) month extension is issued by the Board.
- (6) Permit the temporary use of a mobile/manufactured home adjacent to an existing dwelling when such mobile/manufactured home is to be occupied by a member of the immediate family for the purposes of giving or receiving care. Such mobile/manufactured homes shall not be used as rental units and shall be located on the parcel in compliance with setback requirements applicable within the zoning district. When the mobile/manufactured home is no longer occupied by the immediate family member authorized by the board, the mobile/manufactured home shall be removed from the site within sixty (60) days. Permission to use a mobile/manufactured home under this Section shall be for an initial twelve (12) month period, with additional twelve (12) month extensions being authorized if the Board determines that the original conditions of issuance still exist.

The Board of Zoning Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

- i. 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.
- ii. 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.
- iii. 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 Allen Township, shall be made at the discretion of the Board of Zoning Appeals.
- iv. In classifying uses as not requiring capital improvement, the Board of Zoning Appeals 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.

- v. The use shall be in harmony with the general character of the District.
 - vi. No Temporary Use Permit shall be granted without first giving notice to owners of adjacent property of the time and place of a Public Hearing to be held as further provided for in this Resolution. Further, the Board of Zoning Appeals shall seek the review and recommendation of the Zoning Commission prior to the taking of any action.
4. In consideration of all appeals and all proposed variations to this Resolution, the Board shall, before making any variations from the Resolution in a specific case, first determine that the proposed variation will not impair an 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 Allen Township. The concurring vote of three (3) members of the Board 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 Resolution to render a decision.

Section 1803. MISCELLANEOUS

No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a Zoning Permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such Permit.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a Zoning Permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such Permit.

ARTICLE XIX - CHANGES AND AMENDMENTS

Wherever the public necessity, convenience, general welfare or good zoning practice require, the Township Trustees may by Resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to the procedure provided by law, amend, supplement or change the regulations, district boundaries, or classifications of property, now or hereafter established by this Resolution or amendments. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Township Trustees.

At the time an application for a change in the Zoning Resolution or Map is filed with the Zoning Commission, such application shall be accompanied by a fee. The amount of such fee shall be

established by the Township Trustees and shall be sufficient to defray the administrative costs involved in processing the amendment request.

ARTICLE XX - INTERPRETATION

In the interpretation and application, the provisions of this Resolution shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Resolution to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or resolution, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Resolution imposes a greater restriction than is required by existing resolution or by rules, regulations or permits, the provisions of this Resolution shall control.

ARTICLE XXI - VESTED RIGHT

Nothing in this Resolution should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be necessary to the preservation or protection of public health, safety and welfare.

ARTICLE XXII - ENFORCEMENT, PENALTIES AND OTHER REMEDIES

Section 2200. VIOLATIONS

Any person, firm or corporation violating any of the provisions of this Resolution shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00) per day.

Section 2201. PUBLIC NUISANCE PER SE

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Resolution and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 2202: FINES

The owner of any building, structure or premises or part thereof, where any condition in violation of this Resolution shall exist or shall be created, and who has assisted knowingly in the

commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines herein provided.

Section 2203: EACH DAY A SEPARATE OFFENSE

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Section 2204: RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE XXIII - SEVERANCE CLAUSE

Sections of this Resolution shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Resolution as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XXIV - EFFECTIVE DATE

Public Hearing having been held hereon, the provisions of this Resolution are hereby given effect.

Effective Date: _____

1. Date of Public Hearing by Zoning Commission: _____
2. Date of Public Hearing by Township Trustees: _____
3. Date of Adoption by Township Trustees: _____
4. Date Certified by Hancock County Board of Elections: _____

Signed,

Trustee

Trustee

Trustee