

VILLAGE OF CONVOY

INCORPORATED 1874
Van Wert County
P.O. Box 310
Convoy, Ohio 45832

SECTION I – INTRODUCTION

A. Authority

These regulations are adopted under the authority of Sections 713.06 to 713.12 inclusive of the Ohio Revised Code. The Mayor and Council hereinafter referred to as the "Legislative Authority" of the Village of Convoy, Ohio, hereinafter referred to as the "Municipality", does ordain as follows:

B. Purpose

This Ordinance is adopted for the following purposes:

1. To promote and protect the public health, safety, morals, comfort and general welfare of the people;
2. To divide the Municipality into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residential business, manufacturing and other specified uses;
3. To protect the character and the stability of the residential, business and manufacturing areas within the Municipality and to promote the orderly and beneficial development of such areas;
4. To provide adequate light, air, privacy and convenience of access to property;
5. To regulate the intensity of use of lot areas and to determine the areas of open spaces surrounding buildings necessary to provide adequate light and air to protect the public health;
6. To establish building lines and the location of buildings designed for residential, business, manufacturing or other uses within such areas;
7. To fix reasonable standards to which buildings or structures shall conform;
8. To prohibit uses, buildings or structures incompatible with the character or development or intended uses within a specified zoning district;
9. To prevent additions or alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;
 - a) To limit congestion in streets and promote the public health, safety, convenience and general welfare by providing for the off-street parking

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- of motor vehicles and the loading of commercial vehicles;
- b) To protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare;
- c) To prevent the overcrowding of land and undue concentration of structures; so far as possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land use surrounding them;
- d) To conserve the taxable value of land and buildings throughout the Municipality;
- e) To provide for the elimination of non-conforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;

10. And to define and limit the powers and duties of the administrative officers and bodies as provided herein.

C. Intent

An Ordinance dividing the Municipality into districts for the purpose of classifying, regulating and restricting the location of trades, industries and commercial enterprises, and the location of buildings arranged, intended and designed for specified uses, of regulating and limiting the height and bulk of buildings hereafter erected, or classifying, regulating and determining the area of front, rear and side yards, courts and other open spaces about buildings, and of regulating and limiting the intensity of the use of the land and lot areas within such Municipality; defining certain terms used in said Ordinance; providing penalties for its violation; and designating the time when the Ordinance shall take effect.

D. Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

E. Interpretation

The provisions of the Ordinance shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the Municipality and shall not be deemed a limitation or repeal of any other power granted by Ohio Revised Statutes.

F. Severability

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect the remainder of this Ordinance.

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- G. Repeal
All ordinances or parts of ordinances of the Municipality inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.
- H. Title
This Ordinance shall be known as, referred to, or cited as the Village of Convoy, Ohio Zoning Ordinance and will be referred to herein as "this Ordinance".
- I. Effective Date
This Ordinance shall be effective after notice and publication, hearing and adoption by the Governing Body as required by the Ohio Revised Code.

SECTION II - GENERAL PROVISIONS

- A. Jurisdiction
The jurisdiction of the Ordinance shall include all lands and waters within the corporate limits of the Municipality. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter and all enlargements of, or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings uses, or land shall be located.
- B. Use Restrictions
The following use restrictions and regulations shall apply:
1. **Principal Uses**
Only those uses specified for a district or on a planned development plat, their essential services, and the following uses shall be permitted in that district.
 2. **Accessory Uses and Structures**
Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction.
 3. **Uses by Special Permit (Conditional Uses)** Use by special permit and their accessory use are permitted in districts as specified, but only according to the procedure set forth in Section X of this Ordinance. Also, any development within five hundred (500) feet of the existing or proposed right-of-way of freeways, expressways, interstate and controlled access traffic ways, and within fifteen hundred (1,500) feet of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be a use by special permit. Such development shall be specifically reviewed by the Legislative Authority as provided in Section XI of this Ordinance.
 4. **Unclassified or Unspecified Uses**

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In case of uncertainty where the zoning commissioner is unable to determine literally whether a use is permitted as a principal or accessory use, he shall consult the Legislative Authority for an interpretation.

5. **Temporary Uses**

Temporary uses such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the zoning commissioner through the issuance of a certificate of zoning compliance for a period not to exceed six (6) months. This temporary certificate may be renewed semiannually but in no case shall the effective space of the certificate exceed two (2) years.

6. **Performance Standards**

Performance standards listed in Section VII shall apply to all uses in all districts unless specifically waived by the Legislative Authority.

C. Site Restrictions

The following site restrictions and regulations shall apply:

1. **Soil Conditions**

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Legislative Authority by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, high erosion potential, or any other feature likely to be harmful to the health, safety, prosperity, aesthetic and general welfare of the Municipality. The Legislative Authority may request expert advice from the local Soil and Water Conservation District or such other sources regarding the interpretation of soil conditions and data. The Legislative Authority, in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability, if he so desires. Thereafter the Legislative Authority may affirm, modify, or withdraw its determination of unsuitability.

2. All Lots shall abut upon a public thoroughfare.

3. Only a principal structure shall be located, erected, or moved onto any lot or parcel of land.

4. No zoning permit (land use permit) shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

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5. **Dimensions of Building Sites**

a) Lots not served by public sewer.

In all districts lot sizes shall be based on the soil's capabilities. In no case shall the lot size be less than those specified as minimum requirements in Section V of this Ordinance and applicable State regulations. However, the Legislative Authority may require lots larger than said minimum. All developments not served by public sewers shall also conform to Section II, C, of this Ordinance. Septic tanks and other similar systems shall not be deemed as public sewer systems.

b) Lots served by Public Sewer shall be as specified in Section V of this Ordinance.

6. **Reduction or Joint Use**

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

7. **Substandard Lots**

A lot which does not contain sufficient area to conform to the dimensional requirements of this Ordinance for yards, courts, width depth or open space may be used for single-family residence purposes, provided the dimensions and area provided for yards, width, depth and open space is within seventy five (75) percent of those required by the terms of this Ordinance and upon issuance of a zoning permit subject to the following conditions:

a) Such use is permitted in the zoning district.

b) The lot is recorded prior to the effective date of this Ordinance.

c) The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this Ordinance.

D. General Development Procedure

The Legislative Authority shall continuously develop their Comprehensive Plan, including their planning policies to guide future decisions. All comprehensive plan elements, in whatever degree of detail they may embody, shall provide the basis for approval of all development under this Ordinance, and no development shall be approved under this Ordinance which conflicts with any comprehensive plan elements.

E. Vision Clearance

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In each quadrant of every street intersection there shall be designed a vision clearance triangle, bounded by the inner street lines and a line connecting them twenty (20) feet from their intersection. Within this triangle no object shall be allowed above the height of two and one half (2 ½) feet above the street if it obstructs the view across the triangle.

SECTION III - RULES AND DEFINITIONS

A. Rules

For the purposes of interpreting and administering this Ordinance, the following rules shall be used:

1. Words used in the present tense shall include the future; and words used in the singular shall include the plural number, and the plural the singular; where the context requires.
2. The word "shall" is mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "lot" includes the words "piece", "parcel", and "tract" and the phrase "used for" shall include the phrases "arranged for", "intended for", "maintained for", and "occupied for".
5. All measured distances shall be to the nearest integral foot - if a fraction is one-half foot or less, the integral foot next below shall be taken.
6. Any words not defined as follows shall be construed in their general accepted meanings in the most recent publication of "Meriam-Webster International Dictionary".
7. The words and terms set forth herein under "Definitions" wherever they occur in this Ordinance shall be interpreted as herein defined.

B. Definitions

1. ACCESSORY USE (OR STRUCTURE): A use or structure subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. For example, a retail business is not considered customarily incidental to a residential use. Residential accessory uses may include storage of household goods, parking areas, gardening, servants' quarters, private swimming pools, private emergency shelters and other similar uses.
2. AGRICULTURE: Land or buildings and structures, the principal use or uses of which is growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, viticulture, or animal or poultry husbandry and accessory structures and uses including but not limited to the farm dwellings for tenants and full-time hired farm workers and the dwellings or lodging rooms for seasonal workers.

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3. ALLEY: A special public right-of-way affording only secondary access to abutting properties.
4. ARTERIAL STREET: A public street or highway used or intended to be used primarily for fast or heavy through traffic and generally permitting access only at intersecting streets.
5. BASEMENT: That portion of any structure located partly below the average adjoining lot grade.
6. BEGINNING OF CONSTRUCTION: The incorporation of labor or materials necessary for the erection, enlargement, alteration, repair, moving, removing, conversion or demolition of any building, system, or facility.
7. BOARD: The Board of Zoning Appeals.
8. BOARDING HOUSE (ROOMING OR LODGING HOUSE) : A residential building, or portion thereof - other than a motel, apartment hotel, or hotel containing lodging rooms for accommodation of three or more persons who are not members of the keeper's family and where lodging or meals or both are provided by prearrangement and for definite periods at a definite prearranged price.
9. BUILDING: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or personal property.
10. BUILDING AREA: Total ground coverage in square feet of all buildings and structure including garages, carports and other attached or accessory structures.
11. BUILDING, HEIGHT OF: The vertical distance measured from the mean elevation of the finished lot grade along the front yard face of the structure to the highest point of flat roofs, to the mean height level between the eaves and ridges of gables, gambrel, hip and pitch roofs, or to the deck line of mansard roofs.
12. CAMPS OR CAMPGROUNDS: Tracts of land of a design or character suitable for and used for seasonal recreational and other similar living purposes. The tracts may have located on them a structure of a seasonal, temporary or movable nature such as a cabin, hunting shelter, or tent.
13. CLUB: A building or portion thereof or premises owned or operated by a person for a social, literacy, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.
14. COMPREHENSIVE PLAN: The extensively developed and evolving plan, also called "Master Plan", adopted by the Municipality.
15. CONDITIONAL USE: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of

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the Board of Zoning Appeals.

16. CONDITIONAL USE PERMIT: A permit issued by the Zoning Commissioner upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.
17. CONSERVATION: Preservation of land, water, flora, fauna and cultural artifacts in their original state.
18. DENSITY: Number of living units per acre allowable under the schedule of District Regulations.
19. DUMP: A place or premises used for the dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, scrap paper, rubbish, offal, dead animals, or other organic or inorganic waste, except such as result or are produced from the normal use of the premises by the occupant thereof.
20. DWELLING: Any building or portion thereof occupied or intended to be occupied exclusively for residence purposes only, but not including a tent, cabin, trailer or trailer coach.
 - a) DWELLING, SINGLE - FAMILY - A building occupied or constructed to be occupied exclusively for residence purposes by one family or housekeeping unit.
 - b) DWELLING, TWO - FAMILY - A building occupied or constructed to be occupied exclusively by not more than two families or housekeeping units.
 - c) DWELLING, MULTIPLE, OR APARTMENT HOUSE - A building or portion thereof occupied or constructed to be occupied by more than two families or house-keeping units.
21. ESSENTIAL SERVICES: Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include but are not limited to underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communications systems and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, traffic signals, pumps, lift stations, hydrants, etc.
22. FACTORY-BUILT HOUSING: Factory-built housing means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of the Ordinance, "factory-built housing" shall include the following:
 - a) MANUFACTURED HOME - Any nonself-propelled vehicle transport-

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able in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.

- b) MODULAR HOME - Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.
 - c) MOBILE HOME - A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. (See Mobile Home definition)
23. FAMILY: A person living alone or two or more persons living together as a single housekeeping unit but not including a group occupying a boarding house, lodging house, or hotel.
24. FLOOR AREA, GROSS: For the purpose of determining the ratio of the floor area of a building to the area of the lot, the "gross floor area" shall be the sum of the gross horizontal areas of the several floors of the building excluding areas used for accessory garage purposes and such basement and cellar areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures or enclosed porches.
25. GARAGE, PRIVATE: An accessory building, or an accessory portion of a principal building enclosed on at least three sides which is intended for and used to store private vehicles and other personal property.
26. GARAGE, PUBLIC: Any building or premises, other than a private or storage garage, where motor driven vehicles are equipped, repaired, serviced, rented or stored.
27. GRADE: The highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
28. GROUP RESIDENTIAL FACILITY: A group residential facility is a community residential facility, licensed and/or approved and regulated

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- by the State of Ohio, which provides rehabilitative or habilitative services. There are two classes of group residential facilities:
- a) CLASS I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.
 - b) CLASS II: Any state, federal, or locally approved dwelling or place used as home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.
29. HOME BUSINESS: A use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby and has no more than two (2) non-residential employees or volunteers to be engaged in the proposed use.
 30. HOME OCCUPATION/INCIDENTAL BUSINESS: A use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby and has no (0) non-residential employees or volunteers to be in the proposed use.
 31. JUNK YARD: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase or storage of used furniture and household equipment, used cars or farm equipment in operable condition, salvaged or used machinery, and the processing of used, discarded or salvaged materials as part of manufacturing operations.
 32. LOT: A single parcel of land which may be legally described as such, or two or more adjacent numbered lots or parts of such lots in a recorded

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subdivision plat having principal frontage on a street which comprises a site occupied by, or intended for occupancy by one principal building or principal use together with accessory buildings and uses, yards and other spaces required by the Ordinance.

33. LOT, CORNER: A lot abutting on two streets at their juncture, when the interior angle formed is less than one hundred thirty five (135) degrees.
34. LOT COVERAGE: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
35. LOT LINES AND AREA: The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
36. LOT, INTERIOR: A lot other than a corner lot.
37. LOT, RECORDED: A lot designed on a subdivision plat or deed duly recorded pursuant to State law in the County Recorder's office. A recorded lot may or may not coincide with a zoning lot.
38. LOT WIDTH: The width of a parcel of land measured at the rear of the specified front yard.
39. LOT, ZONING: A parcel of land composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses along with permitted accessory buildings or uses meeting all the requirements for area, buildable area, frontage, widths, yards, setbacks, and any other requirements set forth in this Ordinance.
40. MANUFACTURED HOME PARK: Any lot upon which two or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.
41. MOBILE HOME: Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.
42. MOBILE HOME PARK: Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part

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- of the facilities of such park.
43. MOTEL: An establishment consisting of a group of lodging rooms each with individual bathrooms and designed for use by transient guests. A motel furnishes customary hotel services such as maid service and laundering of linen used in the lodging rooms, telephone and secretarial or desk service and the use and upkeep of furniture.
 44. NONCONFORMING STRUCTURE: A structure which lawfully occupies a building site or land at the time of adoption of this Ordinance, and which does not conform with the regulations of the district in which it is located.
 45. NONCONFORMING USE: A use which lawfully occupies a building or land at the time of adoption of this Ordinance and which does not conform with the use regulations of the district in which it is located.
 46. NONRETAIL COMMERCIAL: Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example - nonretail commercial includes wholesale activities, warehousing, trucking terminals, and similar commercial enterprises.
 47. NURSING HOME OR REST HOME: A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.
 48. OPEN SALES LOT: Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes, but is not limited to passenger cars, trucks, motor scooters, motorcycles, boats, monuments, trailer and agricultural equipment.
 49. PARKING SPACE: A suitable surfaced and permanently maintained area off public street right-of-way, either within or outside of a building, but in no event less than two hundred fifty (250) square feet.
 50. PERFORMANCE STANDARDS: A criterion established to control noise, odor, smoke, particulate matter, toxic or noxious matter, vibration, fire and explosion hazards, or glare or heat generated by or inherent in uses of land or buildings.
 51. PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.
 52. PLANNED UNIT DEVELOPMENT: A parcel or tract of land, initially under single ownership or control, which contains two or more principal

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- buildings and one or more principal uses planned and constructed as a unified development.
53. **RECREATION SPACE:** Total area in square feet which is countable as open space but is not paved in streets, walks or driveways and is suitable for recreational pursuits. The smallest countable recreation area is one thousand (1000) square feet. That part of a recreation area having a dimension of less than twenty (20) feet shall not be included as countable recreation space nor shall any required yards be countable.
54. **RETAIL SALES:** Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.
55. **RIGHT-OF-WAY:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
56. **SANITARY LANDFILL:** A method of disposing of refuse by spreading and covering such refuse with earth to a depth of two (2) feet or more on the top surface and one (1) foot or more on sides of the bank.
57. **SATELLITE SIGNAL RECEIVER:** "Dish-type Satellite Signal-Receiving Antennas", "earth stations" or "ground stations", whether functioning as part of a basic service system, direct broadcast satellite system, or multipoint distribution service system, shall mean one, or a combination of two or more of the following:
- a) A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
 - b) A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
 - c) A coaxial cable whose purpose is to convey or transmit signals to a receiver.
58. **SETBACK BUILDING:** The minimum horizontal distance between the front line of a building or structure and the front lot line.
59. **SERVICE STATION, FILLING STATION, GAS STATION:** Any building or premises whose principal use is the dispensing, sale, or offering for sale at retail of any motor vehicle fuel or oils.
60. **SIGNS:** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which information is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity,

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or product and which is visible from any public street, highway or pedestrian way.

61. SIGN, ADVERTISING (BILLBOARD): A sign which directs attention to a business, commodity, service or entertainment not necessarily conducted, sold or offered for sale on the premises where such sign is located, or to which it is affixed.
62. SIGN, BUSINESS: A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
63. SIGN, GROSS AREA OF: The entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single face sign. It does not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. A double face or V-type sign erected on a single-supporting structure where the interior angle does not exceed 135 degrees shall, for the purpose of computing square foot area, be considered and measured as a single face sign; otherwise each display surface of a sign shall be considered a single sign.
64. STORY: The part of a building between the surface of a floor and the ceiling immediately above. (See Basement)
65. STORY, HALF: "Half-Story" shall mean a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.
66. STREETS: A public right-of-way not less than forty (40) feet wide providing primary access to abutting properties.
67. STRUCTURE: Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, or other advertising device detached or projecting shall be construed to be a structure.
68. STRUCTURAL ALTERATIONS: Any change, other than incidental repairs which would prolong the life of the supporting members of a building or structure such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or exterior walls.
69. SUPERETTE: Establishment selling grocery and related items with a building floor area of 3,200 square feet or less.
70. SWIMMING POOLS: Any indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by the

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residents and their nonpaying guests.

- a) Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
 - b) Community: Operated with a charge for admission; a primary use.
71. TRAILERS: (INCLUDING AUTOMOBILE TRAILER AND TRAILER COACH) - Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.
 72. TRAILER CAMP: Any lot or portion of the lot which is used or offered as a location for three (3) or more trailers or tents which is being used for individual sleeping and living units for the accommodation of transient guests and not for permanent residents.
 73. TRAVEL TRAILER: A travel trailer is a vehicle, portable structure built on a chassis and designed as a temporary dwelling for travel, recreation and vacation.
 74. TRAILER SPACE: A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.
 75. USE: The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
 76. USE, ACCESSORY: A use subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. Residential accessory uses may include storage of household goods, parking areas, gardening, servants quarters, private swimming pools and private emergency shelters.
 77. USE, CONDITIONAL (SPECIAL PERMIT): Uses of such variable nature as to make control by rigid preregulation impractical.
 78. USE, PERMITTED: A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations and performance standards, if any, of such district.
 79. USE, PRINCIPAL: The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or special use.
 80. UTILITIES (see ESSENTIAL SERVICES): Public and private facilities including but not limited to water wells, water and sewage pumping

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stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

81. VARIANCE: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
82. VISION CLEARANCE: An unoccupied triangular space at the corner of a corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.
83. WALKWAY: A dedicated public way, four (4) feet or more in width, for pedestrian use only.
84. WASTE: For the purpose of the Ordinance "waste" shall include the following:
 - a) HAZARDOUS SUBSTANCE - Means any substance or mixture of substances which is toxic, corrosive an irritant, strong sensitizer, flammable, or which generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or illness during any customary or reasonably anticipated handling or use. Includes all of the following:
 1. Any substance identified or listed in rules adopted under division (B)(1)(c) of section 3750.02 of the Revised Code;
 2. Any product registered as a pesticide under section 921.02 of the Revised Code when the product is used in a manner inconsistent with its required labeling;
 3. Any product formerly registered as a pesticide under that section for which the registration was suspended or canceled under section 921.05 of the Revised Code;
 4. Any mixture of a substance described in divisions (A)(1) to (3) of this section with a radioactive material.
 - b) HAZARDOUS WASTE - Means any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the director, because of its quantity, concentration or physical or chemical characteristics, may do either of the following:
 1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness;
 2. Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

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"Hazardous waste" includes any substance identified by regulation as hazardous waste under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended.

- c) SOLID WASTE - Means such unwanted residual solid or semi-solid material as results from industrial operations, including those of public utility companies, and commercial, distribution, research, agricultural, and community operations, including garbage, tires, combustible, noncombustible, or radioactive material, street dirt, and debris.
- d) LITTER - Means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, on private property not owned by him, or in or on waters of the state unless one of the following applies:
1. The person has been directed to do so by a public official as part of a litter collection drive;
 2. The person has thrown, dropped, discarded, placed, or deposited the material in a receptacle in a manner that prevented its being carried away by the elements;
 3. The person has been issued a permit or license covering the material pursuant to Chapter 3734. or 6111. of the Revised Code.
85. YARD: An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise provided in this Ordinance.
86. YARD, CORNER SIDE: A side yard which adjoins a street or thoroughfare.
87. YARD, FRONT (STREET YARD): An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot.
88. YARD, INTERIOR SIDE: A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.
89. YARD, REAR: An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.
90. YARD, SIDE: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and

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extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a lot line.

91. ZONING CERTIFICATE: Written statement issued by the Zoning Commissioner authorizing buildings, structures or uses consistent with the terms of the Ordinance and for the purpose of carrying out and enforcing its provisions.
92. ZONING COMMISSION: The Zoning Commission.
93. ZONING COMMISSIONER: The Zoning Commissioner is the person designated by the Village Council to administer and enforce zoning regulations and related Ordinances. The Zoning Commissioner shall have such powers as are conferred upon him/her by this Ordinance and State Statutes.
94. ZONING MAP: The Zoning Map of the incorporated Portion of Village of Convoy, Van Wert County, dated, together with all amendments thereto subsequently adopted.
95. ZONING PERMITS: A document issued by the Zoning Commissioner authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

SECTION IV - ZONING DISTRICT AND MAPS

A. Zoning Districts

The following Zoning Districts are hereby established:

1. Residential Districts
 - RD Rural Development District
 - R-1 Residential Single-Family (Low Density District)
 - R-2 Residential Single-Family (Medium Density District)
 - R-3 Residential Single-Family (High Density District)
 - R-4 Mobile Home District
 - R-5 Residential Multi-Family District
2. Commercial Districts
 - B-1 General Commercial District
 - B-2 Highway Commercial District
3. Industrial District (I)

B. Maps

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The boundaries of the aforesaid districts are hereby established as shown on the "Official Zoning Map" of the Municipality. Such map, together with a copy of this Ordinance, shall be available for public inspection and shall be signed by the Chief Executive of the Municipality and attested by the Clerk of the Municipality. Any changes in zoning district boundaries shall be recorded on the maps. No change shall be effective until so recorded.

C. Boundaries

1. The district boundaries are either streets or alleys, unless otherwise shown and where the designation on the Zoning Map indicates that the various districts are approximately bounded by the centerline in a street or alley, such street or alley center line shall be construed to be the district boundary line.
2. Where the district boundaries are not otherwise indicated and here the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines and where the designations on the Zoning Maps are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district.
3. In unsubdivided property, the district boundary lines show on the Zoning Map shall be determined by use of the scale shown on such maps.

D. Annexed Territory

Any land which may be annexed to the Municipality in the future shall be placed in the RD-Rural Development District until special action of the Legislative Authority shall definitely assign such land to another district.

E. Residential Districts

1. RD-Rural Development District Intent: This district provides a holding zone for areas that may be required for future urban development. These areas will be rezoned in accordance with the use designation appearing on the Master Plan map when land development needs necessitate and where logical extension of utilities and facilities can be insured. This will discourage haphazard and premature development from occurring at the fringes of the community.
2. R-1 Residential, Single-Family, Low Density District
Intent: This district provides for families wishing to live in an area of conventionally built permanent housing of lower density and a more open living environment.
3. R-2 Residential, Single-Family, Medium Density District
Intent: This district provides for families wishing to live in an area of conventionally-built permanent housing on a minimum lot of modern standards.
4. R-3 Residential, Single-Family High Density District
Intent: This district provides for families wishing to live in the older established sections of the community in an environment of conventionally

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- built permanent housing.
- 5. R-4 Mobile Home District
Intent: This district provides ample land area for those families who prefer to live in mobile homes on separate lots or in mobile home parks.
- 6. R-5 Residential, Multi-Family District
Intent: This district provides for the development of low density, multi-family structures to accommodate the housing needs not otherwise provided by singly-family developments.
Special Requirements: The following special requirements shall apply to multi-family uses:
 - a) There shall be at least one (1) square foot of recreation space on the site for every five (5) square feet of floor area.
 - b) There shall be no more than fifteen (15) square feet of floor area for every one hundred (100) square feet of land area.
 - c) There shall be no less the five (5) square feet of open space on the site for every square foot of floor area.
 - d) There shall be no less the 3.5 square feet of non-vehicular outdoor space for every square foot of floor area.

F. Commercial Districts

- 1. B-1 General Commercial District
Intent: This district provides for shopping areas to provide local residents with retail goods and services.
- 2. B-2 Highway Commercial District
Intent: This district provides appropriate areas for highway oriented commercial uses and those requiring large lots for off-street parking and outdoor display or storage of merchandise. It is not intended that the uses in this district will compete with the uses in the B-1 District.

G. Industrial District

- 1. I-Industrial District
Intent: This district recognizes existing industrial development and reserves additional lands in appropriate locations accessible to the major highway systems for the development of industrial activities.

SECTION V - DISTRICT LOT REGULATIONS

It shall be unlawful to erect or alter any building within the Municipality unless the following minimum lot and yard areas and bulk controls are provided and maintained in connection with such building.

MINIMUM LOT REQUIREMENTS BY DISTRICT

	(Minimum)	(Maximum)	(Minimum)	(Minimum)	(Minimum)	(Minimum)
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District	Area (f) (Square Feet)	Bldg. Hght. (Ft.)	Width (Ft.)	Yard Front (a)	Yard Rear	(Ft.) Yard Inside (b)
RD	87,120	35	270	35	35	100
R1	12,150	35	90	25	25c	10
R2	7,350	35	70	25	20c	8
R3 & R4	6,000	35	60	25	20c	6
R5	14,400dg	40	120	25	20c	10
B1	None	30	None	None	None	None
B2	21,780	30	100	50c	30c	20
I	12,000	None	90	20	30	10

- a) Where adjacent structures have front yard setbacks different from those required the minimum front yard setback shall be the average setback of such structures, but in no case shall the front yard setback be less than 20 feet.
- b) Buildings over two and one-half stories in height shall require five (5) feet for each additional story in addition to the required minimum side yard.
- c) Detached residential garages or utility building shall have a minimum rear yard of five (5) feet.
- d) Multi-family dwellings must also comply with the Land Use Intensity standards given in Section IV, E-6 of this Ordinance.
- e) May be used for parking development.
- f) If not served by public sewer, must at least conform to the specifications provided on this table, Van Wert County regulations, Health Department regulations, EPA regulations and the Legislative Authority may require larger lots if such increases are warranted because of soil capabilities.
- g) For single-family uses the lot and area requirements of the R-2 district shall apply.

SECTION VI - DISTRICT USE CLASSIFICATION LIST

In the following list of uses an "X" means that the use is permitted in the zoning district subject to the general provisions of the Zoning Ordinance. An "O" means that the use will be permitted only if a Conditional Use Permit is granted by the Legislative Authority. A

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blank means the use is not permitted in the district. For uses not included on this list, applications shall be made to the Legislative Authority for interpretation.

	RD	R-1	R-2	R-3	R-4	R-5	B-1	B-2	I
Abrasives manufacture									
Accessory use or structure	X	X	X	X	X	X			X
Acetylene manufacture									
Acid manufacture									
Agriculture crops only	X	O	O	O	O	O	O	O	X
Agriculture - general	X								X
Agriculture feeding and processing	O								O
Airport	O								O
Alkalies manufacture									
Ammonia manufacture									
Amusement parks								O	X
Appliances sales and repair							X		
Asphalt manufacture									
Automobile laundry							O	X	X
Automobile repair							O	X	X
Automobile wrecking and salvage								O	X
Bakery							X	X	
Bank							X		
Bar							X	X	
	RD	R-1	R-2	R-3	R-4	R-5	B-1	B-2	I

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Barber Shop							X	X	
Battery manufacture									
Beauty Salon							X	X	
Bedding manufacture									O
Beverage bottling and manufacture									O
Bone distillation									O
Bowling Alley							X	O	
Brewery									O
Building material sales and storage							O	O	X
Business service establishment							X	X	
Cafe							X	X	
Campgrounds	O								
Candle manufacture									O
Cannery									O
Catalogue order store							X		
Cement manufacture									O
Cemetery	O								O
Charcoal manufacture									
Chemicals manufacture									O
Church	O	O	O	O	O	O	X	X	
Cleaning, pressing and dyeing									O
Clothing store							X		

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Library		O	O	O	O	O	X	X	
Lime products manufacture									O
	RD	R-1	R-2	R3	R4	R-5	B-1	B-2	I
Loan institution							X		
Luggage store							X		
Lumber sales and storage							O	X	X
Machine manufacture									X
Machine shop							O	O	X
Magazine store							X	X	
Meat products manufacture									O
Medical office							X	X	
Metal fabrication									X
Mobile home on separate lot					X				
Mobile home park					O				
Mobile home sales					O			X	
Motel							X	X	
Music store							X		
Nursery school		O	O	O	O	O	O	X	
Nursing home						O	O	O	
Open spaces	X	X	X	X	X	X	X	X	X
Organization headquarters							X	X	
Packaged beverage store							X	X	

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Theater							X		
Toiletries manufacture									O
Travel trailer park	O							O	O
Trucking terminal								X	X
Utility lines	X	X	X	X	X	X	X	X	X
Utility pumping stations	X	X	X	X	X	X	X	X	X
Variety store							X		
Vegetable processing									O
Warehousing							O	X	X
Wholesale outlets							O	X	X
Wood products manufacture									O

SECTION VII - SPECIAL REGULATIONS

The following regulations shall apply to all zoning districts unless specifically stated otherwise.

A. Performance Standards

The following regulations shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual non-compliance with such regulations shall be made by the Legislative Authority or its duly appointed agent. In addition all manufacturing uses listed in the conditional use classification shall give evidence of ability to comply with the following standards before the issuance of a land use permit or certificate of compliance. Continued compliance shall be required during the operation of such uses and activities. No use already established on the effective date of this Ordinance shall be so altered or modified as to conflict with or further conflict with the performance standards established hereafter.

1. Residual Features

No activity or operation shall be established or maintained, which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter in such concentrations as to be detrimental to or endanger the public health,

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welfare, comfort and safety or cause injury to property or business, public health, welfare, comfort and safety or cause injury to property or business.

2. Glare

Any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining residential property or from the public streets. Direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

3. Explosives

No activities involving the storage, utilization or manufacture of materials, goods or products which could decompose by detonation shall be permitted except such as are specifically licensed by the Legislative Authority.

4. Vibration

No activity or operation shall cause earth vibrations perceptible beyond the limits of the lot upon which the operation is located.

5. Activity within Enclosed Buildings

All fabrication, manufacturing, processing or production shall be undertaken substantially within enclosed buildings.

6. Screening

Screening or buffering in compliance with the provisions of this section shall be provided for any permitted or conditionally permitted non-residential uses which abut any residential district, in addition to setback and yard requirements provided elsewhere in the Ordinance. Applicants for a zoning permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of the proposed screening plan and the requested dimensional variance with respect to their joint impact upon neighboring properties. Such requested variance for a conditionally permitted use shall be incorporated in the conditional use procedure specified in Section XI of the Ordinance. The following provisions shall apply with respect to screening.

a) Screening shall be provided for one or more of the following purposes:

1. A visual barrier to partially or completely obstruct the view of structures or activities.
2. An acoustic screen to aid in absorbing or deflecting noise.
3. A physical barrier to contain debris and litter.

b) Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning Commissioner or Board of Zoning Appeals, in the event of an appeal, variance, or conditional use:

1. A solid masonry wall;
2. A solidly constructed decorative fence;
3. A louvered fence;

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4. A dense vegetative plantings;
 5. A landscaped mounding;
 - c) Height of screening shall be in accordance with the following:
 1. Visual screening walls, fences, plantings, or mounds shall be a minimum of five and one-half (5 ½) feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than two and one-half (2 ½) feet. Plantings shall be a minimum of four (4) feet in height at the time of planting.
 2. A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least five and one-half (5 ½) feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
 - d) Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the Zoning Commissioner in relation to the nature of the use.
 - e) Whenever required screening is adjacent to parking areas or drive-ways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.
 - f) All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.
7. Refuse
All waste material, debris, refuse, or garbage not disposed of through a public sanitary sewerage system shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.
 8. Landscaping
In B-1 and I-1 districts, all developed uses which abut any Residential district shall provide a landscaped yard along such abutting lot lines. Such yard shall be kept clear of all structures and storage. Such yard shall be at least ten (10) feet in depth and shall provide plantings of fast growing material capable of reaching a height of fifteen (15) feet or more, the individual trees to be such in number and so arranged so that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall.
 9. Drainage

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No land shall be developed and no use shall be permitted that results in water runoff, flooding, or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facilities.

B. Off-Street Parking Requirements

1. Minimum Number of Parking Spaces Required:

USES	PARKING REQUIREMENTS
Single-Family Residential	2 sp. per dwelling unit
Elementary Schools	1 sp. per 2 employees
Jr. or Sr. High School	1 sp. per 2 employees, plus 1 sp. per 10 students
Libraries	1 sp. per 800 gross sq. ft.
Auditoriums (schools)	1 sp. per 8 seats
School Gyms, Stadiums, etc.	1 sp. per 8 seats
Institutions for Care of the Aged	1 sp. per 4 beds, plus 1 sp. per 2 employees, plus 1 sp. per doctor on staff
Hospitals	1 sp. per 2 beds, plus 1 sp. per 2 employees, plus 1 sp. per doctor on staff
Mobile Home Parks	2 sp. per lot
Philanthropic and Charitable Uses	1 sp. per 2 employees, plus adequate number to serve public (as determined by Zoning Commissioner)
Private Clubs	1 sp. per lodging room plus spaces equal to 30% of capacity in persons
Non-commercial Community Center	Parking spaces equal to 30% of capacity in persons
Radio and TV Stations	1 sp. per 2 employees
USES	PARKING REQUIREMENTS
Churches, etc.	1 sp. per 6 seats

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Apartment Hotels	1 sp. per dwelling
Boarding Houses, etc.	1 sp. per 3 rooming units, plus 1 sp. for manager
Multi-Family Residential	1.5 sp. per dwelling unit except that in housing developments for the elderly this ration shall be .5 spaces per dwelling unit.
Taverns and Restaurants	Parking sp. equal to 30% of capacity in persons
Service Stations	1 sp. per 2 employees plus one space for manager
Resorts	1 sp. per 2 employees plus spaces equal to 20% of capacity or 1 sp. per rental unit whichever greater
Bowling Alleys	5 sp. per alley, plus 1 sp. per 300 gross sq. ft. used for bars, restaurants, etc.
Travel Trailer Parks	1.5 sp. per travel trailer site
Campgrounds	1 sp. per camp site
Pool Halls, Dance Halls, Pools, Skating Rinks, etc.	Parking sp. equal to 30% of the capacity in persons
Medical and Dental Clinic	3 sp. per staff member
Auto Sales	2 sp. per employee
Post Office	1 sp. per 2 employees, plus 1 sp. for 300 gross sq. ft. in excess of 4,000 sq.ft.
Commercial Schools (Music, Dance, etc.)	1 sp. per 2 employees, plus 1 sp. per 5 students
Indoor Theater	1 sp. per 6 seats up to 400 seats, plus 1 sp. for 4 seats over 400
Funeral Parlors	8 sp. per chapel or parlor, plus 1 sp. per funeral vehicle
General Commercial District	1 sp. per 200 gross sq. ft. in excess of 2,000 sq. ft. or 6 sp. for each 1,000 gross sq. ft. in integrated center
Animal Hospitals and Kennels	2 sp. per employee

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USES	PARKING REQUIREMENTS
Car Wash	1 sp. per 3 employees, plus 1 sp. for manager, plus sp. equaling 5 times the capacity of the wash
Cartage and Express Facilities	1 sp. per vehicle operated, plus 1 sp. per 2 employees
Contractor or Construction Office	1 sp. per 1 employee
Laundries	1 sp. per 3 employees
Printing and Publishing	1 sp. per 3 employees
Warehousing and Wholesaling	1 sp. per 3 employees
Hotels	1 sp. per 3 rooms
Laboratories	1 sp. per 3 rooms
Motels	1 sp per unit, plus 1 sp. for manager
Riding Stables	1 sp. per 1 employee and enough additional space for public (as determined by the Zoning Commissioner)
General Industry	1 sp. per 1.3 employees (Max. number of employees at one time in plant)

2. Minimum Size of Parking Space:
 250 square feet of standing and maneuvering space. Fractional spaces over one-half count as one space.
3. Location of Parking Spaces:
 - a) Spaces for dwellings on the same lot as the dwelling lot.
 - b) Spaces for commercial uses in the B-1 District or for public or semi-public uses within three hundred (300) feet of the main entrance of the building served.
 - c) Spaces for industrial uses: within eight hundred (800) feet of the main entrance of the building being served.
 - d) No off-street parking spaces to be located within five (5) feet of any street right-of-way.
4. Surfacing and Drainage
 Off-street parking areas and accessways other than those for one and two family dwellings shall be surfaced with a durable material

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to control dust and shall be graded so as to dispose of all surface water.

C. Handicapped Parking

Parking facilities serving buildings and activities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows:

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

D. Off-Street Loading and Unloading Requirements

1. Minimum Number of Off-Street Loading Spaces Required:

Gross Floor Area (Sq.Ft.)	Loading and Unloading Space Required in Terms of Square Feet of Gross Floor Area
0-1,500	None
1,501 - 10,000	One (1) space
10,000 and Above	One (1) space, plus one (1) space for each 20,000 square feet in excess of 10,001 square feet.

2. Minimum Size of Off-Street Loading Berths:

- a) Width 10 feet
- b) Length 50 feet
- c) Vertical Clearance 14 feet

3. Location of Off-Street Loading Berths:

No closer than twenty-five (25) feet from the intersection of two street rights-of-way.

4. Surfacing and Drainage:

Off-street loading berths and accessways shall be hard surfaced to control dust and shall be graded to dispose of all surface water.

E. Signs and Outdoor Advertising (amended 5/2006)

- 1. No sign shall be permitted in any district except as hereinafter provided.
- 2. General provisions.

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- a) Signs not exceeding 12 square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on any property.
- b) Announcement or professional signs for home occupations and professional activities where permitted shall not exceed 2 square feet in area in an R District and not more than 4 square feet in other districts.
- c) Bulletin boards and signs for a church, school, community or other public or semipublic institutional buildings shall be permitted provided the area of such bulletin board or sign shall not exceed 15 square feet in area.
- d) Wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed 20 square feet.
- e) No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.
- f) Temporary signs not exceeding in the aggregate 50 square feet, announcing special events or the erection of a building, the architect, the builders, contractors, and the like, may be erected for the period of 60 days, plus the construction period.
- g) No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs, without approval of the Zoning Commissioner.

3. Business or industrial district signs.

- a) In a business or industrial district, each business shall be permitted 1 flat or wall sign. Projections of wall signs shall not exceed 2 feet measured from the face of the main wall of the building.
- b) The area of all permanent advertising signs for any single business enterprise shall be limited according to the widths of the building or part of building occupied by such enterprise. For the purpose of this section, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum area of the sign.
- c) The area of all permanent advertising signs for any single business enterprise may have an area equivalent to 1½ square feet of

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sign area for each lineal foot of width of a building or part of a building, occupied by such enterprise, but shall not exceed a maximum area of 100 square feet, except that a larger sign may be permitted in an industrial district where the extent and acreage of the industrial enterprise warrants an exception. In computing the area of free-standing or protruding signs all faces on which advertising is displayed are considered sign area.

d) Free-standing signs not over 30 feet in height, having a maximum total sign area of 150 square feet and located not closer than 10 feet to any street right-of-way line and not closer than 100 feet to any adjoining lot line may be erected to serve a group of business establishments.

4. Pole or logo signs of symbolical design shall be permitted for business establishments provided:
 - a) No part of such sign shall project into the right-of-way of any street or highway, without approval of the Zoning Commissioner.
 - b) The maximum area of any face of such sign shall not exceed 50 square feet.
 - c) The maximum height of such sign shall not exceed 30 feet.
 - d) The pole support of the sign shall not be less than 50 feet from any lot in any R District.
 - e) No more than 1 such sign shall be permitted for each business establishment, except that a second pole sign may be erected if the property of such business establishment is located at the intersection of major highways.
5. Setback requirements. Except as provided above, signs and outdoor advertising structures, where permitted, shall be set back from the established right-of-way of any street or highway at least as far as the required front yard depth for a principal use in such district except for the following modifications:
 - a) For every square foot by which such sign or outdoor advertising structure exceeds 80 square feet, such setback shall be increased by $\frac{1}{2}$ foot but need not exceed 100 feet.
 - b) At the intersection of any state or federal highway with a major or secondary street, the setback of any sign or outdoor advertising

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structure shall not be less than 100 feet from the established right-of-way of each highway or street.

c) Real estate signs and bulletin boards for a church, school, or any other public or semipublic, religious or educational institution may be erected within ten feet from the established right-of-way line of any street or highway, provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

6. Special yard provisions. The following special provisions shall be observed in the erection or placement of signs and outdoor advertising structures.

a) No such sign or advertising structure shall be permitted which faces the front or side lot line of any lot in any R District within 100 feet of such lot line, or which faces any public parkway, public square or entrances to any public park, public or parochial school, library, church, or similar institution, within 300 feet thereof.

b) Signs and advertising structures, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except no sign or advertising structure shall be erected or placed closer than within 50 feet to a side or rear lot line in any district.

7. Illumination. The following provisions shall be observed in the illumination of signs and advertising structures:

a) All signs and advertising structures except as hereinafter modified may be illuminated internally or by reflected light, provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or hazard to traffic or conflict with traffic control signs or lights.

b) No illumination involving movement or causing the illusion of movement by reason of the lighting arrangement or other devices shall be permitted.

8. Permits.

a) A separate permit shall be required for the erection of signs regulated by this chapter, except that no permit shall be required for temporary real estate signs with an area of 12 square feet for the sale or lease of property and for small announcement signs with an area of

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less than 2 square feet. Announcement signs, except those for professional and home occupations, shall be removed by the person or persons responsible for posting same within 30 days after erection.

- b) Each application for a sign permit shall be accompanied by a drawing showing the design proposed, the size, character and color of letters, lines and symbols, method of illumination, the exact location of the sign in relation to the building and property and the details and specifications for construction.
- 9. Exemptions. Public notices, traffic control signs and other official signs and notices are exempt from the provisions of this section.
- 10. Adult foster care homes. No signs shall be permitted upon any premises designated as adult foster care homes.

F. Dwelling Below Ground Level

No interior space below ground level shall be occupied for dwelling purposes unless such space is part of a structure having at least one full story above ground level and having its exterior portion in a structurally finished state.

G. Planned Unit Development (PUD)

- 1. Planned unit developments are permitted in those districts specified in Section VI as conditional uses. A successful applicant for a conditional use permit under this section may be allowed to modify the lot size, set-back and yard requirements within the district in which the project is located. All other district requirements shall be complied with as well as any fire, building, plumbing or electrical codes and applicable subdivision regulations.
- 2. The Original Application shall be as follows: a preliminary plan shall be submitted with the original application. In addition to meeting the requirements of Subsection G-1 above, this preliminary plan shall show the overall plan for development: including grading, landscaping, exterior design and location of buildings, lots, all common structures, facilities, utilities, access roads, streets, sidewalks, parking and open space. There shall also be a fee receipt from the Municipal Treasurer in the amount of Fifty (50) Dollars. In addition the following data shall be summarized and attached:
 - a) Total land area (square feet);
 - b) Total number of living units for residential developments;
 - c) Total floor area on all floors of proposed buildings measured by outside walls multiplied by number of floors;
 - d) Total building area at ground level including garages, carports and other community facilities;
 - e) Total uncovered open space including paved areas in streets,

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- walks and driveways;
 - f) In residential developments the total recreation space defined as total open space minus paved areas in streets, walks and driveways by including tennis courts, swimming pools and floor area of recreation facilities;
 - g) In residential developments the total occupant car spaces defined as off-street parking spaces without time limit.
3. The Legislative Authority shall in writing and giving reasons for its actions, approve with suggestions for revisions or deny the original application within ninety (90) days. In the event that the original application is denied, the applicant must resubmit an original application to receive consideration. In the event the Legislative Authority approves or tentatively approves with suggestions for revision, the applicant shall submit a final plan for final approval within six (6) months. After six (6) months the applicant must resubmit an original application in order to be eligible for further consideration.
 4. Public Hearings on final applications shall be held within ninety (90) days of the receipt of the final application.
 5. Final Plans shall be submitted within six (6) months after favorable action by the Legislative Authority. In approving the application, the Legislative Authority shall make the following determinations based on the final plan:
 - a) That the tract to be developed is at least ten (10) acres in the case of planned unit residential development of exclusively single-family dwelling units; at least five (5) acres in the case of planned unit residential development containing multi-family dwelling units; and at least two (2) acres for non-residential planned unit developments;
 - b) That the tract to be developed is in single or corporate ownership;
 - c) That the height of the proposed structures conforms to the maximum set forth in the district regulations for the district in which the project is to be developed;
 - d) That in a single-family planned unit residential development adequate deed restrictions are present, running in favor of the Municipality, or an autonomic home owners association and individual homeowners for the proper maintenance, care and preservation of the exterior design, all common structures, facilities, utilities, access and open spaces by the original and all subsequent owners of property within the development;
 - e) That in a multi-family planned residential unit development, the owner or ownership has deeded the recreation space to the Municipality for the Municipality to maintain or has covenant to be binding on all future ownership;
 - f) That the overall density of residential projects defined as the number of living units per acre does not exceed the district regulations for the

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- district in which it is to be developed;
- g) That a certificate attested by the Municipal Engineer showing that adequate sewer and water service will be provided;
 - h) That landscaping and grading will be done to assure adequate drainage;
 - i) That the streets to be provided will assure a traffic circulation pattern which minimizes through traffic, allows for adequate turning and parking and provides ample space for the turning and effective use of snow plows, garbage and fire trucks, loading and unloading and other pick-ups and deliveries without blocking traffic;
 - j) That there will be a minimum number of conflicts between pedestrian and vehicular traffic;
 - k) That the design of open spaces and housing in residential projects will provide both easy access and privacy;
 - l) That no structure will be more than two hundred (200) feet from a street, parking area, or other right-of-way on which a fire truck may be operated;
 - m) That adequate lighting will be provided;
 - n) That the final plans include the planting of adequate trees and shrubs where not already present;
 - o) That the design of the development is in harmony with existing surroundings and will not be detrimental to the character of the neighborhood;
 - p) That the applicant has bonded himself and his contractor(s) to provide the improvements shown on the plans.
- 6. In reviewing original and final plans and applications, the Legislative Authority may seek technical assistance from such sources as it deems necessary.
 - 7. Any modifications in the original plan shall be made only by agreement between the developer and the Legislative Authority.
- H. Factory-Built Housing: Design and Appearance Standards
- 1. Sections VII, H.2 to H.7 inclusive of this Ordinance shall apply to location, construction, and maintenance of factory-built housing in all districts.
 - 2. Purpose: It is the purpose of Section VII, H.2 to H.7 inclusive of this Ordinance to promote the health, safety, and welfare of the community by establishing regulations governing the siting, construction, and maintenance of factory-built housing. It is further the intent of these sections to permit a wider range of housing opportunities while assuring the compatibility of a variety of housing types within certain residential districts.
 - 3. Definitions: "Factory-Built Housing" means a factory-built structure designed for long-term residential use, the components of which are

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essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Ordinance, "factory-built housing" shall include the following:

- a) Manufactured Home: Any nonself-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.
 - b) Modular Home - Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.
 - c) Mobile Home - A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it.
4. Siting Requirements: Any factory-built housing proposed to be located in any district shall comply with the following requirements;
- a) The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line, per manufacturer's requirements.
 - b) All wheels and conveyance mechanisms shall be removed from the structure.
 - c) The siting of the structure shall comply with all yard setback requirements in effect for the district for which it is proposed.
 - d) The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
 - e) The site shall be serviced by utilities in such manner as required by Ordinance.
 - f) Skirting shall be placed within sixty (60) days.
5. Zoning of Factory-Built Housing: Mobile homes shall be permitted only in approved mobile home parks, unless otherwise authorized in this Ordinance. Manufactured homes and modular homes which meet the design and appearance standards contained in Section VII, H.6 shall be permitted accordingly.

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6. Single-Family Design and Appearance Standards: Single-family residential homes, whether of modular, manufactured, or site-built construction, shall comply with the following design and appearance standards.
 - a) The structure shall be in conformance with the siting requirements contained in Section VII, H.4.
 - b) The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.
7. Uniformity With Respect to Granting of Variances: The granting of variances from the requirements of this Ordinance with respect to the siting of single-family home structures, their design or appearance, shall be uniformly and equitably done, irrespective of the fact that the structure proposed for such siting is a site-built structure, modular or manufactured home, and shall be guided by the provisions of Section X of this Ordinance.

I. Regulation of Manufactured Home Parks:

The provision of this section provides for the location and regulation of manufactured home parks in order to foster their development and maintenance as an integral and stable part of the community.

1. Definition:

- a) "Manufactured Home Park" means any tract of land upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. "Manufactured Home Park" does not include any tract of land used solely for the storage or display for sale of manufactured homes.
 - b) "Manufactured Home" means any nonself-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.
2. Approval Procedures: Manufactured home parks shall be developed according to the standards and regulations stated and referenced in Sections 3 and 4 inclusive.

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3. General Standards for Manufactured Home Parks: The Zoning Commission and the Village Council shall review the particular facts and circumstance of each proposed manufactured home park development in terms of the following standards and shall find adequate evidence that such development meets these standards:
 - a) The proposed park will be served adequately by essential public facilities and services such as highways, streets, drainage, refuse disposal, schools, police and fire protection, or that the persons or agencies proposing the establishment of the park shall be able to provide any such services adequately.
 - b) The vehicular approaches to the proposed park property will be so designed as not to create traffic interference or congestion on surrounding public streets or roads.
 - c) The establishment of the proposed park will not result in the damage, destruction, or loss of any natural, scenic, or historic features of major importance.
 - d) The establishment of the proposed park shall not be demonstrably detrimental to the value of surrounding properties or to the character of the adjacent neighborhoods.
 - e) Unless adequately screened by existing vegetative cover, it shall be screened by: a temporary planting of fast growing material capable of reaching a height of fifteen (15) feet or more, such as hybrid poplar; and a permanent evergreen planting such as White or Norway Pine, the individual trees to be of such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.
4. Manufactured Home Park Requirements: All manufactured home parks shall comply with the requirements of Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code.

J. Gasoline (Motor Fuel) Stations

Motor fuel stations shall be subject to the following standards:

1. The setback of any overhead canopy of weather protection, free standing or projecting from the station structure shall be not less than ten (10) feet from the street right-of-way nor less than twenty (20) feet from an adjacent property line.
2. The total height of an overhead canopy or weather protection shall not exceed twenty (20) feet in height.
3. Open dead storage of motor vehicles, other than motor vehicles for rent, shall not be permitted for a period of more than forty eight (48) hours.
4. No sales of motor vehicles or trailers or campers shall be permitted.

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5. All goods for sale by a motor fuel station convenience store, other than those generally required for the operation and maintenance of motor vehicles, shall be displayed within the principal motor fuel station structure.
6. Each motor fuel station shall be architecturally designed so as to be as compatible as possible with the general architectural intent of the area in which it is located.
7. For the purpose of architectural appropriateness each and every side of a motor fuel station shall be considered as a front face.
8. The entire motor fuel station site, other than that part devoted to landscaping and structures, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage and such surfaces shall be designed to meet the requirements of a minimum four (4) ton axle load.
9. Wherever a motor fuel station abuts an "R" District, a fence or compact evergreen hedge, which is a minimum twenty-five (25) per cent opaque and not less than six (6) feet high, shall be erected and maintained along the side and rear property line that abuts the "R" District. Application of this provision shall not require a fence within fifteen (15) feet of any street right-of-way.
10. All trash, waste materials and obsolete automobile parts shall be stored within a separate enclosure behind the principal structure of the motor fuel station.
11. All interior curbs shall be constructed within the property lines to separate driving and parking areas from landscaping areas. Such curbing shall be constructed of concrete and shall be of six (6) inch non-surmountable design.
12. All rental campers, trailers or motor vehicles shall be stored within the rear and/or side yard not adjacent to the street. Said rentals shall not be stored within the front yard setback nor the side yard adjacent to the street.
13. All outside parking spaces shall be located to the side and/or rear of the principal structure.
14. All outdoor illumination shall be provided with lenses, reflectors or shades which will concentrate the light upon the premises so as to prevent any undue glare or rays of light therefrom being directly visible upon any adjacent street, roadway or private property occupied for residential purposes.
15. Notwithstanding anything to the contrary in other sections of this Ordinance the following requirements shall be observed for signs for motor fuel stations:
 - a) Motor fuel stations shall have no more than one (1) pedestal type business identification sign not to exceed twenty six (26) feet in height erected within any yard, except that no part of said sign shall be less than six (6) feet from a property line measured as a horizontal distance. No part of said sign surface shall be less than sixteen (16) feet vertical distance from the grade of the nearest driveway or parking area. The pedestal shall not be less than five (5) feet from a driveway at its nearest point. Said sign shall have no more than three (3) faces and shall not exceed more than one hundred (100) square feet per face.
 - b) Motor fuel stations may have two (2) additional signs. Said signs shall

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have no more than two (2) faces and shall not exceed more than thirty (30) square feet per face. The top of said sign shall not be more than twenty (20) feet in height.

16. Notwithstanding anything to the contrary in other sections of this Ordinance, the following minimum requirements shall be observed for yards and setbacks for motor fuel stations:

Lot Width	Front Yard	Side Yard Adjacent to Another Lot	Side Yard Adjacent to Street	Rear Yard	Pump Set-back
150 feet	60 feet	30 feet	60 feet	30 feet	25 feet

K. Private Swimming Pools (amended 5/2006)

1. A private swimming pool, as regulated herein, shall be any pool, pond, lake or open tank, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than twenty four (24) inches. No such swimming pool shall be allowed in any Residence District except as an accessory use and unless it complies with the following conditions and requirements:
 - a) No person shall construct or install a pool without having first applied for and secured all necessary permits from the Zoning Commissioner on such forms as may be prescribed by them. Such application shall be accompanied by plans and specifications in duplicate and in sufficient detail showing the following: Written approval of the Water / Sewer Superintendent with regard to sewer and water taps. Pool dimensions, depths, volume in gallons and the distance of the pool from all lot lines, pool fencing, existing and proposed structures including septic tanks and their fields, if any. Pool construction, including details of materials to be used, water supply, type and size of filter system, pump details and capacity, drainage, waste disposal facilities and pool piping layout.
 - b) A permit is required for any pool that holds more than 1,000 gallons of water.
 - c) A charge of two (\$ 2.00) dollars per one thousand (1000) gallons of water shall be added to the normal cost of the permit as a one time pool water consumption charge.
2. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
3. It may not be located, including any walks or paved areas or accessory

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structures adjacent thereto, closer than six (6) feet to any property line of the property in which it is located.

4. Every pool shall be completely surrounded by a fence or wall not less than 4 feet in height, which shall be so constructed as not to have openings, holes or gaps larger than 4 inches in any dimension, except for doors and gates; and if a picket, board or other like fence is erected or maintained, the distance between members thereof shall not exceed 4 inches. A dwelling-house or accessory building may be used as part of such enclosure.
 - a) All gates or doors opening through such enclosure shall be equipped with a self-closing and self latching device for keeping the gate or door securely closed and locked at all times when not in actual use, except that door of any dwelling which forms a part of the enclosure need not be so equipped.
 - b) As an exception to the fencing requirement for residential swimming pools, an automatic swimming pool cover shall be permitted as follows: A safety pool cover which shall:
 1. Provide a continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool;
 2. Be mechanically operated by a key or key and switch such that the cover cannot be drawn open or retracted without the use of a key;
 3. Be capable of supporting a 400-pound imposed load upon a completely drawn cover;
 4. Is installed with track, rollers, rails, guides or other accessories necessary to accomplish divisions a. through c. in accordance with the manufacturer's instructions; and;
 5. Bear an identification tag indicting the name of the manufacturer, name of the installer, installation date and applicable safety standards, if any.

5. Above ground pools:

Above ground pools that have a removable ladder and no decking around or next to the pool and the sides of the pool exceed four (4) feet will not require additional fencing provided the ladder is removed or locked in an upright position where access to the ladder is above four (4) feet when the pool is not in use.

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- a. An above ground pool with decking will require the same gate provisions as section VII, K,4,a.
- b. Inflatable pools where the water depth exceeds 24 inches and sides are less than 48 inches must be empty of water when not in use or fenced in.
- c. Inflatable pools where the water depth exceeds 24 inches and sides are greater than or equal to 48 inches may remove the ladder when not in **use**.

6. Portable pools. All portable pools of less than 24 inches in depth of water or less than 250 square feet of top water surface area, shall be exempt from the requirements of this section.

L. Animal Hospital

Animal Hospital shall be located no closer than one hundred (100) feet to any residential district, restaurant, hotel or motel in any district and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration or refuse shall be permitted on the premise.

M. Guest Houses

Guest houses without kitchen facilities may be constructed in rear yards, provided that they are a minimum of ten (10) feet from any other building and provided all other yard requirements of this Ordinance for a principal building are complied with.

N. Home Occupations and Accessory Uses

Uses and structures customarily incident to any of the principal permitted uses are permitted.

1. The following accessory uses are specifically permitted:

- a) The office or studio of a physician or surgeon, dentist, artist, lawyer, architect, engineer, insurance agent, realtor, teacher, or other professions, in his place of abode.
- b) Customary home occupations such as a handicraft, dressmaking or millinery.
- c) Personal service occupations such as a beauty shop, baby sitting or similar occupation, provided all required licensures, permits, and inspections have been obtained.
- d) Any home occupation incident to agriculture.
- e) All such accessory uses shall be subject to the following requirements:
 - 1. No person other than members of the family residing on the premises shall be engaged in such occupation;
 - 2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25%) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation;

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3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance, and shall not be located in a required front yard;
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
6. If such accessory uses are conducted in an accessory building, such accessory building shall be located on the rear of the lot and shall not have a floor area greater than fifty (50%) percent of the floor area of the dwelling.
7. Roadside stands are also permitted, provided they offer for sale only agricultural products produced on the premises.

O. Country Club; Golf Course

1. No building shall be located within one hundred (100) feet of any property line.
2. Facilities such as restaurants and bars may be permitted when conducted and entered from within the building.
3. Swimming pools, tennis courts and the like shall be located not less than twenty-five (25) feet from any property line and adjoining property in any Residence or Commercial District and shall be effectively protected by a wall, hedge and/or screen planting.

P. Regulation of Adult Entertainment Business

The following regulations shall apply to adult entertainment business as herein defined.

1. Purpose: The purpose of this section in this Ordinance is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of these sections to regulate entertainment businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing

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entertainment businesses, residentially zoned areas, schools, churches, parks and playgrounds within the Municipality.

2. Definition: The following definitions shall apply in the interpretation of this Ordinance:

- a) "Adult Entertainment Business" means an adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section.
- b) "Adult Book Store" means an establishment which utilizes fifteen (15%) percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section.
- c) "Adult Motion Picture Theater" means an enclosed motion picture theater which is regularly used or utilizes fifteen (15%) percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.
- d) "Adult Motion Picture Drive-In Theater" means an open air drive-in theater which is regularly used or utilized fifteen (15%) percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.
- e) "Adult Only Entertainment Establishment" means an establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.
- f) "Adult Material" means any book, magazine, newspaper, pamphlet, poster, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound or touch, and:
 1. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination; or
 2. Which service is distinguished or characterized by emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality,

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- or human bodily functions of elimination.
- g) "Bottomless" means less than full opaque covering of male or female genitals, pubic area or buttocks.
 - h) "Nude or Nudity" means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
 - l) "Topless" means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
 - j) "Sexual Activity" means sexual conduct or sexual contact, or both.
 - k) "Sexual Contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
 - l) "Sexual Excitement" means the condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
3. Conditional Use Permit Required: No building shall be erected, constructed, or developed, and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a conditional use permit in accordance with the provisions of Section XI of this Ordinance. In addition to said provisions, an adult entertainment business shall comply with the following conditional use criteria:
- a) Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located.
 - b) No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of another adult entertainment business.
 - c) No adult entertainment business shall be permitted in a location which is within one thousand (1,000) feet of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center.
 - d) No adult entertainment business shall be permitted in a location which is within five hundred (500) feet of any residence or boundary of any residential district.
 - e) No adult entertainment business shall be permitted in a location which is within two hundred (200) feet of any boundary of any residential district in a local unit of government abutting the Village.
4. Zoning of Adult Entertainment Businesses: Adult entertainment businesses shall be conditionally permitted in accordance with the following schedule:

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<u>Conditionally Permitted Use</u>	<u>Districts Wherein Permitted</u>
Adult Book Store	"C" and "I"
Adult Motion Picture Theater	"C" and "I"
Adult Motion Picture Drive-In Theater	"C" and "I"
Adults Only Entertainment Establishment	"C" and "I"

Q. Poultry Farm

1. Any building housing poultry shall be distant not less than two hundred (200) feet from every lot line.
2. Proponent shall show that odor, dust, noise, drainage, shall not constitute a nuisance or hazard to adjoining property or uses.

R. Animal Feed Yards

Animal feed yards, animal sales yards, riding academies and public stables shall be located no closer than two hundred (200) feet from any property line, shall provide automobile and truck egress, shall provide parking and loading spaces, so designed as to minimize traffic hazard and congestion. Proponent shall show that odor, dust, noise, drainage shall not constitute a nuisance or a hazard to adjoining property or uses.

S. Agricultural Processing Plants

Agricultural processing plants in any District which process agricultural products on the premises or within a contiguous area shall be so located as to provide convenient trucking access with a minimum of interference to normal traffic, shall provide parking and loading spaces. Proponent shall show that adequate measures shall be taken to control odor, dust, noise and waste disposal so as not to constitute a nuisance and shall show that the proposed source of water will not deprive others of normal supply.

T. Drive-in Theaters

Drive-in theaters shall be located only on major thoroughfares, shall provide ingress and egress so designed as to minimize traffic congestion, shall be located sufficiently distant from any Residence District, except the RD Residence District or existing dwelling as so screened from such district or dwelling that any noise shall not disturb residents and shall maintain lighted signs and other lights only in such a way as not to disturb neighboring residents.

U. Regulation of Amusement Arcades

The following regulations shall apply to amusement arcades as herein defined.

1. Purpose: The purpose of Sections VII, U.1 to U.9 inclusive of this Ordinance is to promote the public health, safety and welfare by regulating amusement arcades where mechanically or electronically operated

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amusement devices are kept, operated, or maintained. It is further the intent of these sections to coordinate the provisions of the Ordinance with the requirements of Ohio law governing the licensing and regulation of mechanical amusement devices in such a manner that, in the event of any conflict between the respective regulations, the more restrictive requirement or the more severe penalty shall prevail.

2. Definition: The following definitions shall apply in the interpretation of this Ordinance:
 - a) "Amusement Arcade" means a place of business within a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee.
 - b) "Mechanical or Electronically Operated Amusement Device" means any machine, device or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, and other similar types of devices; provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices.
 - c) "Exhibitor" means any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in his own place of business, irrespective of the ownership of such device.
3. Conditional Use Permit Required: No amusement arcade shall be established, operated or maintained in any place of business or on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Section XI of this Ordinance. In addition to said provisions, amusement arcades shall comply with the following conditional use criteria:
 - a) Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located.
 - b) Amusement arcades shall have an adult who is 18 years of age or over

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- on the premises and supervising the amusement arcade at all times during its hours of operation.
- c) Amusement arcades shall have necessary security personnel as required by the appropriate law enforcement agency to police the interior and exterior of the premises.
 - d) The interior of the amusement arcades shall provide a minimum area per coin-operated amusement device equal to the size of the device plus two (2) feet of area on each side plus an area of four (4) feet in front of the device.
 - e) Prior to the issuance of a conditional use permit the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes.
 - f) If the place of business or premises for which an amusement arcade is proposed is a free standing building, the application for the conditional use permit shall include an approvable exterior lighting plan.
 - g) In establishments which serve alcoholic beverages, any area containing amusement devices shall be visually separated from that portion or portions of the establishment wherein alcoholic beverages are served or sold for carrying out of the premises.
 - h) No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within five hundred (500) feet of any adult entertainment business.
 - i) The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement devices, and a notarized statement that the applicant shall not permit any person less than eighteen (18) years of age to operate any devices on the premises before 4:00 p.m. on days when school is in session.
4. Zoning of Amusement Arcades: Amusement arcades shall be conditionally permitted uses only in the "C" and "I" Districts.
 5. Maintenance of a Nuisance Prohibited: It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.
 6. Restricted Access to Certain Minors: No amusement arcade exhibitor shall permit, on days when school is in session, any person less than eighteen (18) years of age to operate any mechanical or electrically operated amusement device or to be or remain in an amusement arcade before 4:00 p.m.. This provision does not apply to juke boxes, mechanical musical instruments, or other mechanical amusement devices designed to be ridden, such as mechanical horses, automobiles, and carrouseles.
 7. Complaints Regarding Amusement Arcades: Any resident of the Village may submit a written notice of complaint regarding the operation of any

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amusement arcade to the Zoning Commissioner. The notice of complaint shall include the name and address of the complainant, the address of the location of the amusement arcade, and the specific reasons why the individual is complaining. If the Zoning Commissioner determines, after interviewing both the complainant and the amusement arcade exhibitor, that the specific reasons in the complaint appear to be proper grounds for suspension or revocation of the conditional use permit, he shall issue a warning tag as notice of violation. Failure to correct the issue shall result in referral of the matter to the Board of Zoning Appeals.

8. Revocation of Conditional Use Permit: The Zoning Commissioner shall revoke the conditional use permit for any amusement arcade in the event that the license to operate such amusement arcade is revoked. In addition, the Zoning Commissioner shall revoke the conditional use permit for any amusement arcade if so determined pursuant to the action of the Board of Zoning Appeals, or to the final decision from appeal to the Legislative Authority according to the provisions of Section VII, U.9.
9. Procedure for Revocation: The Zoning Commissioner shall notify in writing the Board of Zoning Appeals whenever he has reason to believe that the operation of an amusement arcade has resulted in a violation of any provision of this Ordinance. Within ten (10) days from said notification the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this hearing shall be served on the amusement arcade exhibitor and, if the Zoning Commissioner referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least five (5) days before the hearing. The Board of Zoning Appeals may also give such other notice as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within five (5) days after the hearing and shall notify the amusement arcade exhibitor and, if applicable, the complainant. The decision of the Board of Zoning Appeals may be appealed to Legislative Authority within ten (10) days of its issuance of said decision. The Legislative Authority shall hold a public hearing within twenty (20) days of its receipt of such appeal, after giving public notice of such hearing in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing, and shall make a final determination on the revocation of the conditional use permit within a reasonable time.

V. Amusement Parks

Golf driving ranges and amusement parks shall be located on major or secondary thoroughfares or non-residential streets. Flood lights used to illuminate the premises are so directed and shielded as not to be an annoyance to any developed residential property. Golf driving platforms shall be not less than two hundred (200)

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feet from any adjacent Residence District except the RD Residence District or existing dwelling. A temporary certificate may be renewed for a period of one year at the expiration of such certificate, provided all requirements of this Ordinance have been and can continue to be complied with.

W. Cemeteries

Cemetery, crematory, mausoleum, columbarium shall provide entrance on a major street or road with ingress and egress so designed as to minimize traffic congestion, shall provide required off-street parking space and shall provide a minimum six (6) foot high wall or minimum three (3) foot thick six (6) foot high evergreen hedge or provide a minimum twenty (20) feet of permanently maintained planting strip on all property lines abutting any R-District or residential street.

X. Community Building, Social Halls, Lodges, Fraternal Organizations and Clubs

1. All buildings must be a minimum of twenty (20) feet from the side lot lines and fifty (50) feet from the rear lot line.
2. There shall be no external evidence of any gainful activity however, incidental, nor any access to any space used for gainful activity other than from within the building.
3. Any such use must be located on a major or secondary thoroughfare or be able to provide access without causing heavy traffic on local residential street.

Y. Private Stables

Private stables and paddocks shall be located on the rear half of the lot and not closer than twenty (20) feet to any property line, nor closer than forty (40) feet from any dwelling on the same or adjoining property. The minimum lot area upon which a horse may be kept is one (1) acre and two horses may be kept on such area. An additional horse may be kept for each twenty thousand (20,000) square feet by which the parcel of land exceeds one (1) acre.

Z. Nursing Homes

1. Approval must be obtained from proper agencies concerning health and safety conditions and said home must be licensed by such agencies.
2. Said use must meet space requirements specified for multi-family residential uses in Section IV.

AA Group Residential Facilities

Section VII, AA.1 to AA.6 inclusive shall apply to the location, operation, and maintenance of group residential facilities.

1. Purpose: It is the purpose of Section VII AA.1 to AA.6 inclusive of this Ordinance to regulate the location, operation, and maintenance of group residential facilities in order to promote the public health, safety, and welfare. It is the intent of these sections to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their rehabilitation.
2. Definition: "Group Residential Facility" shall mean any community residential facility, licensed and/or approved and regulated by the State of

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Ohio, which provides rehabilitative or habilitative services. There are two classes of Group Residential Facilities: "Class I": Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, the physically handicapped or disabled, or those with development disabilities or mental illnesses. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff. "Class II": Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug users, provided detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains (5) or less residents, exclusive of staff.

3. Conditional Use Permit Required: A Class I Type B group residential facility is permitted by right in any residential district. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Section XI of this Ordinance. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:
 - a) Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency.
 - b) Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
 - c) Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking.
 - d) Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
 - e) No such facility may be located within six hundred (600) feet of another such facility.
 - f) No sign shall be erected by such facility for purposes of identification except a permitted street address sign.
 - g) The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
 - h) Such facility shall be reasonably accessible, by virtue of its location or

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transportation provided by the applicant, to medical, recreational, and retail services required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.

- i) The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
 - j) The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.
4. Zoning of Group Residential Facilities: Group residential facilities shall be conditionally permitted uses as follows:
- Class I Type A R, C, I
 - Class I Type B permitted by right in all residential districts R, C, I
 - Class II Type A R, C, I
 - Class II Type B R, C, I
5. Variance to Distancing Requirement: The Board of Zoning Appeals may grant a variance with respect to the distancing requirement contained in Section VII, AA.3 if the applicant clearly demonstrates that the proposed location has unique advantages with respect to proximity to employment opportunities, social services, public transportation, or similar amenities.
6. Uniformity With Respect to Granting of Conditional Use Permits: The granting of conditional use permits for the establishment of Group Residential Facilities shall be uniformly and equitably done, irrespective of considerations beyond the scope of these regulations.

BB. Retail Sales for Guests Only

Community buildings, private clubs, lodges, social or recreational establishments may engage in retail sales for guests, provided that:

- 1. There shall be no external evidence of any gainful activity, however, incidental, nor any access to any space used for gainful activity other than from within the building.
- 2. That there be no harm to adjacent existing or potential residential development due to excessive traffic generation or noise or other circumstances.

CC. Hospitals and Churches

Hospitals, churches or other religious or eleemosynary institution shall be located on a major street on a minimum parcel of one-half (½) acre, shall maintain a ten (10) feet wide minimum landscaped strip on all property lines abutting all Residence Districts except the RD Residential District and on all residential streets.

DD. Fertilizer Plants

Fertilizer plants and yards shall be no closer than two hundred (200) feet to any

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Residence District, except the RD Residence District, shall provide automobile parking and truck loading area together with ingress and egress so designed to minimize traffic hazard and congestion, shall show that odor, dust, noise and drainage shall not constitute a nuisance to surrounding properties.

EE. Inflammable Liquid Storage in I-Districts

Above ground storage of materials or products rated as fast-burning, or which produce flammable or explosive vapors or gases in quantities over one thousand (1,000) gallons will only be permitted in the I-Districts provided that such storage area is not less than six hundred (600) feet distant from any other zoning district. Such storage area must be provided with adequate safety devices against the hazard of fire and explosion and adequate fire suppression and fire fighting equipment and devices standard to the industry and shall meet the requirements of other applicable Municipal Ordinances.

FF. Circus

A circus or carnival involving temporary assemblies of over three hundred (300) people and their automobiles may only be permitted in any district provided that such establishment may not be located on a street developed with residences, within five hundred (500) feet of such residences or less than two hundred (200) feet from such residences, in any case for all such uses.

GG. Amusement Center

Amusement center, bowling alley, dance hall and similar places of amusement shall provide parking with ingress and egress designed so as to minimize traffic congestion, shall not be less than twenty (20) feet from any property line, provide a minimum six (6) foot solid board fence or masonry wall separating parking area from abutting residential property and shall show that adequate controls or measures will be taken to prevent offensive noise and vibration.

HH. Nursery Schools

Nursery school, day care center for more than five (5) children shall maintain a minimum six (6) foot high solid board fence combined with a minimum three (3) foot wide shrub planting area or a minimum six (6) foot high masonry wall along any property line abutting a residential district. A nursery shall be located only on a minimum ten thousand (10,000) square foot lot and shall not develop excessive traffic on local residential streets.

II. Temporary Tract Offices

Temporary tract office in any district shall be located on the property to which it is appurtenant, shall be limited to a six months period at the expiration of which time the applicant may request a further extension of time. Otherwise the tract office shall be removed at the expense of the owner.

JJ. Excavations

1. The excavations from or deposits on the earth of rock, stone, gravel, sand, earth, minerals, or building or construction materials shall not be construed to be a permitted use in any district established by this Ordinance unless and until a land use permit shall first have been secured therefore, except

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for the following defined extractions and deposits.

- a) Excavations for the foundation or basement of any building or for a swimming pool for which a land use permit and a building permit have been issued, or deposits on the earth of any building or construction materials to be used in a structure for which such zoning permit and building permit have been issued.
 - b) Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than ten (10) feet in vertical height, or when less than one thousand (1,000) cubic yards of earth is removed from the premises.
 - c) Grading in a subdivision which has been approved by the Municipality in accordance with the Municipal Subdivision Ordinance and any amendments thereto.
 - d) Excavations by any public agency or public utility for the installation, operation, inspection, repair or replacement of any of its facilities.
2. Any quarry existing and operating as such on the effective date of this Ordinance shall obtain a new use permit and conform with the provisions of this Ordinance within one (1) year of the adoption of this Ordinance.
 3. The Legislative Authority shall have the power to grant conditional land use permits, revocable and valid for specified periods of time, to permit extractions from or deposits on the earth of rock, stone, gravel, sand, earth, minerals or building or construction materials as set forth herein above.
 4. The Zoning Commissioner shall make such inspections as he deems necessary or as are required by the Legislative Authority to ensure that all work is in accordance with the use permit. All inspection services shall be paid for by the applicant at the actual cost to the Municipality.
 5. The conditions under which a use permit for excavation from or depositing on the earth of said materials may be issued, may include but are not limited to any requirements deemed necessary to protect the public health, safety, comfort, convenience or general welfare including insurance against liability arising from production or activities or operations incident thereto; completion of the work and cleaning up and planting in accordance with approved plans; designation of area in which work may be done; designation of the slope to which excavation may be made or the grade of filling; provisions for controlling dust; hours during which operations may proceed; precautions which must be taken to guide safe traffic movements in and around and by said operation; enclosure by fence of exterior boundaries of property to be used; posting of a good and sufficient bond to assure compliance with the use permit and any other conditions deemed necessary by the Legislative Authority.

KK. Modifications and Exceptions

1. Height

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The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modifications shall be in accord with the following:

- a) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Ordinance.
- b) Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, smoke stacks, and flag poles, are exempt from the height limitations of this Ordinance.
- c) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
- d) Communication structures, such as radio and television transmission and relay towers, aerials and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- e) Agricultural structures such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.
- f) Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirements.

2. Yards

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

- a) Uncovered stairs, landings and fire escapes may project into any yard but not to exceed six (6) feet and not closer than three (3) feet to any lot line.
- b) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard; but such projection shall not exceed two (2) feet.
- c) Residential fences are permitted on property lines but shall not in any case exceed a height of six (6) feet; shall not exceed a height of four (4) feet in the street yard and shall not be closer than two (2) feet to any public right-of-way.
- d) Security fences are permitted on the property lines but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- e) Accessory uses and detached accessory structures, are permitted in the rear yard only; they shall not be closer than ten (10) feet to the principal structure, they shall not exceed fifteen (15) feet in height, shall not occupy more than twenty (20) percent of the rear yard area, and

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shall not be closer than three (3) feet to any lot line nor five (5) feet to an alley line.

- f) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.
- g) Landscaping and vegetation are exempt from the yard requirements of this Ordinance.

3. Additions

Additions in the street yards of existing structures shall not project beyond the average of the existing street yards on the abutting lot or parcels.

4. Average Street Yards

The required street yards may be decreased to the average of the existing street yards of the abutting structures on each side but in no case less than twenty (20) feet.

5. Noise

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are not to be enjoined under the performance standards section of this Ordinance.

LL. Junk and Other Nuisances

- 1. Junk: The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in the Ohio Revised Code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.
- 2. Abandoned junk motor vehicle: Abandoned junk motor vehicle means any motor vehicle meeting the description of Junk Motor Vehicle Section VII LL (3).
- 3. Junk Motor Vehicle:
Junk Motor Vehicle means any motor vehicle meeting the requirements according to Village Ordinance #605:
 - i. No current license plate displayed on vehicle;
 - ii. The vehicle is extensively damaged, such damage including but not limited to any of the following missing body parts; wheels, tires, motor or transmission;
 - iii. The vehicle is apparently inoperable;

Any motor vehicle that meets the above requirements that is left uncovered in the open on private property for more than 72 hours with the permission of the person having the right to the possession of the property, or otherwise regulated under authority of a political subdivision, or if the property is not subject to licensure or regulation by any governmental authority, unless the person having the right to the

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possession of property can establish that the motor vehicle is part of a bona fide commercial operation ; or if the motor vehicle is a collectors vehicle.

- a) The municipality shall not prevent a person from storing or keeping, or restrict him or her in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that the municipality may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction and unlicensed collector's vehicle stored in the open.
- b) The Police Chief, the Legislative Authority or the Zoning Authority may send notice by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten (10) days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.
- c) Failure to comply with this ordinance either by removing vehicles in violation, or contacting the Convoy Village Office to confirm the operational status of the vehicle(s) within ten days of receiving this notice, will result in the removal of the vehicle(s) by the Village at the expense of \$200.00 per vehicle paid by the person having the right to the possession of the property.
- d) Should the vehicle be removed by the village, it will be stored for up to thirty (30) days. During which time the owner may retrieve the vehicle only after all fines and costs related to towing and storage of the vehicle are paid. After the thirty (30) days, the vehicle will be disposed of and all costs will be assessed against the property and collected as a lien against the property.
- e) Whoever violates this ordinance is guilty of a minor misdemeanor for a first offense. For each subsequent offense, such person is guilty of a misdemeanor of the third degree. A separate offense shall be deemed omitted each day during or on which a violations occurs or continues and will be fined according to the O.R.C. Section 130.99 .

4. Commercial Vehicles: As referenced in the Ohio Revised Code, no commercial vehicles, to include commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely

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enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking.

5. Unlicensed Vehicles: Unlicensed vehicles means any motor vehicle meeting the description of Junk Motor Vehicle Section VII LL (3).
6. Disabled Vehicles: Disabled vehicles means any motor vehicle meeting the description of Junk Motor Vehicle Section VII LL (3).
7. Objectionable, Noxious, or Dangerous Uses, Practices, or Conditions: No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, the occupation or use of any land or building in any district shall be in violation of this Ordinance if one or more of the following conditions is found to exist at any time:
 - a. The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
 - b. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
 - c. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
 - d. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
 - e. Objectionable noise as determined by the Zoning Commissioner due to volume, frequency or beat is present;
 - f. Vibration discernible by the Zoning Commissioner without instruments is present on an adjoining lot or property;
 - g. Direct or reflected glare is present which is visible from any street or from any property not within an Industrial District;
 - h. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;
 - i. Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.
8. Removal, Repair, or Securance of Certain Buildings or Structures: The Legislative Authority may provide for the removal, repair, or securance of buildings or other structures that have been declared insecure, unsafe, or structurally defective by any fire department under contract with the

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Municipality or by the Zoning Commissioner, or buildings or other structures that have been declared unfit for human habitation by the Board of Health of the Van Wert County General Health District. At least thirty days prior to the removal, repair, or securance of any insecure, unsafe, or structurally defective building, the Legislative Authority shall give notice by certified mail of its intention with respect to such removal, repair, or securance to the holders of legal or equitable liens of record upon the real property on which such building is located and to owners of record of such property. If the owner's address is unknown and cannot reasonably be obtained, the Legislative Authority shall publish the notice once in a newspaper of general circulation in the Municipality. The owners of record of such property or the holders of liens of record upon such property may enter into an agreement with the Legislative Authority to perform the removal, repair, or securance of the insecure, unsafe, or structurally defective building. If an emergency exists, as determined by the Legislative Authority, notice may be given other than by certified mail and less than thirty days prior to such removal, repair, or securance. The Legislative Authority may collect the total cost incurred, as defined in the Ohio Revised Code, for such required action under this section, through methods under the pertinent sections of the Ohio Revised Code.

9. Abatement, Control or Removal of Vegetation, Garbage, Refuse or Debris: The Legislative Authority may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Municipality, if the Legislative Authority determines that the owner's maintenance of such vegetation, garbage, refuse, and other debris constitutes a nuisance. At least seven days prior to providing for the abatement, control, or removal of any vegetation, garbage, refuse, or debris, the Legislative Authority shall notify the owner of the land and any holders of liens of record upon the land that: 1) The owner is ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris, the owner's maintenance of which has been determined by the Legislative Authority to be a nuisance; 2) If such vegetation, garbage, refuse, or debris is not abated, controlled, or removed, or if provision for its abatement, control, or removal is not made, within seven days, the Legislative Authority will provide for the abatement, control, or removal, and any expenses incurred by the Legislative Authority in performing that task will be entered upon the tax duplicate and will be a lien upon the land from the date of entry. The Legislative Authority shall send the notice to the owner of the land by certified mail if the owner is a resident of the Municipality or is a nonresident whose address is known, and by certified mail to lien-holders of record. If the owner's address is unknown and cannot reasonably be obtained, the Legislative Authority shall publish the notice once in a

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newspaper of general circulation in the Municipality. The owner of the land or holders of liens of record upon the land may enter into an agreement with the Legislative Authority providing for either party to the agreement to perform the abatement, control, or removal prior to the time the Legislative Authority is required to provide for the abatement, control, or removal under this section. If, within seven days after notice is given, the owner of the land fails to abate, control, or remove the vegetation, garbage, refuse, or debris, or no agreement for its abatement, control, or removal is entered into under this section, the Legislative Authority shall provide for the abatement, control, or removal and may employ the necessary labor, materials, and equipment to perform the task. All expenses incurred shall, when approved by the Legislative Authority, be paid out of the Municipality General Fund from moneys not otherwise appropriated. The Legislative Authority shall make a written report to the County Auditor of the Legislative Authority's actions under this section. The Legislative Authority shall include in the report a statement of all expenses incurred in providing for the abatement, control, or removal of any vegetation, garbage, refuse, or debris, as provided for in this section, including the Legislative Authority's charges for its services, notification, the amount paid for labor, materials, and equipment, and a proper description of the premises. The expenses incurred, when allowed, shall be entered upon the tax duplicate, are a lien upon the land from the date of entry, and shall be collected as other taxes and returned to the Municipality and placed in the Municipality General Fund.

10. Abandoned Refrigerators and Airtight Containers (added 5/2006)

No person shall abandon, discard, or knowingly permit to remain on premises under his or her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of 1½ cubic feet or more and an opening of 50 square inches or more and which has a door or lid equipped with a hinge, latch, or other fastening device capable of securing such door or lid, without rendering the equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouse official or repair technician. Whoever violates LL.10 shall be guilty of a misdemeanor.

MM. Required Refuse Collection Areas

The refuse collection areas provided by all business, industrial, and multifamily residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height,

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unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Commissioner. In addition, the following requirements shall be met:

1. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
2. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials.
3. Storage areas in residential districts shall utilize such additional screening as required in this Ordinance.

SECTION VIII-COMMUNICATIONS TOWERS

A. Purpose

The purpose of this Ordinance is to establish general guidelines for the siting of antennas. The goals of this Ordinance are to 1) encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community, 2) encourage strongly the joint use of new and existing tower sites, 3) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, 4) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and 5) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

B. Authorization and Federal Requirements

Such structures shall comply with applicable FAA and FCC regulations. Evidence of compliance must be submitted prior to issuance of a permit for tower construction. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the Legislative Authority shall be in the manner provided for in the Ohio Revised Code.

C. Certification

All certifications required under this section shall be by an Ohio registered engineer.

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D. Conditional Use

Radio, television, or microwave towers and similar commercial structures shall be conditional uses within all zoning districts.

E. Design

New communication towers in excess of one hundred fifty (150) feet, excluding monopoles, shall be designed structurally to accommodate the maximum amount of additional antenna reasonably practicable to promote shared use of towers.

F. Placement and Height

1. Unless the Federal Communications Commission promulgates rules to the contrary, all personal wireless service facilities shall be a distance of not less than 350 feet from the nearest property line of a school, day-care center, camp, or playground and, if installed in a cemetery, shall be at least 500 feet from the nearest property line.
2. Setback shall be equal to the height of the tower unless an engineer certifies the fall zone will be within the setback area proposed. For guyed towers, applicants should submit certified break-apart area calculations in order for the property boundary setbacks of the tower to be determined. Alternatively, if the applicant chooses not to submit break-apart calculations, the minimum setbacks shall be one hundred ten (110) percent of the height of the tower, as measured from all property lines.

G. Safety Standards

1. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Legislative Authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the Legislative Authority may remove such tower at the owner's expense. Any such removal by the Legislative Authority shall be in the manner provided for in the Ohio Revised Code.
2. No tower shall be situated on the properties so that if the tower falls, it would strike or cause damage to any power line, or so that any part of the tower exceeds beyond the parameters of the property after the tower has fallen.

H. Lighting

Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Legislative Authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

I. Fencing

A chainlink fence no less than six (6) feet in height from finished grade shall be

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constructed around each communication tower and around related support or guy anchors. Access shall only be through a locked gate.

J. Warning signs

All warning signs shall use at least six-inch lettering and be installed five (5) feet above finished grade of the fence. "NO TRESPASSING" warning signs shall be attached to the fence and shall be spaced no more than forty (40) feet apart. If high voltage (above 220 volts) is necessary for the operation of the tower and is present at the base of the tower, signs located no more than forty (40) feet apart and attached to the fence or wall shall indicate "DANGER-HIGH VOLTAGE". In the event that warning signs intended to be attached to a fence should be obstructed by landscaping, then the applicant shall attach warning signs to free-standing poles that are situated around the site so as to be clearly visible and not obstructed by any landscaping.

K. Maintenance of Facilities

The applicant shall submit a certified inspection report at least once every five (5) years to ensure the continuing structural integrity of the tower and accessory structures. If the report recommends that repairs or maintenance are required, then a letter shall be submitted to the Municipality to verify that such repairs and/or maintenance have been completed. The Legislative Authority may require repair or removal of the tower based on the inspection report. The Municipality shall have no responsibility regarding such repairs and/or maintenance. Existing, nonconforming towers shall be subject to current approval requirements if replacement is required.

L. Shared Use

To discourage the proliferation of communication towers, shared use of tower structures is both permitted, as a conditional use, and encouraged. Placement of more than one tower on a land site may be permitted if all setbacks, design and landscape requirements are met for each tower. New tower applications shall not be accepted unless the applicant makes a good faith effort to substantially demonstrate that no existing or planned tower can accommodate the applicants's antenna or transmitter.

M. Dedication of Tower Use

For towers over one hundred (100) feet in height, the Legislative Authority may require, as a condition of approval, the dedication of space on the tower for communications equipment as required for public safety. Specific requests for such public use shall be discussed with the applicant prior to formal approval.

N. Landscape Buffers

Landscape buffers shall be required around the perimeter fencing of the tower and any accessory uses, including guy anchors, except that the standard shall be waived when the proposed landscaping would not be visible from adjacent lots or right-of-way. Landscape buffers, located outside and within ten (10) feet of the fence, shall include one tree for every twenty (20) linear feet of fence and suitable ground cover.

O. Access

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A twelve-foot-wide stabilized access driveway is acceptable, unless it is determined, based on public safety concerns, that circumstances require paved access. The turnaround area must be found to be acceptable for public safety usage.

P. Parking

For new towers exceeding one hundred fifty (150) feet in height, a minimum of one on-site parking space shall be provided. The parking area shall be paved if the access road is paved. After evaluation of the proposed tower and related facilities, it may be determined that additional spaces are required as a condition of approval.

Q. Occupancy

Communication towers and accessory structures shall be unoccupied.

R. Signs and Advertising

The use of any portion of a tower for signs or advertising purposes is prohibit.

S. Submittal Requirements

A development plan/application shall include:

1. Written authorization from the property owner of the proposed tower site.
2. A site plan: drawn to scale, showing the property boundaries, showing any tower guy wire anchors and other apparatus, existing and proposed structures, scaled elevation view, access road(s) location and surface material, parking area, fences, location and content of (any or warning) signs, exterior lighting specifications, landscaping plan, land elevation contours, existing land uses surrounding the site, proposed transmission buildings and/or other accessory uses with details including elevations and proposed use.
3. A written report including: information describing the tower height and design; a cross-section of the structure; engineering specifications detailing construction of tower, base, and guy wire anchorage; information describing the proposed painting and lighting schemes; information describing the tower's capacity, including the number and type of antennas that it can accommodate; radio frequency coverage (not to be made a part of the public record; all tower structural information to be certified by a licensed public engineer; wireless telecommunications data to be certified by an appropriate wireless telecommunications professional; information discussing unavailability of other sites for one or more of the following reasons - refusal by current tower owner, topographic limitations, adjacent impediments blocking transmission, site limitations to tower construction, technical limitations of the system, equipment exceeds structural capacity of facility or tower, no space on existing facility or tower, other limiting factors rendering existing facilities or towers unusable, an update of capacity on an existing tower.

T. Fire Protection

Tower support buildings shall be built of noncombustible construction with built-in ventilation. A smoke detector shall be installed which upon activation will shunt the electrical power to the building. No combustible storage is permitted in tower support buildings.

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U. Tower Removal

Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the Municipality with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of single tower, this provision shall not become effective until all users cease operations. The equipment on the ground is not to be removed, however, until the tower structure has first been dismantled and removed. If such antenna or tower is not removed within said ninety (90) days, the Legislative Authority may, in the manner provided in the Ohio Revised Code, remove such antenna or tower at the owner's expense. The Municipality may employ all legal measures, including, if necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

V. Tower Replacement

Existing towers, that may be determined to be nonconforming structures as a result of the application of the distancing requirements or the setback requirements of this Ordinance, may be replaced one time by a tower of equal or lesser height, if the replacement is completed within five (5) years of the effective date of this Ordinance.

SECTION IX - NON-CONFORMING USES AND STRUCTURES

The lawful use of any land or buildings existing at the time of the adoption of this Ordinance may be continued, even if such does not conform to the regulations of this Ordinance, except as provided below:

A. Non-Conforming Buildings

1. Alterations

A non-conforming building or structure shall not be reconstructed or altered to an extent exceeding fifty (50) percent of its market value, unless said building or structure is changed to conform with the regulations of this Ordinance.

2. Enlargement

A non-conforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring said building or structure into conformity with the regulations of this Ordinance.

3. Restoration (amended 5/2006)

A non-conforming building or structure which is damaged or destroyed by fire or other causes or removed intentionally by other cause to the extent of more than fifty (50) percent of its market value shall not be restored except in

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conformity with the regulations of this Ordinance.

4. Abandonment

A non-conforming use of a building which has been discontinued for a period of six (6) months shall not be re-established and any future use shall be in conformity with the regulations of this Ordinance.

B. Non-conforming Use of Building or Land

1. Extension

a. A non-conforming use of a building may be extended throughout said building provided no structural alterations are made therein except as required by other codes or ordinances.

b. A non-conforming use of land shall not be expanded or enlarged.

2. Relocation

A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage of this Ordinance.

SECTION X - PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

A. General

Appeals and variances shall conform to the procedures and requirements of Section X, B to L inclusive, of this Ordinance. As specified in Section XIII, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

B. Appeals

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the Legislative Authority of the Municipality affected by any decision of the Zoning Commissioner. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Commissioner and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Commissioner shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

C. Stay of Proceedings Under Appeals

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Commissioner from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Commissioner from whom the appeal is taken on due cause shown.

D. Variances

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public

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interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.

E. Application and Standards for Variances

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

1. Name, address, and phone number of applicant(s);
2. Legal description of property;
3. A list containing the names and mailing addresses of all owners of adjoining property.
4. Description or nature of variance requested;
5. A fee as established by Ordinance;
6. Narrative statements establishing and substantiating that variance conforms to the following standards:
 - a) The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
 - b) The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
 - c) There must exist special circumstances of conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
 - d) There must be proof of hardship created by the strict application of this Ordinance. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on the basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
 - e) The granting of the variance is necessary for the reasonable use of the

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land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

- f) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public roads, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
- g) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

F. Additional Conditions and Safeguards

The Legislative Authority may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Ordinance.

G. Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Commissioner or an applicant.

H. Notice of Public Hearing in Newspaper

Before conducting the public hearing required in Section X, G, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Municipality at least fifteen (15) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

I. Notice to Parties of Interest

Before conducting the public hearing required in Section X, G, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required of notices published in newspapers as specified in Section X, H.

J. Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section X, G, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section X, F, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board of Zoning Appeals decision shall be made in the manner specified in Section XIII, I.

K. Term of Variance

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

L. Authorized Variances

Variances from the regulations of this Ordinance shall not be granted unless the Legislative Authority makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section X, E, and Section X, F, if applicable, have been met by the applicant. Variances may be granted as guided by the following:

1. To permit any yard or setback less than the yard or setback required by the applicable regulations.
2. To permit the use of a lot or lots for use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width.
3. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
4. To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.
5. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
6. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent.
7. To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.
8. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.

SECTION XI - PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES

A. Conditional Uses

The provisions of Sections XI, A.1 to A.9 inclusive of this Ordinance apply to the location and maintenance of any and all conditional uses.

1. Purpose: In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable

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- manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Ordinance should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of Sections XI, A.2 to A.9.
2. Contents of Conditional Use Permit Application: Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Commissioner, who shall within seven (7) days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:
- a) Name, address and phone number of the applicant;
 - b) Legal description of the property;
 - c) Zoning District;
 - d) Description of existing use;
 - e) Description of proposed conditional use;
 - f) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Legislative Authority may require;
 - g) A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
 - h) A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
 - i) A fee as established by Ordinance;
 - j) A narrative addressing each of the applicable criteria contained in Section XI,
3. General Standards for All Conditional Uses
The Legislative Authority shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:
- a) Is in fact a conditional use as established under the provisions of Section IV-VI and appears on the Schedule of District Regulations adopted for the zoning district involved;
 - b) Will be in accordance with the general objectives, or with any specific objective, of the County's Comprehensive Plan and/or Zoning Ordinance;
 - c) 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

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- essential character of the same area;
- d) Will not be hazardous or disturbing to existing or future neighboring uses;
 - e) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
 - f) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
 - g) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
 - h) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
 - i) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
4. Public Hearing: The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a conditional use permit submitted by an applicant through the Zoning Commissioner.
5. Notice of Public Hearing: Before conducting the public hearing required in Section XI, A.4, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Municipality at least fifteen (15) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.
6. Notice to Parties of Interest: Prior to conducting the public hearing required in Section XI, A.4, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required in Section XI, A.5, for notices published in newspapers.
7. Action by the Board of Zoning Appeals: Within thirty (30) days after the date of the public hearing required in Section XI, A.4, the Board shall take one (1) of the following actions:
- a) Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section

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8. Upon making an affirmative finding, the Board shall direct the Zoning Commissioner to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval.
 - b) Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
 - c) Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval. If an application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section XIII, I.
 8. Supplementary Conditions and Safeguards: In granting approval for any conditional use, the Legislative Authority may prescribe appropriate conditions and safeguards in conformance with this Ordinance. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Ordinance, and may result in revocation of the conditional use permit.
 9. Expiration of Conditional Use Permit: A conditional use permit shall be deemed to authorize only one (1) particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than two (2) years.
- B. Substantially Similar Uses:
1. Procedure and Requirements to Determine That a Use is Substantially Similar: Where a specific use is proposed that is not listed or provided for in this Ordinance, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this Ordinance. If the Board finds that a use is substantially similar to a specific use listed in this Ordinance, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use. In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in Section X, of this Ordinance. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Legislative Authority of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within thirty (30) days of its receipt by the Legislative Authority, such substantially similar use determination by the Board shall become effective.
 2. Remedy by Application for Amendment: If the Board determines that a proposed use is not substantially similar, such determination shall not be

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appealed to the Legislative Authority, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in Section XII.

3. Standards for Consideration of Substantially Similar Uses: The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:
 - a) The compatibility of the proposed use with the general use classification system as specified in this Ordinance.
 - b) The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Ordinance as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
 - c) The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Ordinance.
4. Effect of Determination That a Use Is Substantially Similar: Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Ordinance, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.
5. Record of Substantially Similar Uses: The Zoning Commissioner shall maintain, as a public record, a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in this Ordinance, the use unlisted in this Ordinance about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals or the Legislative Authority. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Commissioner shall consult this record in the process of issuing future permits.

SECTION XII - AMENDMENT

- A. Procedure for Amendments or District Changes:

This Ordinance may be amended by utilizing the procedures specified in Section XII, B, to O, inclusive, of this Ordinance.
- B. General:

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

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C. Initiation of Zoning Amendments:

Amendments to this Ordinance may be initiated in one (1) of the following ways:

1. By adoption of a motion by the Zoning Commission;
2. By adoption of a resolution by the Legislative Authority;
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

D. Contents of Application For Zoning Map Amendment: Applications for amendments to the Official Zoning Map adopted as part of this Ordinance by Section V shall contain at least the following information:

1. The name, address, and phone number of applicant;
2. The proposed amending Ordinance, approved as to form by the County Prosecutor;
3. A statement of the reason(s) for the proposed amendment;
4. Present use;
5. Present zoning district;
6. Proposed use;
7. Proposed zoning districts;
8. A vicinity map at a scale approved by the Zoning Commissioner showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Commissioner may require;
9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
10. A statement on the ways in which the proposed amendment relates to the Comprehensive Plan;
11. A fee as established by Ordinance of the Legislative Authority.

E. Contents of Application for Zoning Text Amendment:

Application for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Ordinance, other than the Official Zoning Map, shall contain at least the following information:

1. The name, address, and phone number of the applicant;
2. The proposed amending Ordinance, approved as to form by the County Prosecutor;
3. A statement of the reason(s) for the proposed amendment;
4. A statement explaining the ways in which the proposed amendment relates to the Comprehensive Plan;
5. A fee as established by Ordinance of the Legislative Authority.

F. Transmittal to Zoning Commission:

Immediately after the adoption of a resolution by the Legislative Authority or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

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- G. Submission to County Regional Planning Commission:
Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Legislative Authority, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and map pertaining to the case in question, to the County Regional Planning Commission. The County Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.
- H. Submission to Director of Transportation:
Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Zoning Commission may proceed as required by law; however, the Legislative Authority shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Legislative Authority that he shall proceed to acquire the land needed, the Legislative Authority shall refuse to approve the rezoning. If the Director of Transportation notifies the Legislative Authority that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Legislative Authority shall proceed as required by law.
- I. Public Hearing by Zoning Commission:
The Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Legislative Authority, or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.
- J. Notice of Public Hearing in Newspaper:
Before holding the public hearing as required in Section XII, I, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Municipality at least fifteen (15) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Legislative Authority for further determination.
- K. Notice to Property Owners by Zoning Commission:
If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the

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Zoning Commission by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Legislative Authority. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section XII, J.

- L. Recommendation by Zoning Commission: Within thirty (30) days after the public hearing required by Section XII, I, the Zoning Commission shall recommend to the Legislative Authority that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the Comprehensive Plan.
- M. Public Hearing by Legislative Authority: Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Legislative Authority shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Legislative Authority as specified in Section XII, J.
- N. Action by Board of Legislative Authority: Within twenty (20) days after the public hearing required by Section XII, I, the Legislative Authority shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Legislative Authority deny or modify the recommendation of the Commission, the unanimous vote of the Legislative Authority is required.
- O. Effective Date and Referendum: Such amendment adopted by the Legislative Authority shall become effective thirty (30) days after the date of such adoption unless within (30) days after the adoption of the amendment there is presented to the Legislative Authority a petition, signed by a number of qualified voters residing in the incorporated area of the Municipality or part thereof included in the zoning plan equal to not less than eight (8) per cent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Legislative Authority to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

SECTION XIII – ADMINISTRATION

- A. Purpose: This article sets forth the powers and duties of the Zoning Commission, the Board of Zoning Appeals, the Legislative Authority, and the Zoning Commissioner

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with respect to the administration of the provisions of this Ordinance.

- B. General Provisions: The formulation, administration and enforcement of this Zoning Ordinance is hereby vested in the following offices and bodies within Municipality government:
1. Zoning Commissioner
 2. Zoning Commission
 3. Board of Zoning Appeals
 4. Legislative Authority
 5. County Prosecutor
- C. Zoning Commissioner: A Zoning Commissioner designated by Legislative Authority shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Legislative Authority may direct.
- D. Responsibilities of Zoning Commissioner: For the purpose of this Ordinance, the Zoning Commissioner shall have the following duties:
1. Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.
 2. Respond to questions concerning application for amendments to the Zoning Ordinance text and the Official Zoning District Map.
 3. Issue zoning permits as provided by this Ordinance, and keep a record of same with a notation on any special conditions involved.
 4. Act on all applications upon which he is authorized to act by the provisions of this Ordinance within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.
 5. Conduct inspections of buildings and uses of land to determine compliance with this Ordinance, and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
 6. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Municipality offices.
 7. Maintain permanent and current records required by this Ordinance, including but not limited to zoning permits, zoning certificates, inspection documents, and records of all variances, amendments and special uses.
 8. Make such records available for the use of the Legislative Authority, the Zoning Commission, the Board of Zoning Appeals, and the public.
 9. Review and approve site plans pursuant to this Ordinance.
 10. Determine the existence of any violations of this Ordinance, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
 11. Prepare and submit an annual report to the Legislative Authority and Zoning

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Commission on the administration of this Ordinance, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Ordinance. Such report shall include recommendations concerning the fees.

E. Zoning Commission:

The Zoning Commission shall consist of five(5) members who must be residents of the Municipality and these members cannot serve on the Board of Zoning Appeals. The Zoning Commission has the power to recommend the enactment and changes and supplements to zoning and any other powers conferred by the Ohio Revised Code and this Ordinance.

F. Village Board of Zoning Appeals: Compensation and Expenses:

The Legislative Authority shall appoint a Board of Zoning Appeals of five (5) members who shall be residents of the incorporated territory in the Municipality included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by the Legislative Authority and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both as the Legislative Authority may approve and provide. The Board of Zoning Appeals may within the limits of the moneys appropriated by the Legislative Authority for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

G. Powers of Board of Zoning Appeals: The Board of Zoning Appeals may:

1. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Sections 519.02 to 519.25 of the Ohio Revised Code, or of any Ordinance adopted pursuant thereto;
2. Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done;
3. Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the Zoning Ordinance.
4. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under Section XIII, D, and of his right to a hearing before the Board, within thirty days of the mailing of the notice, if he so requests. If the holder requests a hearing, the Board shall set

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a time and place for the hearing, and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law. In exercising the above-mentioned powers, such Board may, in conformity with such Sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

H. Rules, Organization and Meetings of Zoning Appeals Board:

The Board of Zoning Appeals shall organize and adopt rules in accordance with the Zoning Ordinance. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board determines. The Chairman, or in his absence the Acting Chairman, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Legislative Authority and be a public record. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Municipality affected by any decision of the administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing, with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days' notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the Municipality at least fifteen (15) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

I. Duties of Zoning Commissioner, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal:

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Commissioner, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Commissioner. Further it is the intent of this ordinance that a decision of the Zoning Board of Appeals may be appealed to the Legislative Authority on the same question

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pursuant to the same time regulations and filing deadlines found in Section H of this same section in regard to the Zoning Board of Appeals. In addition to hearing such appeals from the Board of Zoning Appeals, the Legislative Authority shall have the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, and of establishing a schedule of fees and charges as stated Section XIII, K, of this Section. All appeals from the Legislative Authority in this matter on questions of zoning appeals shall be to the Courts as provided by state law. Nothing in this ordinance shall be interpreted to prevent any official from the municipality from appealing a decision of the Legislative Authority to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the publicly determined and voted upon Legislative Authority decision.

- J. Legislative Authority: The powers and duties of the Legislative Authority pertaining to the Zoning Ordinance are as follows:
1. Approve the appointments of the Zoning Commissioner.
 2. Approve the appointments of members to the Zoning Board of Appeals.
 3. Initiate or act upon suggested amendments to the Zoning Ordinance text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
 4. Override a written recommendation of the Zoning Commissioner on a text or map amendment provided that such legislative action is passed by a unanimous vote of the Legislative Authority.
 5. To appeals on all questions of interpretation and enforcement that shall first be presented to the Zoning Commissioner and then such further presented to the Zoning Board of Appeals and only on appeal from the decision of the Zoning Commissioner and the Zoning Board of Appeals to the Legislative Authority.
- K. Schedule of Fees: The Board of Legislative Authority shall by Ordinance establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance, after considering the recommendations of the Zoning Commissioner with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Commissioner, and may be altered or amended only by the Legislative Authority. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

SECTION XIV – ENFORCEMENT

- A. General:
This article stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approvals under this Ordinance.
- B. Zoning Permits Required:

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With the exception of agriculture, no building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Commissioner. Zoning permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Commissioner receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance.

C. Contents of Application for Zoning Permit:

The application for zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2 ½) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning District;
6. Plans drawn to show the actual dimensions and the shape of the lot to be built upon; the exact size and location of the existing buildings on the lot, if any; and the location and dimensions of the proposed buildings(s) or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths, and their layout;
9. Location and design of access drives;
10. Number of dwelling units;
11. If applicable, application for a sign permit or conditional, special, or temporary use permit, unless previously submitted;
12. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Ordinance.

D. Approval of Zoning Permit:

Within thirty (30) days after the receipt of an application, the Zoning Commissioner shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. One (1) copy of the plans shall be returned to the applicant by the Zoning Commissioner, after the Zoning Commissioner shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One (1) copy of plans, similarly marked, shall be retained by the Zoning Commissioner. The Zoning Commissioner shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Ordinance.

E. Submission to Director of Transportation:

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Before any zoning permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Commissioner shall give notice, by registered mail, to the Director of Transportation that he shall not issue a zoning permit for one-hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Commissioner that he shall proceed to acquire the land needed, then the Zoning Commissioner shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Commissioner that acquisition at this time is not in the public interest, or upon the expiration of the one-hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Commissioner shall, if the application is in conformance with all provisions of this Ordinance issue the zoning permit.

F. Expiration of Zoning Permit:

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Commissioner; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one half (2 ½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Commissioner, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

G. Record of Zoning Permits:

The Zoning Commissioner shall maintain a record of all zoning permits and copies shall be furnished, upon request and upon payment of the established fee, to any person.

H. Failure to Obtain a Zoning Permit:

Failure to obtain a zoning permit shall be a punishable violation of this Ordinance.

I. Construction and Use to Be as Provided in Applications, Plans, Permits, and Certificates:

Zoning permits issued on the basis of plans and applications approved by the Zoning Commissioner authorize only the use, and arrangements, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Ordinance.

J. Complaints Regarding Violations:

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Commissioner. The Zoning

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Commissioner shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Ordinance.

K. Entry and Inspection of Property:

The Zoning Commissioner is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Ordinance. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Commissioner shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Commissioner shall request the assistance of the County Prosecutor in securing a valid search warrant prior to entry.

L. Stop Work Order:

Subsequent to his determination that work is being done contrary to this Ordinance, the Zoning Commissioner shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Commissioner, shall constitute a punishable violation of this Ordinance.

M. Zoning Permit Revocation:

The Zoning Commissioner may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.

N. Notice of Violation:

Whenever the Zoning Inspector or his agent determines that there is a violation of any provision of this Ordinance, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

1. Be in writing;
 2. Identify the violation;
 3. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated; and
 4. State the time by which the violation shall be corrected.
- Service of notice of violation shall be as follows:
1. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
 2. By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Commissioner. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
 3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

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O. Ticketing Procedure:

If, upon reinspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be Issued a ticket. Such ticket shall:

1. Be served personally;
2. Be in writing;
3. Identify the violation;
4. State the time, date and place for appearance in court, and
5. State the amount of the fine payable in lieu of a court appearance.

If the ticket cannot be served personally, the Zoning Commissioner shall request that a summons be issued by the Court.

P. Penalties and Fines:

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Ordinance or any amendment thereto. Any person, firm or corporation who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one-hundred (100) dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Q. Additional Remedies:

Nothing in this Ordinance shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Ordinance, or in the case of an imminent threat of such a violation, the Zoning Commissioner, the Prosecuting Attorney, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

SECTION XV - VALIDITY AND REPEAL

A. Validity:

If any article, section, subsection, paragraph, sentence or phrase of this Ordinance, is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance.

B. Repeal:

This Ordinance may be repealed in the following manner: The Legislative Authority

1. may adopt a Ordinance upon its own initiative.
2. shall adopt a Ordinance if there is presented to it, a petition signed by a

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number of qualified voters residing in the incorporated area of such Municipality included in the zoning plan, equal to not less than eight (8%) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the question of whether or not the plan of zoning in effect in said Municipality shall be repealed, to be submitted to the electors residing in the incorporated area of the Municipality included in the zoning plan, at the next primary or general election. In the event a majority of the vote cast on said question in said Municipality is in favor of repeal of zoning, then said regulations shall no longer be of any force or effect in said Municipality. Not more than one (1) such election shall be held in any two (2) calendar years.

SECTION XVI- WELL HEAD PROTECTION

Introduction

The Village of Convoy (Tully Twp., Van Wert County, Ohio, PWS # 8100112) maintains a small community water system public water supply for its service population. The source is ground water, with an average pumpage of about 0.136 million gallons per day (mgd). The Village water department and Board of Public Affairs (BPA) have come to recognize the value of source water (wellhead) protection plan (SWPP) development in protection of the ground-water supply, and hope to reinforce the community's appreciation of this resource.

The Village was motivated to rapidly develop a SWPP due to a recognition of the

- (1) Value of protecting the current well field,
- (2) Potential for the well field to be vulnerable to contamination, and
- (3) Expense and difficulty resulting if the well field were to become contaminated.

A ground water source wellhead protection area (WHPA) or source water protection area (SWAP) was delineated by Smith-Comeskey Ground Water Science, Upper Sandusky, Ohio, for the village well field in 1998. This delineation was submitted to Ohio EPA Division of Drinking and Ground Waters (DDGW) in February 1998 and endorsed by the Ohio EPA in April 1998 (Michael G. Baker to BPA, April 29, 1998). A Drinking Water Source Assessment report with potential contaminant source inventory (PCSI) and susceptibility analysis was completed by the Ohio EPA (April 2001), which encouraged the village to develop a SWPP. The SWAP (which is entirely within Tully Township, Van Wert County, Ohio) is the designated area of concern and the PCSI and susceptibility analysis are the basis for managing risk in the SWAP.

This SWPP is developed in accordance with the current Source Water Assessment Program (SWAP) documentation posted at the Ohio EPA's SWAP web site (<http://www.epa.state.oh.us/ddagw/pdu/swap.html>).

Protection Area

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This plan primarily is concerned with the delineated WHPA (SWAP or drinking water source protection area) for the Village of Convoy, as described and illustrated in the submitted WHPA delineation report. Pumping conditions have not changed materially since 2001 and the 1998 delineation is considered to remain valid for present planning purposes. The SWAP includes immediately adjacent affected properties and facilities, and will also encompass the Village Corporation and the service area of the water department.

Risks to Ground Water Quality

Ohio EPA-recognized potential contaminant source (PCS) risks within the SWAP are as described in the 2001 PCSI and illustrated in Figure 1 in relation to the five-year time-of-travel (TOT) zone of the SWAP. The locations are approximate. Additional PCS are transport through the village (highways and active two-way rail lines), (2) any sewers that may be leaking, (3) on-site wastewater treatment systems outside of sewer areas, and (4) agricultural chemical or animal waste application (neither on-site wastewater systems nor agricultural application are covered by the Ohio EPA database). Those PCS (and others subsequently identified by local inquiry) within the 5-year TOT zone are subjects of action under this SWPP.

The primary PCS are considered to be nonpoint agricultural and landscaping runoff, rather than point-source PCS on the basis of chemical loading. The source aquifer (the regional carbonate aquifer that is also local bedrock) is relatively protected by thick clay soil cover (refer to the well information supplied in the SWAP delineation and Drinking Water Source Assessment reports). Ohio EPA judges the source water to have a low susceptibility to contamination. PCS risk is considered to be largely contained within the low-conductivity surficial glacial till layer if nutrient and pesticide application rate limits are not exceeded or rapid recharge pathways (e.g., abandoned water wells) do not penetrate the soil layer. The risk of major concern is accidental introduction of contaminants into the aquifer zone via unsealed abandoned wells and other excavations (such as fire wells known to have been constructed in the village) that may penetrate the till layer. Convoy has not had any detected wellfield contamination.

Unsealed abandoned water wells and fire wells are presumed to exist within the SWAP. Those within the village are likely to be sealed with pavement, or under buildings and filled in. Fire wells, which were used prior to establishment of the piped water system to store runoff for fire protection, are likely to be imperfectly sealed at best.

Protection Goals and Objectives

Given the SWAP delineated and the nature of the risks identified, the primary goal of this management and education plan is to reduce potential long-term risk to the village well field using effective methods that cause the least possible inconvenience to community commerce, and promote cooperation in the community with the primary objective. The overall strategic plan is to follow a non-regulatory approach of identifying, characterizing,

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and mitigating risks. Land use designation under rural zoning (Tully Township is zoned) is an option. Implementing legal authority and additional regulatory action are viewed as a last resort.

Protection, Management and Oversight of Local Source Water Protection

The Village of Convoy water supply is owned and operated by the Village and managed by the BPA. The water system serves the area approximately encompassed by the village corporation limits. The Convoy Water Department is in operational charge of the water supply, treatment, and distribution system, and is supporting and submitting this plan. However, much of the SWAP involves land situated outside of the village limits and the water system service area. Many activities that may impact the SWAP are beyond the control of village government or BPA.

However, the village and the land affected by the SWAP are incorporated in geographically larger institutions that may play a role in the education and management functions of ground water protection. These include:

(1) Tully Township and Van Wert County. Tully Township has limited zoning and the county has an active planning function.

(2) Crestview Local School District serves Convoy and surrounding land in Van Wert County, including the entire SWAP.

(3) Van Wert County Soil and Water Conservation District (SWCD), which is a conduit for supporting the use of agricultural and land use best management practices (BMP) among Van Wert County landowners.

(4) Maumee River Basin Partnership of Local Governments (MRBPLG), c/o Christopher B. Burke Engineering, Ltd., 115 West Washington Street # 1368, South Indianapolis, IN 46204 (incorporating the Maumee River watershed, in which Convoy is located).

It is proposed that the BPA invite interested people to become part of a Ground Water Protection Advisory Committee (GW PAC), with an emphasis on "ground water protection" rather than a narrower scope of Convoy public water supply protection. The GW PAC ideally would include members from the BPA and village government, township administration; local agriculture (specifically the SWCD) and other interested business and local education members, the schools, and the hydrogeologic consultants (as ex officio advisors). The purpose of the GW PAC would be to promote protection of the ground water resource in the area, including the SWAP.

Protection Plan Components

Major protection activities components include:

(1) *Education*: Targeted to the public of all ages about the ground water resource serving both Convoy municipal water customers and private well owners in the area. The goal is to raise public awareness of potential risks to the water source, and change behaviors that

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may pose risks to ground water quality. By targeting the entire community both inside and beyond the SWAP and village water service areas, the chances of accidental spills and leaks should be reduced.

(2) *Reducing potential contaminant pathways to the aquifer.* Reduce risk by reducing the number of potential contaminant pathways to the aquifer within the WHPA 5-year time-of-travel (TOT) zone, primarily by encouraging the proper sealing of abandoned and unnecessary private wells and deep excavations such as unused fire wells.

(3) *Reducing potential for accidental releases:* This has several primary components:

- (a) Assessing the actual risks posed by identified PCS.
- (b) Working with agricultural and commercial entities within the 5-year TOT to inventory and reduce the impact of other activities that may release contaminants into the soil or sewers.
- (c) Acting to reduce potential transportation risks to the resource.

(4) *Ground water quality monitoring:* Monitoring within the SWAP to detect any contamination should it occur to allow time to develop a remediation plan before wellfield contamination occurs.

(5) *Contingency planning:* Develop well field contingencies in the event of catastrophic failure of this management program to prevent contamination of the existing well field.

(6) *Ongoing risk assessment and mitigation:* The implementation phase of this SWPP will continue as long as the Village supplies water. Tasks include identifying and monitoring identified and suspected buried sources of potential contamination as new information may become available.

The following are specific features of the overall management and education plan, with plans for how they will be carried out over time. These will be revised periodically to meet the needs of the community.

1. Education and Public Awareness

Pursuing an essentially non-regulatory management approach will depend heavily upon public awareness of the ground water supply, its quality, potential vulnerability, and how human activity can increase or reduce risk to ground water quality. The goal of the public education program will be to foster a sense of ownership for the ground water resource, and to encourage voluntary efforts to reduce risk within the SWAP and over the area.

There appears to be significant public involvement in village affairs in Convoy. The first steps for Convoy in conducting a deliberately public education program on a technically complex and rather abstract issue such as SWPP will be to (1) define a focus and (2) identify avenues for communication and how they can be properly used.

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Defining a focus

The focus will be determined by the village and BPA and its cooperating stakeholders (those who drink water from the aquifer). However, the recommended goal is prevention of any aquifer contamination as a matter of good stewardship of the ground water resource and to minimize health risks and the excessively burdensome costs of ground water clean up or relocating water supply wells.

Avenues for education and public awareness

(1) Crestview Local Schools: The school district serves Convoy and the surrounding rural areas, and entirely encompasses the SWAP. The schools are served by village utilities, are a community focus for the entire area. Nearly all local school children attend the public schools if they are not home-schooled. There is a high level of community interest and participation in the schools in the community at large.

Focus: The primary focus of education through the schools is on raising awareness among public school-age children about ground water, water quality, and behaviors that may threaten water quality. Secondly, through these activities, the families of school children may become more aware of these issues. Publicity about school activities on ground water protection will further reach the community at large.

Potential activities: The Crestview and County school board, administration, and teachers decide what are appropriate educational activities. The following opportunities will be suggested:

- v Classroom education: Using local ground water protection as a "relevant" issue in science and environmental education and civics and social studies, or "across the curriculum" efforts.

- v Enrichment activities for gifted and motivated students: Ground water protection can be promoted as a focus in social studies, local government, science, health, computer "science" and career-oriented programs such as FFA (particularly with local interest in agriculture and large concentrated animal feeding operations) and science fairs.

Learning about and assisting with ground water quality monitoring is an effective and economical means of learning about environmental sampling, planning and implementing scientific investigations, and the use of such data. Spin-offs include issues in chemistry and microbiology.

Source water protection is an example of environmental policy implementation at the local level. The process can be used as a local government civics lesson.

- v Special school assembly programs, most probably presented as part of an overall school awareness activities such as those developed for drug use avoidance.

- v Finally, use of school facilities and publicity for community education programs.

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Action plan: The GWPAC should include a Crestview secondary school science teacher who would be the point person in approaching school administration about these activities and coordinating with volunteers who would assist in developing and guiding activities, and providing opportunities to students. However, it is recommended that educational activities and planning be conducted on a countywide and regional basis for the best use of resources. Issues in Convoy are essentially identical to those in Van Wert, Willshire, Delphos, and other ground-water-using communities.

The GWPAC's consultants will assist the teacher in identifying sources of teaching materials and other educational resources, including the developing school education cooperation with other resource sources such as regional universities and other communities with endorsed SWPP in Van Wert and surrounding counties. They would also lead "teach the teachers" in-service training opportunities to help them to learn to use ground-water-related teaching tools, and basic ground water science, technology, and policy issues.

Recommended objectives and goals:

- 1) Make initial contact with administration by the end of the current (2005-2006) school year (May 2006).
- 2) Have an information packet available for teachers and administration in time for planning for fall of the 2007-2008 academic year.
- 3) Offer teacher training in a schedule suitable for the teachers in 2007.
- 4) Have ground water-related activities incorporated into existing projects starting at a pilot level during the 2007-2008 school year.
- 5) Evaluate progress prior to the end of the school year in 2008 and plan for expanded activities in subsequent years.

(2) *Agricultural service agencies:* The primary land use of interest in the SWAP and surrounding areas is agricultural. The two focus issues are a) land application of soil amendments and pesticides and their fate and b) abandoned wells and excavations. Current large farms incorporate numerous smaller former homesteads where wells were developed, with some not properly sealed. Additionally, large confined animal operations are becoming increasingly common in Van Wert County, although not yet within the Convoy SWAP.

Two focus agencies are identified:

- a) Van Wert County SWCD
- b) Van Wert County Ohio State University (OSU) Extension.

The goals of the SWCD on the larger scale parallel the goals of the SWPP: Employment by agricultural operations of BMPs to minimize or eliminate soil runoff and to exactly target soil amendments and agricultural chemicals on productive uses. Where this objective is realized, ground water contamination from agricultural activities does not necessarily occur. Both SWCDs and OSU Extension have an interest in and available educational materials on ground water protection.

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Focus: Encourage land use and agricultural BMPs and the sealing of open abandoned wells in affected areas of the SWAP and the regional aquifer.

Potential activities: Make the SWCD and Extension aware of the SWAP and the GWPAC's activities and objectives and recruit their cooperation.

- Consult with Van Wert County Extension agents and the SWCD board and staff about needs, objectives and activities, and enlist their cooperation.
- Speak to SWCD meetings about the SWAP and its protection, and the goals of the SWPP, and what these goals have in common with SWCD BMP objectives.
- Conduct well-sealing demonstrations at SWCD meetings.
- Monitor wells recharged from agricultural land to monitor long-term effects.

Action plan: These tasks are best accomplished on the County scale at which both the SWCD and Extension operate to accomplish the goals of all nearby SWPPs.

(1) Schedule talks with other public water suppliers and the SWCD board in 2006 to plan cooperation.

(2) Address a SWCD member meeting in 2006.

(3) Schedule a well-sealing demonstration in Tully Township in 2007.

(3) Regional colleges and universities: Convoy students frequently attend ONU and other regional colleges. For example, Ohio Northern University (ONU) in Ada includes an engineering and a law school, has an active environmental science program, trains teachers, and encourages research and cooperative education opportunities. ONU's engineering college has experience in community education for SWAP. Heidelberg University's Water Quality Laboratory (WQL) conducts monitoring throughout the region and also works with community and student-led environmental protection efforts. Other universities presumably have similar outreach.

Potential activities:

1. Involving Crestview high school environmental studies and FFA (and gifted, motivated middle school) students in ground water monitoring sampling under university mentoring, and conducting detailed (large sample number) chemical monitoring using (low-cost) WQL facilities.

2. Exploring computer and mathematical aspects of ground water hydrologic modeling and geographic information systems can be a focus of enrichment activities in computer "science."

3. Developing model ordinances or other policy law through the ONU College of Law.

4. Providing enrichment activities in environmental education using the SWPP and involving these university students in SWPP community and school education in Convoy and adjacent communities.

5. Using public education about wellhead protection as a topic in marketing development or research experience in business or communications departments (again, most efficiently at a regional or county level).

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Action plan: The GWPAC's hydrogeologic consultant will promote these opportunities with the appropriate colleges and departments upon request by the Convoy GWPAC. Goals are:

1) Develop cooperative efforts between the Crestview schools and the village and one or more local colleges in several of these areas (see also the following) during the 2006-2007 academic year.

2) Evaluate progress prior to the end of the school year in 2007.

(4) Media in public awareness: The Van Wert *Times Bulletin* is the daily newspaper serving the Convoy area, with the *Lima News* known to include Van Wert County in regional coverage. There are numerous regional radio stations (including locally owned WERT 1220 AM and WKSD 99.7 FM in Van Wert, as well as amateur ham radio), with WLIO TV in Lima providing regional television news coverage. As in school education and agricultural outreach, this is best accomplished in a countywide framework. Web sites and related internet communications tools provide a locally manageable, low-cost, "24/7" and updateable information resource. The Village of Convoy maintains a web site (www.villageofconvoy.com/), which is linked to other Van Wert County sites.

Focus: Public education and awareness.

Action plan: Objectives would be to:

1) Publish an occasional column in newspapers on home, agriculture, and business risk-reduction activities. Your hydrogeologist can assist you with material.

2) Supply and encourage regular air play of public service announcements on the same topics on area radio stations.

3) Encourage television community features on Convoy and regional wellhead protection community activities, more likely as a feature on regional efforts.

4) Develop a wellhead protection home page on a regional web site (on the Convoy page or one of the Van Wert county pages, linked with the Convoy page) during early 2006. Convoy should have its own SWP page (e.g., alongside its published Consumer Confidence Report), but may cooperate with other area PWS. There should be a person identified who will periodically update it, and publicize its presence around the community.

(5) Communications from the village in its regular customer contacts: The village has regular contact with its customers via its water and sewer bills. This is a good opportunity to develop a mechanism useful for public communication on many village water and wastewater topics above and beyond the ritualistic requirements of the consumer confidence reports (CCR).

Focus: Basic and specific information intended to reduce potential aquifer risk activities: recycling waste oil, capping and sealing abandoned wells, and avoiding cross connections.

Potential communication routes: These communications would ideally be simple with limited technical subject matter. Mailers and flyers should be easy-to-read and graphically attractive.

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v Mailers: Water and sewer bills could periodically be mailed in envelopes with an insert.

v Village staff with public contact: The village clerk, meter readers, and other people (including BPA and village council members) with public contact would be trained in the basics of the SWPP (the area of the SWPP and risk-reduction activities). They would have flyers to hand out and know to whom to direct people for further information, and not expected to be experts on the program.

Action plan: (1) Make contact between the village and a graphical service provider to develop some initial mailers. An objective would be to have a mailer on cross connection and copies of Ohio DNR information sheets on abandoned well sealing on hand in the office in time for summer 2006 and to include information with the 2006 CCR. Mailers and flyers would also be available in the village office, and on village vehicles, for example those used by meter readers. (2) Conduct a training session for village office and meter personnel in the basics of wellhead protection and how to respond to customer questions.

(6) Community service groups and events: Convoy has a limited number of community-wide events, but numerous school and church opportunities. These organizations seek presentations for their regular meetings and worthwhile community causes to support, and can serve as a useful means of spreading information. Churches present in the village hold proper stewardship of the earth as a basic Christian value.

Focus: A combination of public awareness building and seeking to enlist service group time and financial support in public education efforts.

Action plan: GWPAC members who belong to service groups can make presentations using available resources, including the Ohio EPA wellhead protection video. The BPA will draft a letter to send to all current community group contacts to publicize that presenters are available. Selected GWPAC members will be prepared to make such presentations when asked. During presentations and with contact information, GWPAC speakers will seek service group (1) financial support to purchase educational materials for the public schools and for public education activities and (2) volunteers to staff information booths, work on risk assessment revisions, etc.

(7) Internet information providing. Internet and World Wide Web access provides an additional, low-cost public education outlet and school research resource. Again, best accomplished as a countywide effort.

Focus: Developing a web site that serves as an informational and advocacy resource in general ground water protection and good stewardship of water and water sources such as wells.

Action plan: The GWPAC will seek to post a web page with information on SWPPs and associated activities, and ways for the public to prevent ground water contamination. The

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text of the SWPP, general information on pollution prevention, and useful links will be posted in 2006. The GWPAC's ground water consultant will provide reference material and advise the site designer.

Resources

The village can use existing educational resources provided by the AWWA, Ohio Rural Water Association, NGWA, ODNR, Ohio EPA and The Groundwater Foundation in its educational activities. Materials from the state agencies are generally available at very low or no cost, often as Postscript Digital Format (PDF) files for posting and copying.

Action plan: The educational subcommittee of GWPAC will review available materials by October 2006 to recommend purchases or acquisition for teacher and student packets and school classroom demonstration materials, and public information to be distributed according to the previously recommended public awareness schedule.

This education plan is ambitious and will initially require considerable effort on the part of the village and GWPAC members. Once in place, it should self-perpetuate with some periodic maintenance. Initial GWPAC enthusiasm and productivity, and public education and cooperative efforts can wane, and it should be well understood that continuous support is needed.

2. Abandoned Well Risk Reduction Activities

Unsealed, abandoned wells (both water and oil and gas) are a possible, but apparently infrequent, hazard to ground water quality in the relatively small SWAP. Being a relatively easy to install and reliable water supply source, wells have been the water source of choice in the area since Anglo-American settlement began. Homes built prior to the establishment of a PWS in Convoy had private wells or cisterns, as do all rural homesteads (including those now abandoned). Minnesota experience is that one new well is constructed per property per generation. Additionally, the village at one time had fire wells, the status of which is incompletely known.

The state of Ohio has suitable abandoned well sealing regulations in place, and has published the Technical Guidance for Sealing Unused Wells (1996). Enforcement is a function of the Van Wert County Health Department. Until recently, enforcement of the requirement to properly seal abandoned wells was almost nonexistent, however it has become more aggressive since new private water system rules have taken effect. This lack of enforcement is aggravated by the existence of many older, unlogged wells. Many undocumented wells still exist.

No oil and gas wells are identified as being within the SWAP.

Abandoned well risk reduction priorities

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The goal is not to plug all wells, only those within the SWAP that are open, unsealed, and unused. The village will attempt to identify the location of as many of these as possible, but others may remain undetected. The priority will be as follows:

- (1) Sealing known open abandoned water wells in and adjacent to the 5-year TOT, with a priority on (a) any wells on farm land adjacent to the wellfield and (b) any others standing open to the sky or plugged with debris.
- (2) Locating and sealing all abandoned fire wells and water wells and cisterns in the village limits.
- (3) Assuring proper construction and sealing of any new penetrations to the aquifer.

Public education about abandoned well sealing

As a part of public education activities, property owners in and near the SWAP will be encouraged to have any:

- (1) Abandoned wells securely plugged. Encouraging abandoned well sealing will be the highest public education priority.
- (2) Private water wells constructed according to state water well construction codes for potable water supply.
- (3) Monitoring wells and boreholes for heat pump heat exchangers constructed according to existing industry standards such as those published by the Ohio, federal EPA, NGWA, and ASTM.
- (4) Construction in the ground approaching the aquifer water table to meet all requirements of the state of Ohio and industry standards to prevent ground water contamination.
- (5) All property owners performing well construction will be reminded of their obligation to file drilling and well abandonment logs with the ODNR. In addition, they will be encouraged to file log copies with the village. The Health Department (which receives copies of well logs in Van Wert County) will be notified of this request and asked to assist.
- (6) Area private water well drillers will be notified about the village's SWAP and well sealing efforts. They will be asked to copy us any well drilling or sealing logs from jobs within the SWAP.

If property owners or their contractors are unfamiliar with any of these requirements or standards, they will be encouraged to contact the county health department, SWCD or village's hydrogeologic consultants, who will refer them to the correct information. If construction activity that may penetrate the aquifer is observed, the village will make contact with the personnel involved to determine whether they are familiar with and following state and industry standards.

Encouraging abandoned well capping and sealing

Property owners may be reluctant to have well sealing work performed in a professional manner due to the perceived expense and liability of properly sealing abandoned wells. There are several possible undesirable outcomes of a push to seal wells without positive incentives to do so:

- (1) There is a risk of losing public goodwill toward the wellhead protection effort, which is an abstract effort to most people.

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(2) Property owners may seek to obscure evidence of abandoned wells without sealing them to avoid contact with the village about well sealing.

(3) Property owners may improperly plug wells to save money, leaving them as leaky points in the glacial till seal, but more difficult to seal properly at a future time.

Experience has shown that a combination of motivation and financial resources will help to assure the sealing of a maximum number of abandoned wells.

Action Plan:

The village will take a four-path approach to maximizing well sealing. Sealing by licensed water well contractors, or alternatively, supervision by the village water superintendent, the village's ground water consultant, or a qualified state professionals will be encouraged by incentives. The village's hydrogeologist will draft a plan for the following.

(1) *Well capping*: The BPA will initiate and fund a "cap-a-well" plan as an initial step in reducing risk from open wells. Well caps of various sizes will be purchased on an as-needed basis and provided to the public in the SWAP upon request. People would have to provide the specific location of the well (to be located using 3-meter-resolution GPS and recorded) and will receive written information on proper well plugging and the SWAP well sealing incentive program (next) along with the cap.

v Enough caps will be purchased in 2007 to cap known open wells within and adjacent to the 5-year TOT and the Village Corporation.

v Persons who requested caps will be contacted after one year to determine their plans for the abandoned wells, and to encourage them to seal them (or remind them of state requirements).

v The village would not take any formal action to force legal compliance with state well plugging requirements for two years unless there is evidence of a possible contamination source that could leak into the well.

The concept behind this plan is that in the absence of funding to completely seal every abandoned well (1) capped abandoned wells are better than completely open wells, and (2) capping for now and securely plugging later is better than improper plugging or worse now.

(3) *Well sealing incentive plan*: One mechanism used elsewhere is cost sharing. The system would work as follows:

v Sealing by a licensed water well contractor or under the supervision of a well contractor, state professional employee qualified in well sealing, the village water superintendent, or the village's consultant will be required for the property owner to receive assistance.

v Beginning in 2007, the village will target specific abandoned wells within the 5-year TOT that must be plugged. Property owners will be contacted, the wells inspected as possible, and a method for proper sealing determined.

v The cost for materials and professional sealing or sealing under supervision would be evenly split by the village and the property owner. At its discretion, the village may opt to pick up additional professional time in the case of difficult jobs, or more of the material costs

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in the case of a well that represents a hazard or property owner financial hardship. A fixed budget amount will be allocated by the village for this program annually.

v The program will continue, starting budget year 2006 outside the 5-year TOT and in the village itself.

(4) *Compliance monitoring and enforcement:* As a reserve option, as many abandoned wells as possible will be independently identified and mapped. State officials will be requested to assist with this effort. The property owners will be mailed a letter explaining their obligations under state regulations, methods of proper well sealing, and the village's incentive plan. In the event of inaction, the village can push for county enforcement of state regulation, with correction at the property owner's expense.

3. Commercial and Land Use Risk Reduction

Commercial-industrial awareness of the WHP program

The village and BPA currently maintain regular contact with village businesses on a variety of issues, including backflow and wastewater compliance. The personal relationship is in place to make sure that businesses are aware of the wellhead protection program and to consult with them about reducing potential risks. The following are planned, to be coordinated with the appropriate village committees and work groups, as well as township and agriculture and business interests.

(1) *Awareness campaign:* Local businesses will be contacted individually over 2006 to make sure they are aware of the SWPP. They will be provided with an information packet on spill avoidance and proper management of hazardous materials, including office chemicals. The BPA and village personnel will discuss their materials handling with them, and if noncompliance conditions are observed, they will be encouraged to correct them.

(2) *Underground storage tanks and other PCS:* In 2007, and with any ownership change, properties anywhere nearby with identified PCS within the SWAP and the village vicinity will be visited and property owners and operators will be consulted about their compliance status, testing requirements, and management of the PCS. UST operators will be asked to copy their regular reports to the village and BUSTR will be asked to assist in keeping the BPA informed.

(3) *Hazardous materials training:* The village will make a conscious effort to make sure that information on training available in the area, for example, at the University of Findlay, reaches area businesses. If demand warrants, the village and GWPAC will arrange to offer appropriate training in Convoy or in cooperation with other area towns via the Van Wert County emergency planning effort already in place (a preferred approach).

(4) *Emergency response:* The BPA and consultant will confer with the Convoy fire chief about procedures for handling fires at area businesses to minimize spills or washing down chemicals into the soil. Organized emergency response has developed in Van Wert

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County. The focus to date has been on response to major fire and weather-related catastrophes (such as the tornado), and potential terrorism events. The BPA will be in contact with the relevant county Emergency Response Coordinator to develop procedures and training for responding to spill emergencies, and will maintain 24-hour contact information on hand for Ohio EPA and private-sector emergency responders.

Land Use Planning

Tully Township has enacted rural zoning. This mechanism has the potential to be a land use tool for SWPP, with the SWAP as a special land-use area. The Village should formally request the appropriate land use designation. Any industry planning to locate within the SWAP will be approached and advised about the SWAP and the need to comply with zoning rules. The village will work with the facility to assure proper handling of any possible hazardous or contaminating materials.

Transportation

While no transportation-related spills are known to have resulted in ground water contamination in the area, such an accident is still a statistical probability. Occasional minor fuel spills along roadways in the region illustrate the possibilities. The goal of SWPP management in transportation will be to reduce that risk to as low a level as possible. All of these activities would be initiated in 2006 and 2007.

The village has significant local school, commuter and farm and truck traffic on village streets and county and township roads, and through traffic on St. Rt. 49, which runs through the 5-year TOT zone. There is also an active rail line transecting the village and passing within the northern edge of the 5-year and 1-year TOT zones. The village has no direct control over the nature of cargoes transported through the village on county and state highways and the rail line that intersect and run outside the SWAP. However, a three-way combination of public safety enforcement, visible reminders of the SWAP along transportation routes, and appropriate emergency response will be used to reduce risk of damaging spills.

(1) *Public safety enforcement:* The village has legal and police enforcement power to improve public safety within the village, and can coordinate enforcement with the Van Wert County Sheriff's Department and the State Highway Patrol (OSHP) district. Enforcement activities possible:

- The police and sheriff's department and OSHP will be encouraged to strictly enforce cargo placarding and truck safety regulations and traffic rules and to check commercial carrier documentation if traffic stops are made.
- The police and sheriff's department, OSHP and local citizens will be requested to investigate and document activities that pose potential contamination risks, and to take action to report or prevent them if observed.

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- Through the Van Wert County SWCD, area agriculture chemical, manure hauling, and other industries will be recruited to assist in raising awareness of the SWAP among their farm customers, while continuing current practices of encouraging road safety with chemicals.

(2) *Accident risk management:* The village will consult with local fire departments to assure that they are fully familiar with and trained in emergency procedures that contain spills at the spill site. The fire department is volunteer, but well-equipped and trained in emergency procedures. Adjustments in current procedures would include using spill containment methods that do not wash spilled materials into local drainage ways or storm drains.

(3) *Motor carrier SWPP program awareness:* Signs provided by various groups (including the Ohio Department of Transportation) for posting along highways will be used to provide a visible reminder of the ground water source under the road. These will be posted in 2006 at the edge of the 5-year TOT zone.

Sole-Source Aquifer Designation

The federal EPA's Sole-Source Aquifer Protection Program is intended as a tool for use by communities to protect ground water contamination by influencing whether federal funds may be spent on projects. EPA defines a sole or principal source aquifer as one that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. These areas can have no alternative drinking water source(s) that could physically, legally, and economically supply all those who depend upon the aquifer for drinking water. For convenience, all designated sole or principal source aquifers are referred to as "sole source aquifers" (SSA). A number of years ago, citizens in the Spencerville area initiated the designation of one of two SSAs (the so-called Allen County Area Aquifer) within the multi-state Silurian carbonate aquifer, which extends more or less continuously from Wisconsin to central Ohio.

All Federal financially assisted projects, which have the potential to contaminate the designated sole source aquifer, are subject to EPA review. Proposed projects that are funded entirely by state, local, or private concerns are not subject to EPA review. However, SSA designation can be a tool to draw attention to the criticality of protecting aquifer resources. Examples of federally funded projects which have been reviewed by EPA under the SSA protection program include: highway improvements and new road construction, public water supply wells and transmission lines, wastewater treatment facilities, construction projects that involve disposal of storm water, agricultural projects that involve management of animal waste (and which depend on federally guaranteed, e.g., SBA funding), and projects funded through Community Development Block Grants.

Action item: The village will consult with its hydrogeologic advisors and other area jurisdictions about the process of designating areas of western Ohio as SSA if they meet the criteria. This is something that should be accomplished on a regional scale due to the

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work involved in filing the application and the need for a regional approach to ground water protection.

4. Ground Water Quality Monitoring Plan

Because of the uncertainties of both (1) a SWAP delineation in a complex fractured carbonate rock aquifer and (2) risk-reduction efforts, ground water quality monitoring is a useful adjunct to land control and public education. However, due to the isolated and low-risk nature of land associated with the SWAP, regional monitoring is not planned in the short term.

This decision will be reevaluated in 2007 or with the potential for any high-risk activity near the SWAP. At that time, monitoring points and a monitoring plan can be developed in consultation with the village's hydrogeologists.

5. Contingency and Security

The Village of Convoy has existing PWS contingency and security plans on file with the Ohio EPA, per state requirements. Specific to ground water supply and protection:

(1) Expansion or development of new well locations at the existing wellfield will depend on area economic development. Protection and maintenance of the existing wellfield is a very high priority of the village, as it would be costly to replace. Alternative options are by comparison expensive and very difficult.

(2) Alternatives to ground water for village raw water supply are neither practical nor necessary for contingency planning.

(3) Tying into other existing PWS in the region would be prohibitively expensive and probably not practically feasible.

(4) Should it become necessary to replace or supplement the existing wellfield, sufficient ground water supply for the village is expected to be available within village-owned land adjacent to active wells, and from other locations near the village, but outside current village limits. Otherwise undeveloped agricultural land is available within practical distances. Identified sites do not seem to be subject to contamination, and can be expected to provide sufficient flow from wells based on existing information.

No further action would be taken unless additional wellfield capacity is needed, or the existing wellfield would have to be abandoned.

In case of catastrophic loss of the capacity to supply water, the Village of Convoy has existing contracts in place to haul water from adjacent PWS sources. Copies of these contracts are on file.

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Implementation: Ongoing Assessment and Mitigation

Implementation is a permanent and perpetual task, and will primarily be under the authority of the Village of Convoy, its BPA, and Tully Township using the legal and administrative procedures available to them. The GWPAC will advise the village on implementation. Recommendations of the GWPAC can go to township, county, and state authorities for action if necessary. Day-to-day implementation of this plan is delegated to the water department, who will work with other agencies as needed.

Funding of essential administrative time, construction, professional and monitoring activities will be budgeted by the BPA. The source of funds may be general water revenues, or other outside funding sources as available. The village will seek opportunities for cooperative education and volunteer time and material contributions both to moderate costs and to foster education about wellhead protection.

Compliance enforcement, as necessary, will take advantage of existing channels. The village will use its own ordinances and authority as necessary and appropriate. Existing state regulations, if enforced, appear to be sufficient to management the most significant risks to the SWAP. The village, in cooperation with other local authorities, will aggressively seek enforcement of state regulations by state regulatory agencies where necessary. Prior to any recourse to enforcement, education and requests for voluntary change will be employed first.

Review and Update Procedure

The GWPAC will continue as a permanent ad hoc committee established by the village BPA. It will meet no less than annually as a whole to conduct a formal status review. The committee as a whole will be divided into subcommittees to focus on specific aspects of implementing the plan. Members will be trained to be aware of developing potential risks to be brought to the attention of the village. These will be addressed as necessary by the BPA, village administration, and legal action.

Industries will be asked to copy routinely filed environmental reports to the DPC and BPA, including: (1) "Right-to-know" inventories, (2) waste management plans, and (3) environmental site assessments or inventories conducted. These will be reviewed and followed up as necessary.

The GWPAC will seek a charge from the Convoy BPA requiring it to make an annual "state of source water protection" report to the BPA detailing progress in meeting listed objectives, comments on progress or lack thereof, and plans for the coming year. The first formal report will be made to the reorganized Council in January 2007.

In addition, review of the Convoy SWPP and its constituent components, subsidiary plans and programs will be a part of the annual review of the Convoy Water Department by the

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Ohio EPA NWDO. The department and (as needed) its ground water consultant will produce a brief annual status report to provide to the NWDO representative. The representative will review the report and its information, and make recommendations for adjustments or improvements.

SECTION XVII - WHEN EFFECTIVE

A. As provided under Sections 519.01 et. seq. of the Ohio Revised Code, this Ordinance shall take effect immediately upon certification by the Board of Elections.

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SUBDIVISION REGULATINS

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SECTION I - INTRODUCTION: AUTHORITY, PURPOSE AND INTERPRETATION

In accordance with the authority granted by Sections 7111.001 through 711.40; Section 713.03 and Sections 735.17 through 735.6 of the Ohio Revised Code and for the purpose listed therein, the Mayor and Village Council, hereinafter referred to as the Legislative Authority of the Village of Convoy, Ohio, hereinafter referred to as the Municipality, does hereby ordain as follows:

The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Municipality.

This Ordinance shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.

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SECTION II – DEFINITIONS

1. Alley – public right-of-way usually not less than 25 feet in width which normally affords a secondary means of vehicular access to abutting property.
2. Collector Street – a street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between area wide highways and local streets. It provides access to abutting property.
3. Cul-de-Sac – short street having but one end open to traffic and the other end being permanently terminated to a vehicular access to abutting property.
4. Comprehensive Plan - the policy document which serves as a guide for the future physical development of the municipality and entitled “Master Plan for Convoy Ohio”.
5. Half Street – a street having only one-half of its intended roadway width developed to accommodate traffic.
6. Local Street - a street of little or no continuity designed to provide access to abutting property and leading into collector streets.
7. Lot - a piece, parcel or plot of land intended for building development or as a unit for transfer of ownership.
8. Plat – the map, drawing or chart on which the subdivider’s plan of subdivision is presented to the Legislative Authority for approval.
9. Subdivision – The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership. However, the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be deemed a subdivision, or the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities shall be deemed subdivisions.

SECTION III – GENERAL PROVISIONS

Compliance

Whenever a division of land results in a subdivision as defined herein, the owner of the land being subdivided or his duly authorized agent may have a pre-application meeting. A preliminary plat and final plat of the proposed subdivision must be submitted, reviewed and approved by the Legislative Authority. The final plat shall also be recorded in accordance

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with State law before any lots or parcels of the subdivision are sold.

SECTION IV – PROCEDURE FOR SUBMITTING SUBDIVISIONS

Preliminary Meetings

Before filing a preliminary plat the subdivider is encouraged to consult with the Legislative Authority or its appointed plat officer for advice regarding general requirements affecting the proposed development. A sketch of the proposed subdivision drawn on a topographic survey map should be submitted. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities.

Preliminary Plat

The subdivider shall submit to the Legislative Authority a preliminary plat based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one inch per 100 feet, having two foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

The Legislative Authority may submit a copy of the preliminary plat to the Municipal engineer and Land Planning consultant for review and written report of their reaction to the proposed plat.

After review of the preliminary plat and negotiations with the subdivider on changes being advisable and the kind and extent of public improvements which will be required, the Legislative Authority shall reject or approve conditionally the preliminary plat within 30 days, unless extended by mutual agreement between the subdivider and Legislative Authority. Failure to act within said time limit shall constitute approval of the preliminary plat.

Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by such plat, provided the final plat conforms substantially to such layout and conditions of approval have been met.

FINAL PLAT

Final Plats shall be submitted to the Legislative Authority within six months of preliminary plat acceptance unless this requirement is waived in writing by the Legislative Authority. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws. The final plat shall be accompanied by detailed construction plans of all improvements. The final plat shall be presented to the Legislative

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Authority at least ten work days prior to the meeting at which it is to be considered and shall be accepted or rejected by the Legislative Authority within thirty days of its submission, unless the time is extended by an agreement with the subdivider. Conditions of approval, if any, and reasons for rejection shall be stated in the minutes of the Legislative Authority meeting and a copy thereof or a written statement of such reasons shall be recorded prior to the time that lots are offered for sale, reference is made to the map for sale purposes or use is made of lot and block numbers on the plat. Approved final plats shall be endorsed by the Mayor and attested by the Clerk of the Municipality.

SECTION V – PRESENTATION REQUIREMENTS: PRELIMINARY AND FINAL PLATS

Preliminary Plats

Preliminary plats shall show the following:

1. Proposed name of subdivision
2. Location by section, town and range or by other legal description
3. Names and addresses of owner or subdivider having control of the tract, name of surveyor and designer of the plan.
4. Graphic scale not smaller than on inch to 100 feet
5. North Point
6. Date of preparation
7. Boundary line of proposed subdivision
8. Total approximate acreage contained in proposed subdivision
9. Existing zoning district
10. Location, widths and names of all proposed streets and other rights-of-way to a distance of 100 feet beyond the proposed subdivision
11. Topographic data including existing and proposed contours at vertical intervals of not more than two feet
12. Typical cross-sections of proposed streets
13. Layout, numbers and dimensions of lots and proposed land use for each lot, parcel or tract. Lots shall be numbered in accordance with Section 711.02 of Ohio Revised Code
14. Proposed public right-of-way, easements and protective covenants.
15. Proposed water supply and sewage disposal systems.

Final Plats

Final Plats shall show the following:

1. All information except topographic data, required on the preliminary plat to be shown accurately, drawn with waterproof India ink on heavy transparent linen tracing paper or cloth or its equal in a manner that clear and legible contact prints may be made.
2. Certification by the surveyor and acknowledgment by the owner taken before an

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officer authorized to take the acknowledgment deeds. Which officer shall certify his official act on the plat.

- 3. Monument (cornerstone) locations as required by Section 711.03 Ohio Revised Code.
- 4. Accurate angular and lineal dimensions for all lines, angles and curves
- 5. Certificate of Municipal Engineer certifying that proposed streets, easements and utilities correspond to the standards contained herein and to the existing streets, easements and utilities systems existing in the Municipality.

SECTION VI – DESIGN STANDARDS

Generally, design standards shall assure that the layout of the subdivision harmonizes with existing plans affecting the development and its surrounding area and shall be in conformity with the Comprehensive Plan for the development of the entire area.

STREETS

A. General Street Design

- 1. The design of all streets shall be considered in their relations to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm water and to the proposed uses of the area to be served.
- 2. Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width.
- 3. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of such unsubdivided land.

B. Street Width & Grades

- 1. The Legislative Authority may require the subdivider to conform to urban section standards if the average lot width in the proposed subdivision is less than one hundred fifty (150) feet measured at the street setback line. If the average lot width is in excess of one hundred fifty (150) feet the subdivider may conform to the rural section standards.
- 2. Unless necessitated by exceptional topography subject to the approval of the Legislative Authority the maximum centerline grade of any street or public way shall not exceed the following.

Collector streets:	eight (8) percent
Local streets, alleys	
And frontage streets	ten (10) percent

Pedestrian ways twelve (12) percent unless steps of acceptable design are provided.

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The grade of any street shall in no case exceed twelve (12) percent or be less than one half of one (0.5) percent.

3. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.

C. Street Jogs

Street jogs with center line off-sets of less than 125 feet shall be avoided.

D. Street Intersections

Insofar as practical, streets shall intersect at right angles and no intersection be at an angle of less than 60 degrees. It must be evidenced that safe and efficient traffic flow is encouraged.

E. Cul-de-sac

Maximum length of permanent cul-de-sac street shall be 1,000 feet measured along the center line from the intersection of origin to end of right-of-way. Each cul-de-sac shall be provided at the closed end with a turn around having a minimum outside roadway diameter of 80 feet and a minimum street property line diameter of 100 feet.

F. Half Streets

Half streets shall be prohibited except where the Legislative Authority determines practicable to require the dedication of the other half when the adjoining property is subdivided.

G. Street Names

Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of the proposed street duplicate existing street names including phonetic similarities.

H. Private Streets

Public improvements shall not be approved for any private streets.

I. Street Curvature

When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

Collector Streets 300 feet
Local Streets 100 feet

J. Hardship to Owners and Adjoining Property

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The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access.

K. Corners

Curb lines at street intersections shall be rounded at a radius of not less than 10 feet.

L. Alleys

Alleys shall be prohibited in residential areas unless special permission is granted by the Legislative Authority for their provision. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead end alleys shall be avoided, but if unavoidable, shall be provided with adequate turn-around facilities at the dead end.

M. Reverse Curves

A tangent at least 100 feet long shall be required between reverse curves on collector streets.

N. Maintenance

Streets included in approved subdivisions, except designated State, Federal or County roads, shall be maintained by the Municipality in which said streets are located unless other written arrangements are made prior to final plat approval.

URBAN SECTION STANDARDS

Street Type	R.O.W. Width To Be Reserved	R.O.W. Width To Be Dedicated	Pavement Width(face of curb or edge of shoulder to face of Curb or edge of shoulder
Collector Streets	80 feet	80 feet	44 feet
Minor Streets 1,000 Feet or more in length For Single-Family Development and in Multi Family Development	66 feet	66 feet	34 feet (2 lanes parking)
Minor Streets less Than 1,000 feet in Length in Single-Family Development and Cul-de-Sac And Frontage Streets	50 feet	50 feet	27 feet (1lan parking)

RURAL SECTION STANDARDS

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Collector Streets	80 feet	80 feet	24 feet: 10 feet Outside Shoulder
Minor Streets	50 feet	50 feet	22 feet: 8 feet Outside shoulders

LOTS

A. Layout

Where possible, said lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two parallel streets shall be avoided except where on e street is an arterial feeder or highway with no direct access to the lot.

B. Size and Dimension

Minimum lot areas and lateral dimensions shall be asset forth in the Municipal Zoning Ordinance.

C. Corner Lots

Corner lots shall be platted at least 10 percent wider that a minimum lot width required.

D. Natural Features

In the subdivision of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed development.

E. Lots Along Railroad

Residential lots shall be separated from railroad rights-of-way by a 25 foot buffer strip, which may be in the form of added depth or width or lots backing on or siding on the railroad right-of-way.

F. Lot Remnants

Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusual outlot or parcel unless the owner can show plans for the future use of such remnant.

G. Lots shall follow, rather that cross, Municipal boundary lines whenever practicable.

H. Subdivision lots in the Municipality shall be in conformance with the area and width requirements of the Municipal Zoning Ordinance.

BLOCK DESIGN

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- A. The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated.
- B. To provide access and circulation to community facilities, sidewalks shall be provided by the subdivider and where a block exceeds 1,000 feet in length a crosswalk through the center of blocks shall be provided. Center crosswalks shall not be less than ten feet wide.

SECTION VII - REQUIRED IMPROVEMENTS

- A. Grading
After installation of temporary block corner monuments by the subdivider and establishment of street grades by the Legislative Authority, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Legislative Authority. The subdivider shall grade the roadbeds in the street right-of-way to subgrade.
- B. Surfacing
After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the Comprehensive (Master Plan) or comprehensive plan components of the Municipality. Said surfacing shall be done in accordance with plans and standard specifications approved by the Legislative Authority.
- C. Curb and Gutter
After the installation of all utility and storm water drainage improvements, the subdivider shall construct curbs and gutters in accordance with plans and standard specifications approved by the Legislative Authority. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.
- D. Rural Street Section
When permanent rural street sections have been approved by the Legislative Authority, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Legislative Authority.
- E. Sidewalks
The subdivider shall construct a concrete sidewalk on one side of all frontage streets and both sides of all other streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Legislative Authority and Sidewalk Ordinances.

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Wider than Standard Sidewalks may be required by the Legislative Authority in the vicinity of schools, commercial areas and other places of public assemblage; and the Legislative Authority may require the construction of sidewalks in locations other than required under the preceding provisions of this Ordinance if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

F. Public Sanitary Sewage and Private Sewage Disposal Systems

The subdivider shall construct sanitary sewers in such manner as to make adequate sanitary sewage service available to each lot within the subdivision. If public sewer facilities are not available, the subdivider shall make provisions for adequate private sewage disposal systems. The Legislative Authority may require the installation of sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals as may be specified by the Legislative Authority. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Legislative Authority.

G. Storm Water Drainage Facilities

The subdivider shall construct storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; the type of facility required, the design criteria and the sizes and grades to be determined as to present no hazard to life or property; and the size, type, and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Municipal Engineer.

H. Public Water Supply Facility

The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. The Legislative Authority may require the installation of water laterals to the street front line. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Municipal Engineer.

I. Other Utilities

The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier.

Plans Indicating the Proposed Location of all gas, electrical power and telephone

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distribution and transmission lines required to serve the plat shall be approved by the Municipal Engineer.

J. Street Lamps

The subdivider shall install street lamps along all streets proposed to be dedicated of a design comparable with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Legislative Authority.

K. Street Signs

The subdivider shall install at the intersection of all streets proposed to be dedicated a street sign of a design specified by the Municipal Engineer.

L. Street Trees

The subdivider shall plant at least one tree of a species acceptable to the Legislative Authority and of at least six feet in height for each fifty feet of frontage on all streets proposed to be dedicated. The required trees shall be planted between the curb or the edge of shoulder and right-of-way line.

M. Specifications

Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the Legislative Authority. Such improvements shall be made in sequence as determined by the Municipal Engineer.

N. Financing

Before a Final Plat is approved by the Legislative Authority, the subdivider shall submit an agreement and performance bond or cash escrow agreement to assure the following:

1. The subdivider shall pay the cost of all improvements required in the subdivision.
2. Guaranteed completion of the required improvements within a two year period.
3. Payment by the subdivider for all costs incurred by the Municipality for review and inspection. This would include preparation and review of plans and specifications by the Engineer, Planner and Attorney, as well as other costs of a similar nature.
4. The Municipality may elect to install any of the required improvements under the terms of a cash escrow agreement.
5. The performance bond or cash escrow agreement shall be equal to the Engineer's estimated cost of the required improvements.
6. If the required improvements are not complete within the two year period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Municipality and applied to the cost of the

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required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Legislative Authority at its adoption, may extend the bond period for an additional period not to exceed two years.

- O. Monuments
Monuments shall be placed as specified in Chapter 711 of the Ohio Revised Cod.

SECTION VIII – EASEMENTS

- A. The legislative Authority may require easements for poles, wires, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. Easements shall be at least ten feet wide and may run across lots or along side or rear lot lines. Such easements should preferably be located along the rear lot lines.
- B. The Legislative Authority may require that easements or drainageways be provided in accordance with Section VIII where a subdivision includes a segment of segments of water courses, drainageways, channels or streams.

SECTION IX – PUBLIC SITES AND OPEN PLACES

- A. Dedication of Lands
Whenever a tract of land to be subdivided embraces all or any part of a street or drainageway which has been designated in the master plan, comprehensive plan component or on the official map of the Municipality said public way shall be made part of the plat and dedicated by the subdivider in the locations and dimensions indicated on said plan or maps and in accordance with this section. No street or other proposed public lands shall be accepted by the Municipality unless and until the street and other improvements required herein shall have been installed and approve by the Municipal Engineer and further that said Engineer shall have endorsed such an approval on the face of an approved final plat.
- B. Whenever a proposed school site, park, playground, greenway, open space or other public land, other that streets or drainageways, designated in the master plan, comprehensive plan component or on the official map of the Municipality is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be reserved by the subdivider in the locations and dimensions indicated in said plans or maps and said lands shall be reserved for a period not to exceed one year from the date of final plat approval unless extended by mutual agreement for purchase by the public agency having jurisdiction, or unless extended by a mutual agreement for acquisition by the Municipality. The purchase price shall be the present fair market value of said lands in an undeveloped state as indicated by impartial appraisal. Costs for said appraisal are to be shared equally between developer and Municipality.

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SECTION X – VARIATIONS AND EXCEPTIONS

- A. Where the Legislative Authority finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, it may vary or except certain of these regulations, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Ordinance; and further provided that:
1. The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 2. the conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally to other property;
 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of regulations were carried out.

SECTION XI – ENFORCEMENT, PENALITIES AND REMEDIES

The Municipal Zoning Commissioner shall act as the platting officer and shall have primary responsibility for enforcing this Ordinance and providing subdividers with information regarding the requirements of this Ordinance. No building permit shall be issued for construction on any lot until the final plat for the subdivision has been duly approved and recorded.

Any person, firm or corporation who fails to comply with the provisions of the Ordinance shall, upon conviction thereof, forfeit no less than \$10.00 nor more than \$1,000.00 and the costs of prosecution of each violation. Each day a violation exists or continues, shall constitute a separate offense.

SECTION XII - SEPARABILITY

Invalidation of any part of this Ordinance by a court of competent jurisdiction shall not invalidate the remainder of this Ordinance. Invalidation of the application of any provision shall not affect the application of said provision shall not affect the application of said provision to any other subdivision not specifically included in such judgment.

SECTION XIII – FEES, EFFECTIVE DATE AND APPLICATION

- A. Fees for application for approval of plats shall be established by the Legislative

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Authority. Said fees shall be paid by the subdivider to the Municipality at the time the preliminary plat is first submitted for review and approval.

- B. This Ordinance shall be in force from and after public hearing and its passage, publication and recording according to State Law.
- C. All ordinances, parts of ordinance, resolutions or parts of resolutions inconsistent with this Ordinance are hereby repealed.