

**HENRY TOWNSHIP  
ZONING RESOLUTION  
WOOD COUNTY, OHIO  
UPDATED, AUGUST, 2011**

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## **ZONING RESOLUTION**

A resolution providing for regulating the location, size, height and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands, and for such purposes, dividing the unincorporated portion of the Township into zones or districts of such number, sizes and shapes as are deemed best suited to carry out said purposes, and providing for a method and proceedings for the administration and enforcement of this resolution.

WHEREAS, the Board of Trustees of Henry Township, deem it in the interest of the public health, safety, morals, comfort and general welfare of said township and its residents to adopt a zoning plan.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Henry Township, Wood County, Ohio, that the Zoning Resolution of Henry Township read as follows:

### **ZONING RESOLUTION FOR HENRY TOWNSHIP**

## **ARTICLE I. PURPOSE**

For the purpose of promoting public health, safety, morals and general welfare; to conserve and protect property values to secure the most appropriate use of land; to facilitate adequate and economical provision of public improvements; and to promote, orderly development of property in the Township, all in accordance with the comprehensive plan or plans developed and coordinated by the County Planning Commission, the Board of Trustees of Henry Township find it necessary and advisable to regulate the location, height, bulk, size of buildings and use of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which may be occupied, set back building lines, sizes of yards and other open spaces, and the use of land for trade, agriculture, industry, residence, recreation or other purposes and for such purposes divides the township into districts or zones, all as shown on the district map on file in the office of the Board of Township Trustees.

## **ARTICLE II. IDENTIFICATION**

Whenever the word "Township" appears in this resolution, it shall be deemed to mean the Township of Henry, Wood County, State of Ohio, and whenever the word "County" appears in this resolution, it shall be deemed to mean the County of Wood, State of Ohio.

### ARTICLE III. INTERPRETATION

- 1) In interpretation and application, the provisions of this resolution shall be held to the minimum requirement adopted for the promotion of public health, safety, morals, comfort and general welfare.
- 2) Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules or regulations, other than zoning regulation, adopted or issued pursuant to law relating to the construction and use of buildings or premises.
- 3) Words used in this resolution in the present tense shall be interpreted to include the future tense; words used in the singular number shall include the plural number, as the plural number shall include the singular number. The word "shall", as used in this resolution, shall be construed to mean mandatory, the word "may" is permissive. The masculine gender as used in this resolution shall include the feminine and neuter gender and vise-versa.
- 4) Where this resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards, than are imposed or required by other provisions of law, rules, regulations, covenants, or agreements, the provisions of this resolution shall apply, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between the parties which impose restrictions greater than those imposed by this resolution.



## **ARTICLE IV. EXEMPTIONS**

### **Uses Exempted from Provisions of Resolution**

- 1) The use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine that are located on land any part of which is used for viticulture, shall be permitted in all districts established by this Resolution, and no zoning certificate shall be required for such building or structure.
- 2) The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business or the use of land for essential services as herein defined shall be permitted in all districts established by this Resolution and no zoning certificate shall be required for any building or structure or for the use of any land essential to the operations of a public utility or railroad.
- 3) The sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.
- 4) The use of any land owned or leased by an industrial firm shall not be prohibited for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm's used for the operation of its plants.
- 5) It is the intent of Henry Township to regulate 1) agricultural uses in residential areas and 2) public utilities engaged in transporting persons or property, subject to the limitations of ORC 519.21 and 519.211 or any subsequent amendment thereto.

## ARTICLE V. DEFINITIONS

Definitions which shall be applicable in construing this resolution:

Accessory Use- An "accessory use" is either a subordinate use of a building, other structure or lot or a subordinate building or other structure:

- 1) Whose use is clearly incidental to the use of the principal building, other structure or use of land, and
- 2) Which is customary in connection with the principal building, other structure or use of land, and
- 3) Which is located on the same lot with the principal building, other structure or use of land.

Agricultural- Agriculture shall include farming, dairying, pasturage, apiculture, agriculture, horticulture, viticulture, animal and poultry husbandry, sod farming, and fur bearing animal production.

Agricultural Zone- Areas of land may be classified as agricultural provided that the general area is not built up for urban use and the general area is open space.

Alteration- Any change to a structure, which does not involve a structural change.

Apartment- A room or suite of rooms' intended, designed, or used as a residence by a single family.

Area of Building- The number of square feet included within the outside walls excluding porches, breezeways, and terraces.

Basement- A story partly or wholly underground. For height measurement a basement shall be counted as a story where more than one-half (1/2) of its height is above the average level adjoining the ground.

Building- Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property. A mobile home or manufactured home is a building, for the purpose of this Resolution, if the home is affixed to a permanent foundation and is located on land owned by the owner of the home and the certificate of title has been surrendered and inactivated by the clerk of common pleas court that issued it so that the home may be taxed as real property.

Building Accessory- A subordinate building, or portion of the main building on the lot, the use of which is customarily incidental to that of the main or principal building, no part of which accessory building may be devoted to human occupancy either before or after the erection of the principal building.

Building, Front Line Of- The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building, Principal- A building in which is conducted the main or principal use of the lot on which said building is situated.

Clear and Convincing Evidence- A measure of proof, which will produce a firm belief as to the truth of allegations, sought to be established.

Clinic- Any building or other structure devoted to the diagnosis, treatment and care of outpatients.

Club- A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Commercial Classifications:

Commercial, Shopping <sup>Center</sup> Henry- Retail and service establishments which, in addition to catering to the community residents' and workers' daily needs for convenience goods and services, also include establishments offering comparative-type shopping facilities. Shopping <sup>S</sup>Henry business includes, but is not limited to, supermarkets and stores for the sale of drugs, hardware, appliances, furniture, apparel, footwear, business and personal services, professional services, offices and other similar or related activities which lend themselves to contributing to the design and economics of a unified shopping Henry.

Commercial, Highway- includes commercial uses requiring location on major thoroughfares and at their principal intersections. Highway uses include hotels, gas stations, restaurants, drive-in establishments, auto and farm implement sales and services, building trades and services, commercial recreation and similar commercial activities.

Commercial, Neighborhood- Retail and service establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise or other objectionable influence. To prevent congestion, local retail and service uses include only those enterprises, which normally employ less than ten (10) persons. Permitted uses include drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick-up facilities, and hardware and grocery stores, if less than ten thousand square feet (10,000 sq. Ft) of floor area. Other small businesses of an equally restricted and local nature may be permitted, based on the discretion of the Board of Zoning Appeals.

Cottage- Building designed and/or constructed for seasonal occupancy only.

Drive-in Commercial Uses- Any retail commercial use catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, car wash facilities and similar uses.

Dwelling, Single-Family- A residential building consisting of one (1) dwelling unit and which is arranged, intended or designed for one family

Dwelling, Two-Family- A residential building consisting of two dwelling units each of which adjoins the other either horizontally or vertically, and is arranged, intended or designed for one family. Each dwelling unit shall have its own separate, private means of ingress and egress

Dwelling, Multiple-Family- A building arranged and designed to be occupied by three (3) or more families living independently of each other and having independent and separate living areas, including apartment houses, apartment hotels, flats and group houses.

Essential Services- The erection, construction, alteration, or maintenance, by public utilities or municipal or governmental agencies, of underground or overhead gas, electrical, steam or water transmission systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, or safety or general welfare, but not including buildings, other than structures for mainly enclosing essential services described herein.

Family- An individual or married couple and natural or adopted children thereof, or foster children (not more than three (3)), placed by a duly constituted state or county agency, occupying a dwelling for the purpose of habitation and including other persons related directly to the individual or married couple by blood or marriage.

Floor Area- The sum of the gross horizontal areas of the several floors of a building, "floor area" shall not include: garages, stair bulkheads, attic space, terraces, breezeways and open porches and uncovered steps. For purposes of this resolution, "floor area" shall also not include basements, unless such area is fully improved with electrical hook-up as well as furnishings and decor similar to the rest of the home. It shall be the determination of the zoning inspector, based on blue prints and home improvement plans, whether such basement area may be included in floor area calculation.

Front Yard- Minimum distance between a structure and the front lot line.

Frontage- All the parcel on one side of a dedicated public street right of way between two intersecting streets, measured along the line of the street right of way. The width of the lot shall be at a minimum maintained for the entire depth of the lot.

Garage, Private- An accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle, which vehicle shall not exceed a two (2) ton capacity.

Garage, Public- A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

Gas Station, Service Station- Any building, structure or land used only for the sale of motor vehicle fuels, oils, lubricants and automobiles accessories directly to the consumer, and may include minor repairs incidental to such use. Storage tanks shall be located completely within lot lines and underground.

Gross Leaseable Area- The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measures from the Henry line of joint partitions and from outside wall faces. It is all that area on which the tenants pay rent; it is the area producing income, abbreviated GLA.

Group Home- A private residence which provides resident services to a maximum of eight (8) unrelated persons, exclusive of the resident care provider. Persons who are developmentally disabled, mentally retarded, mentally ill, aged, and handicapped may be occupants of a group home.

Highway, Major- A street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

Home Occupation: An accessory use which is an activity, profession, occupation, service, craft or revenue-enhancing hobby which is incidental and subordinate to the use of the premises as a single family dwelling and is conducted entirely within the dwelling unit, or other outbuilding on the site by a conditional use permit without any significant adverse effect upon the surrounding neighborhood.

Hospital- Any building or other structure containing beds for at least four (4) patients and devoted to the diagnosis, treatment or other care of human ailments.

Hotel- A building or any part of a building which contains living and sleeping accommodations for transient occupancy and has a common entrance or entrances.

Industrialized Unit - A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction needs to form a completed structural entity. "Industrialized unit" does not include a manufactured or mobile home as defined herein.

Institution- A building occupied by a non-profit corporation or a non-profit establishment for public use.

In The Home Business- Business activities being conducted in or from the residential premises by the occupant of the residence providing the activities do not involve hired employees, private phone or mail advertising status, nor involve any extension or modification which alters its outward appearance as a dwelling unit.

Junk Yards- Two (2) or more unlicensed vehicles, or places for the collection of machinery, scrap metal, paper, rags, glass or junk for salvage or storage purposes, or sale of used parts shall constitute a junk yard,

Laborer, Seasonal Agricultural- An individual employed only during the growing and/or harvesting or processing of agricultural products and whose place of employment is primarily on the premises on which the product is grown.

Loading Space- A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks. Such space shall have direct usable access to a street or alley. Where such loading space has been provided, an additional space lying alongside, contiguous to and not separated from the first such loading space need not be wider than twelve (12) feet.

Lodging House- As herein defined is a building other than a hotel where lodging for three (3) or more persons is provided for compensation pursuant to previous arrangement and not to anyone who may apply.

Lot- A parcel of land occupied by or legally capable of being occupied by a building and/or accessory buildings and to include such open yard areas as are required by this resolution.

Lot, Area of- the area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot, Corner- Any lot at the junction of and abutting two (2) or more intersecting streets.

Lot, Interior- any lot other than a corner lot.

Lot Line, Front- For an interior lot, a "front lot line" is a street line. On a corner lot, the street line having the least dimension shall be considered the "front lot line."

Lot Line, Rear- Any lot line, other than a street line, which is parallel to the front lot line or within forty-five degrees of being parallel to the front lot line,

Lot Line, Side- A “side lot line” is any lot line which is not a front lot line or a rear lot line.

Lot of Record- A lot, which has been recorded in the office of the County Recorder or Auditor of Wood County, Ohio.

Manufactured Home- A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974.” and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

Manufactured Home Pad- That portion of a manufactured home site that is designed, constructed, and improved in such a manner as to provide a base upon which a manufactured home shall rest, and which also serves as a base upon which blocks or other materials are placed to assist in leveling the floor of the manufactured home and provide a temporary type of foundation.

Manufactured Home Park- One (1) or more contiguous parcels of land under a single management, which have been designed and developed in such a manner as to provide individual homes. The term manufactured home park shall mean the same as a trailer park, trailer court, trailer camp; however, only mobile homes or trailers with the HUD certification shall be located therein.

Manufactured Home Site- an area of land within a manufactured home subdivision or manufactured home park that is designed and developed in such a manner as to provide a location for one (1) manufactured home.

Manufactured Home Subdivision- A subdivision designed and/or intended for the sale of lots for manufactured home sites. A manufactured home subdivision will be subject to the same land development and site improvement standards that apply to conventional subdivisions under the Subdivision Rules and Regulations of Wood County, except as provided under Article XVI, Section 3 herein.

Manufacturing, General- Any manufacturing or industrial process including food processing and plant product processing, except that which is incident to agricultural operations on an individual’s property holdings, which by the nature of the materials, equipment and process utilized are not objectionable by reason of odor, gas fumes, dust, smoke, refuse matter or water carried waste.

Manufacturing, Restricted- Any manufacturing or industrial processing, which by the nature of the materials, equipment and process utilized are to a considerable measure clean, quiet and free of any objectionable or hazardous element. Restricted industrial uses shall include the industrial uses listed below and any other uses which are

determined to be of the same general character: drugs, jewelry, musical instruments, sporting goods; processing and assembly of glass products, small household appliances, electronic products and parts for production of finished equipment; research and testing laboratories; printing and engraving plants.

Mobile Home- A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length, or when erected on site, is 320 or more square feet, that is built on a permanent chassis and is transportable in one of more sections and does not qualify under this Resolution's definition of a manufactured home or industrialized unit.

Motor Court or Motel- A building or a group of buildings used for the temporary residence of motorists or travelers.

Non-Conforming Uses - is one that does not comply with the regulations established for the particular use, district or zone in which it is situated.

Nursery School- A school designed to provide daytime care or instruction for two (2) or more children and operated on a regular basis. "Nursery School" is synonymous with the term "Day Care Henry". An occupied dwelling unit shall not be considered a nursery school.

Off-Street Parking Space- An off-street space available for the parking of one (1) motor vehicle and having an area of not less than two hundred (200) square feet, exclusive of passageways, driveways and other maneuvering are appurtenant thereto and giving access thereto. Such space shall have direct access to a street or alley.

Parcel- An area of land shown as a unit or contiguous units on the County Auditor's map.

Parking Area- an open unoccupied space used or required for use for parking of automobiles exclusively.

Parking Space- A surface area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than two hundred (200) square feet exclusive of driveways.

Permanently sited manufactured home- Is a manufactured home that meets all of the following criteria:

- 1) The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- 2) The structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area of at least 900 square feet, excluding garages, porches, or attachments;
- 3) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six inch minimum eave overhang, including appropriate guttering,
- 4) The structure was manufactured after January 1, 1995;



5) The structure is not located in a manufactured home park.

Personal Services- Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repairing, barber shop, beauty parlors, and similar activities.

Planning Commission- whenever Planning Commission or County Planning Commission is referred to, it shall be the Wood County Planning Commission.

Plant Cultivation- The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses.

Plat Required- when more than five (5) parcels are created from one (1) parcel or a new road is dedicated.

Platting- Platting shall mean the platting for residential development in accordance with Wood County Subdivision Rules and Regulations.

Pond- A still body of water covering at least one-fourth (1/4) acre and being at least ten (10) feet deep at its deepest point.

Porch- Wherever mentioned is a roofed open area, projecting from the front side or rear wall of a building.

Premises: A lot or parcel of land, along with residential buildings, accessory structures, outbuildings, barns, farm sheds, pole buildings, etc. and meeting minimum standards as established in the Resolution, such as, but not limited to setback requirements, square footage, lot area, signage, parking requirements, etc.

Printing and Publishing- Any establishment that prints, copies or duplicates printed matter and/or produces or releases for publication any printer matter. The size of such an establishment shall not create undue vehicular congestion, excessive noise or objectionable problems to the surrounding neighborhood.

Professional Activities- The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, and engineers.

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

Public Uses- Public parks, schools and administrative, cultural and service building, police and fire station, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.

Quarry- Any land from which rock, stone, gravel, sand, earth or mineral is removed or excavated for the purpose of disposition away from the immediate premises. However, this shall not include excavation necessary for the actual foundations of any building or structure for which a zoning certificate has been issued.

Rear Yard- Minimum distance between a structure and the rear lot line.

Recreational Facilities- Commercial- Recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, amusement parks, carnivals and similar enterprises.

Recreational Facilities-Non-Commercial- Private and semi-public recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses and other private non-commercial recreation areas and facilities or recreation Henrys including private community swimming pools.

Recreational Facilities-Restricted Commercial - Recreational facilities open to the public, established and operated for a profit and restricted to bowling alleys, swimming pools, ice skating rinks, miniature golf and similar recreation activities requiring limited land area.

Residence or Residential- A “residence” or “residential” shall include a building, or any part of a building, which contains dwelling units for permanent occupancy. “Residences” therefore include all one-family and multi-family dwellings. However, “residences” do not include: transient accommodations, as in transient hotels, motels, tourist cabins, and trailer camps; and that part of a building which is used for any non-residential uses; and institutional uses, as in rest homes, nursing homes, homes for the aged, orphanages and other institutional residential uses.

Residential Floor Area- The area of a dwelling devoted to living purposes, including stairways, halls and closets, but excluding porches and space used for a garage or carport.

Rest Home- A home, which provides personal assistance to persons who, by reason of age or infirmity, are dependent upon the service of others.

Right-of-way- Land which is set aside between property lines for streets, alleys, easements, utilities or other physical improvements.

Satellite Dish- A device (normally dish or disk shape) used as an antenna for reception of signals via satellites.

Semi-public Uses- Churches, Sunday schools, parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

Set Back Building Line- Line perpendicular to the set back distance at the specified distance.

Set Back Distance- the minimum horizontal distance between the road right-of-way and the building line.

Sewage Disposal-Combined- An approved sewage disposal system which provides for a combined collection and disposal of sewage from a group of residential, commercial or industrial buildings.

Sewage-Disposal-Individual- A septic tank installation on an individual lot which utilizes an anaerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of health or sanitation officials having jurisdiction.

Side Yard- Minimum distance between a structure and the side lot line.

Sign- any device designated to inform or attract the attention of persons not on the premises, which the sign is located.

- a) Sign, On Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
- b) Sign, Off Premises: Any sign unrelated to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

Single-family dwelling- A permanent structure entirely detached: independent from any other principal structure placed on a permanent foundation, having one or more rooms, with provisions for living, sanitary and sleeping facilities specifically designed and arranged exclusively for the use of one or more individuals of the same family. These dwellings include site built homes, industrialized homes, manufactured homes and mobile homes but not barns, sheds or other structures designed for uses other than single family.

Social Activities- The use of land and buildings for clubs, fraternal organizations, veteran's organizations and similar social purposes.

Special District "S-1" – A zoning classification established by this resolution whose primary purpose is to retain natural areas of the township, such as flood plains or other topographic conditions which would preclude development; and, institutional uses or land areas administered by federal, state, or local governments or agencies thereof, such as parks or cemeteries.

Specialized Animal Raising and Care- The use of land and buildings for the raising and care of fur-bearing animals such as rabbits and domestic pets; and the stabling and care of horses, animal kennels, or birds of a similar nature.

Story- that portion of a building other than a cellar, included between the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half- A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.

Street- A public or private thoroughfare which affords the principal means of access to abutting property.

Street Line- A dividing line separating a lot, tract or parcel of land and a contiguous street.

Structure- Structure or building is anything erected, constructed or reconstructed on a foundation, posts, piles, blocks, skids, sills, or any other support, whether such foundation, posts, piles, blocks, skids, sill, other support is or is not permanently located in or attached to the soil.

Structural Change- Wherever mentioned in this resolution means any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, excepting such structural change as may be required for the safety of the building or occupants thereof. This does not include repairing, reroofing or residing.

Tourist Home- A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.

Township- wherever Township is referred to, it shall be Henry Township, Wood County, Ohio.

Travel trailer- A non-self-propelled recreational vehicle that does not exceed an overall length of 35 feet, exclusive of bumper and tongue or coupling, and contains less than 320 square feet when erected on site. "Travel trailer" includes tent-type and foldout camping trailers.

Trustees, Board of- The Board of Trustees of Henry Township, Wood County, Ohio.

Use- any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied.

Used Car Lot- Any lot on which two (2) or more motor vehicles in operating condition are offered for sale or display to the public.

Variance- A change in the requirements within a district, not to include a change in basic land use.

Veterinary Animal Hospital or Clinic- A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Warehousing and Wholesale Activities- The receiving, storage, sale and distribution of manufacturing projects, commodities and equipment. Wholesale may include an occasional retail sale.

Zoning Appeals Board- Board of Appeals of Henry Township, Wood County, and Ohio.

Zoning Certificate- The document issued by the Zoning Inspector authorizing the use of land or building.

Zoning Commission- wherever "Commission" or "Zoning Commission" is referred to, it shall be the Zoning Commission of Henry Township, Wood County, and Ohio.

Zoning Inspector- the Zoning Inspector or his authorized representative appointed by the Board of Trustees.

## ARTICLE VI. DISTRICTS

For the purpose of carrying out the provisions of this resolution the unincorporated area of the township may hereby be divided into the following districts:

“A”	Agricultural District
“R-1”	Residential District
“R-2”	Residential District
“R-3”	Residential District
“C-1”	Neighborhood Commercial
“C-2”	Shopping Henry Commercial District
“C-3”	Highway Commercial District
“I”	Industrial District
“S-1”	Special

These zones are designated on a zoning map and are hereby established and said map is made a part of the resolution. No buildings or premises shall be used and no buildings shall be erected except in conformity with regulations prescribed herein for the district in which it is located.

## **ARTICLE VII. CLASSIFICATION OF USES**

For the purpose of this resolution the following uses shall be permitted, including building and premises used for the district mentioned.

### **Uses in "A" Agricultural District**

Permitted Uses:

- 1) Any agricultural use.
- 2) Any use or structure permitted and as regulated in the "R-1 District.
- 3) Roadside stands consisting of structures used for the display and sale of agricultural products of which 50% or more must be produced on the premises where stand is located. Such stands or displays shall be a minimum of twenty (20) feet from the edge of a right-of-way and adequate parking facilities shall be maintained on the premises and not in the road right-of-way for customer parking. Any roadside stand shall have points of ingress-egress so situated that the visibility on the highway affording said ingress-egress be unobstructed for a distance of five hundred (500) feet in each direction.

Conditional Uses Requiring Board Approval

- 1) Manufactured homes as permitted in ARTICLE XVI.
- 2) Structures for the temporary housing and shelter of seasonal, agricultural laborers may be permitted on, or adjacent to land, the use of which is for the production of the crops for which the agricultural labor is necessary. The location of such structures shall be as provided in ARTICLE XI and ARTICLE XII. Minimum dwelling size as provided in ARTICLE XII shall not apply to such structures and the number of such structures per parcel of land shall be unlimited. Occupancy of such structures shall not extend more than thirty days (30) days beyond the harvest season.
- 3) Non-commercial recreational uses requiring open space, such as golf courses and hunting clubs, racetracks or drag strips.

### **Uses in "R-1" Residential District**

The residential zone is intended as an area chiefly designed for single family homes with related community facilities such as religious and public recreation facilities, which go into making up a balanced residential neighborhood.

Permitted Uses:

- 1) One (1) single family or one (1) two-family dwelling per lot for residential purposes, and buildings accessory thereto; but excluding the use of tents, cabins, and basements for residential purposes.
- 2) Schools and colleges for academic instruction.

- 3) Churches and Parish houses, including Sunday schools and meeting facilities.
- 4) Public buildings and properties of the cultural, administrative or public service type, but not including such uses as storage yards and warehouses.
- 5) Private recreation facilities not operated for profit including swimming pools, tennis courts, etc.
- 6) Hospitals, sanatoriums but not including those for contagious diseases or for the insane, liquor or drug addicts, and religious institutions, not including correctional institutions.
- 7) An office of "in-the-home business" which is conducted entirely within a dwelling by a resident thereof, providing such use does not involve any extension or modification of said dwelling, which alters its outward appearance as a dwelling unit. Off-street parking shall be provided in accordance with ARTICLE XIV.
- 8) Platting of land for residential development in accordance with the SUBDIVISION REGULATIONS for Wood County.

Accessory Uses:

- 1) Private garage, which may include living, quarters not to be rented for profit.
- 2) Summer houses and other customary incidental structures.
- 3) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- 4) One (1) bulletin board or sign not exceeding twenty (20) square feet in area for any permitted church, school, or other public or semi-public institution.

Conditional Uses Requiring Board Approval:

- 1) Specialized animal raising and care.

**Uses in "R-2" Residential District**

Permitted Uses:

- 1) Any Use as permitted in the "R-1 District
- 2) Multiple dwellings.

**Uses in "R-3" Residential District**

Permitted Uses:

- 1) Multiple Dwellings
- 2) Apartment Buildings

Conditional Uses:

- 1) Mobile Home Parks, Manufactured Home Parks, Manufactured Home Subdivisions.



- 2) Specialized Animal Raising And Care.
- 3) Campgrounds

### **General Requirements of the "C-1", "C-2", "C-3" Commercial Districts**

The various commercial zones are intended as areas wherein commercial uses are concentrated categorically for the benefits of the residents of the township and others doing business within the commercial area. By concentrating the commercial areas the following might be better accomplished. For the safety and welfare of the commercial uses through better sharing of water, sewer, fire protection, trash collection, off-street parking, and other community services; and for the economy and efficiency of the public agencies which provide these services.

### **Commercial Requirements**

- 1) All commercial structures shall have plans reviewed by the Ohio Department of Industrial Relations and/or Wood County Building Inspection and said plans shall be approved by the same prior to the issuance of a zoning permit.
- 2) Lot size, side yards and set back lines shall be in accordance with ARTICLES XI, XII, XIII.
- 3) Off-street parking shall be provided in accordance with ARTICLE XIV and shall be on the same side of the public road as the establishment.
- 4) The front setback distance shall remain free of any and all structures.

### **Uses in "C-1" Neighborhood Commercial**

Permitted Uses:

- 1) Personal Services
- 2) Business Services
- 3) Professional Offices And Activities
- 4) Offices And Banks
- 5) Restaurants
- 6) Agricultural
- 7) Public Uses
- 8) Semi-Public Uses
- 9) Essential Services
- 10) Social Activities
- 11) Tourist Homes
- 12) Neighborhood Commercial (See Definition)

Conditional Uses Requiring Board Approval:

- 1) Drive-in Commercial Uses
- 2) Commercial Schools

- 3) Mortuaries
- 4) Entertainment Facilities
- 5) Outdoors Advertising
- 6) Gas Stations And Fuel Stops
- 7) Animal Hospitals Or Clinics
- 8) Day Care Henry Or Nursery School
- 9) Dairying
- 10) Pasturage
- 11) Poultry Husbandry
- 12) Specialized Animal Raising And Care
- 13) Animal Husbandry

**Uses in "C-2" Shopping Henry Commercial**

Permitted Uses:

- 1) Retail Business
- 2) Personal Services
- 3) Business Services
- 4) Professional Offices And Activities
- 5) Commercial Schools
- 6) Offices And Banks
- 7) Restaurants And Banks
- 8) Drive-In Commercial Uses
- 9) Entertainment Facilities
- 10) Commercial Recreational Facilities
- 11) Automobile Service Stations
- 12) Agricultural
- 13) Essential Services
- 14) Public Uses
- 15) Semi-Public Uses

Conditional Uses Requiring Board Approval:

- 1) Mortuaries
- 2) Automotive Sales
- 3) Hotels And Motels
- 4) Gas Stations And Fuel Stops
- 5) Health Spas
- 6) Massage Facilities
- 7) Day Care Henry Or Nursery School
- 8) Animal Husbandry
- 9) Poultry Husbandry
- 10) Dairying
- 11) Pasturage

12) Specialized Animal Raising And Care

**Uses in "C-3" Highway Commercial**

Permitted Uses:

- 1) Wholesale Business
- 2) Sale Or Storage Of Building Materials
- 3) Motels And Hotels
- 4) Retail Business
- 5) Restaurants
- 6) Automobile Service Stations
- 7) Automotive Sales And Repair Facilities
- 8) Entertainment Facilities
- 9) Mortuaries
- 10) Professional Offices And Services
- 11) Agricultural
- 12) Essential Services
- 13) Public Uses
- 14) Semi-Public Uses
- 15) Drive-In Commercial
- 16) Warehousing And Wholesale Activities
- 17) Self Service Storage Facilities
- 18) Farm Implement Sales And Service
- 19) Sale Or Storage Of Building Materials

Conditional Uses Requiring Board Approval:

- 1) Taverns
- 2) Animal Hospitals Or Clinics
- 3) Outdoors Advertising
- 4) Health Spas
- 5) Massage Facilities
- 6) Printing And Publishing
- 7) Animal Husbandry
- 8) Poultry Husbandry
- 9) Dairying
- 10) Pasturage
- 11) Specialized Animal Raising And Care
- 12) Trucking And Transport Terminals

**Uses in "I" Industrial District**

Permitted Uses:

- 1) Any industrial use provided that no noxious or offensive activity shall be carried on within this district, nor shall anything be done which is injurious, dangerous or offensive to the neighborhood by reason of excessive emission of odor, dust, smoke, gas, noise, fumes, flame, radiation or vibration.
- 2) No residential construction shall be permitted.

**Industrial Requirements:**

- 1) All industrial structures shall have plans reviewed by the Ohio Department of Industrial Relations and said plans shall be approved by the same prior to issuance of zoning permit
- 2) Lot size shall be in accordance with ARTICLE XII Lot Size.
- 3) Off-street parking shall be provided in accordance with ARTICLE XIV and shall be on the same side of the public road as the establishment.

**Uses in Special "S-1" District**

**Permitted Uses:**

Essential Services

Public Services

Public Uses

**Conditional Uses Requiring Board Approval**

Non-commercial recreational facilities

Semi-public uses

## **ARTICLE VIII. PROHIBITED USES**

The following uses shall not be permitted in any district:

- 1) Breweries
- 2) Metallic powder works
- 3) Chemical plants
- 4) Crematory
- 5) Distilling of bones, fat or glue, glue or gelatin manufacturing.
- 6) Manufacturing or storage of explosives, gun powder or fireworks.
- 7) Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal, or dead animals except such as result from the normal use of residential or agricultural premises, unless such dumping is done at a place provided by the Township Trustees for such specific purposes.
- 8) Junkyards, automobile graveyards, or places for the collection of scrap metal, paper, rags, glass, or junk for salvage purposes or for dismantling used vehicles or machinery.

## **ARTICLE IX. NON-CONFORMING USES**

- 1) A non-conforming use existing at the time of the resolution or any amendment thereto takes effect, may be continued, except that if it is voluntarily discontinued for two (2) or more years, it shall be deemed abandoned and any further use must be in conformity with the uses permitted in such district.
- 2) Any building arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of this resolution or any amendment thereto, but not completed, may be completed and put to such non-conforming use provided it is done within one (1) year after this resolution or any amendment thereto takes effect.
- 3) Any structure or building existing as a non-conforming use at the time this resolution or any amendment thereto takes effect, which is destroyed by fire, accident, public enemy or the elements, may be reconstructed and restored providing the same is done within two (2) years from the date of said destruction, and is rebuilt as nearly as possible to conform with the zoning requirements within the district in which it is located.
- 4) Any building or structure or land area devoted to a non-conforming use at the time this resolution or any amendment thereto takes effect may not be altered or enlarged so as to extend said non-conforming use more than 25% of the original area, providing the alterations or enlargement is toward conformity with the zoning resolution within the district in which it is located.
- 5) When a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

**ARTICLE X. RELOCATION OF A STRUCTURE**

When any structure is relocated, it shall conform to all zoning requirements for the district in which it is to be placed, and a permit is required.

**ARTICLE XI. SET BACK BUILDING LINES**

- 1) Setback building lines shall pertain to all structures but not including fences.
- 2) Minimum set-back distance shall be measured from the eaves and shall be as follows:

**Distance in Feet from Road right-of-way**

<u>District</u>	<u>Township or County</u>	<u>State or Federal</u>
all*	50**	75

- 3) Setback lines on corner lots shall be the same distance from each road according to its classification above.

\*See exceptions ARTICLE XVIII.

\*\*Set-back distance shall be on the basis of fifty (50) feet from the edge of a sixty (60) foot right-of-way. If road has less than sixty (60) foot right-of-way then set-back will be greater correspondingly.



## Article XII Lot and Floor Requirements

District	Min Front Yard Depth in Ft. (see Article XI for Exceptions)	Min. Side Yard in Feet	Min. Rear Yard in Feet	Min. Lot Area Per Family in Sq. Feet	Min Lot Frontage in Feet	Min. Building Floor Area Per Family in Square Feet
<b>Agricultural "A" Individual Sewage Disposal and Water Supply</b>						
1 Family	50	10	10	1 Acre	175	1,600
2 Family	50	10	10	25,000	200	3,200
<b>Residential "R-1" Individual Sewage and Water Supply</b>						
1 Family	50	10	10	1 Acre	175	1,600
2 Family	50	10	10	25,000	200	3,200
<b>Either Public Sanitary Sewer or Public Water Supply</b>						
1 Family	50	10	10	20,000	100	1,600
2 Family	50	10	10	15,000	125	3,200
<b>Both Public Sanitary Sewer and Public Water Supply</b>						
1 Family	50	10	10	10,000	75	1,600
2 Family	50	10	10	7,500	85	3,200
<b>Residential "R-2"</b>						
1 Family	50	10	10	1 Acre	175	1,600
2 Family	50	10	10	25,000	200	3,200
<b>Multi Family with Individual Sewage Disposal and Water Supply System</b>						
<b>Not Permitted</b>						
<b>Multi Family with Public Sanitary Sewer and Private Water Supply System</b>	50	10	10	7,500	85	800
<b>Multi Family with Public Sanitary Sewer and Public Water Supply</b>	50	10	10	7,500	60	800
<b>Residential "R-3"</b>	40	15	30	5,000	120	Efficiency 400 Sq.Ft.. 1 Bedroom 520 Sq.Ft.. 2 Bedroom 640 Sq.Ft.. 3 Bedroom or more 800 Sq.Ft.
<b>Neighborhood Commercial "C-1"</b>	50	10	10			
<b>Shopping Center Commercial "C-2"</b>	50	10	10			
<b>Highway Commercial "C-3"</b>	50	10	10			
<b>Industrial "I"</b>	50	10	10			
<b>Special "S-1"</b>	Same as Agricultural "A"					

**ARTICLE XIII. MAXIMUM HEIGHT OF BUILDING**

This resolution does not establish a definite maximum height of buildings or structures. The height of buildings and structures shall be such as to conserve the value of adjacent property, and so as to secure adequate light and air for the adjacent property.

## ARTICLE XIV. PARKING FACILITIES

### Off Street parking

In computing the number parking spaces required by these regulations, a parking space as here in before defined is an enclosed or unenclosed area of not less than two hundred (200) square feet permanently reserved for off-street parking, serviced by adequate access drives and connected with a street by a driveway which affords satisfactory ingress and egress (same side of road).

The following general requirements shall prevail:

- 1) Uses not specified- the parking area required for a use not specifically mentioned herein shall be the same as for a use of similar nature.
- 2) Mixed uses (non-shopping plaza)- In the case of mixed uses, the number of parking spaces shall be the sum of the various uses computed separately.
- 3) Location of parking spaces- All parking spaces shall be located within a distance of 350 feet of the facility being served.
- 4) All districts- Off-street parking in front yards- A distance of ten (10) feet measured from the front lot line toward the building shall remain unobstructed.
- 5) Shopping Plaza- Neighborhood- 8 spaces per 1,000 square feet of gross leaseable area. Community- 6.5 spaces per 1,000 square feet of gross leaseable area. Regional- 5 spaces per 1,000 square feet of gross leaseable area.
- 6) Specific Requirements- There shall be provided at the time of change in land use, off-street parking and loading spaces in accordance with the following requirements:

Use	Number of Off-Street Parking Spaces
Dwellings	One (1) per dwelling unit, except that one (1) additional space of proper size shall be provided for each additional motor vehicle owned or stored on the property by the resident or owner.
Museums, Schools Libraries	One (1) per staff member and one (1) per 400 square feet of floor area.
Churches, Auditoriums, Arenas, Stadiums, Spectator Facilities in outdoor recreation areas	One (1) per five (5) seats
Hospitals	One (1) per two (2) beds.
Motels and Hotels	One (1) per guest room.
Theaters, Restaurants	One (1) per four (4) guests.
Skating Rinks, Dance Hall, Medical and Dental Offices	One (1) per 100 square feet of floor area or fraction thereof.
Clubs, Lodges and Similar Uses	One (1) per 200 square feet of floor area, or one (1) per four (4) persons that can be seated in an assembly room, whichever is greater.
Bowling Alleys	Four (4) per bowling alley.
All other commercial establishments	One (1) per 300 square feet of floor area or fraction thereof.
All industrial establishments	One (1) per each employee on maximum working shift plus spaces necessary to accommodate all vehicles used in connection therewith.
In-the-home business	Two (2) per each proprietor and/or employee.

## **ARTICLE XV. SIGNS AND OUTDOOR ADVERTISING STRUCTURES**

No sign shall be permitted in any district except as hereinafter provided.

- 1) One (1) sign is permitted for each farm residence, providing the sign does not exceed nine (9) square feet and relates to the premises, to the products sold on the premise, or to activities carried on within the premises. No permit required.
- 2) Signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet. No permit is required.
- 3) In a commercial or manufacturing district, each business may be permitted one flat wall sign. Such wall sign must project beyond the face of the building but shall not exceed two (2) feet measured from the face of the building. The area of all flat or wall signs for any single business enterprise may have an area equivalent to one and one-half (1 1/2) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet. A permit is required.
- 4) Commercial or manufacturing operations, not located in residential districts, may in addition be permitted two (2) free-standing on-site signs each not to exceed one hundred (100) square feet in area. Such signs must relate to products sold on the premise. (For purposes of the resolution, each surface of a freestanding sign that is utilized display shall count as one (1) sign). Height restrictions for such signs shall be regulated as per township zoning district requirements. A permit(s) is required.
- 5) Bulletin boards and signs for a church, school, community or other public or semi-public building shall be permitted provided the area of such bulletin board or sign shall not exceed twenty (20) square feet in area. A permit is required.
- 6) Portable or temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. No permit is required.
- 7) Off-site signs for the purpose of outdoor advertising, including billboards, may be conditionally permitted in all districts except residential districts. There shall not be more than one (1) sign structure per parcel of land. Said structures may have two advertising faces with permits required of both. No building wall shall be used for such off-site advertising. All such structures must be placed at least thirty (30) feet from adjoining property line. No such sign or advertising structure shall be permitted which faces the front or side lot line of any lot in an "R" District and is within one hundred (100) feet of such lot line or which faces any public park, school, library, church or similar institution and is within three hundred (300) feet thereof. A permit is required for all off-site outdoor advertising.
- 8) The surface area of a sign shall be computed as including the entire area within a regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

- 9) All signs and advertising structures shall be setback minimum of twenty-five (25) feet from all State and Federal Highways; and twenty (20) feet from all other roads-measured from the edge of the road right-of-way to the closest protruding edge of the sign.
- 10) All signs and advertising structures may be illuminated internally or by reflected light provided the source of the light is not directly visible and is so arranged to reflect away from adjoining premises and provides that such illumination shall not be placed as to cause confusion or create a hazard to traffic.
- 11) In the event that a property is rezoned for the purpose of accommodating a new use, all-previous signs and advertising structures relating to the premise, products sold on the premise, or to activities carried on the premise, shall become non-conforming. A permit is required for any sign that related to the new occupant's premise, to new products sold on the premise, or to new activities carried on within the premise.
- 12) For the purpose of this resolution, outdoor advertising off-premise signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of the Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.
- 13) Public notices, traffic control signs, and small signs bearing only property numbers or the names of the occupants of the premise are exempt from this resolution.

## **ARTICLE XVI. MANUFACTURED HOUSING**

### **Section 1. Permanently Sited Manufactured Homes**

- 1) Henry Township hereby establishes the following standards for the placement of all single-family dwellings and permanently sited manufactured homes in areas of the Township which single-family dwellings are permitted.
  - a) All permanently sited single-family dwellings and permanently sited manufactured homes shall meet the minimum lot area, minimum setbacks, maximum height limitations for the particular district in which it will be located.
  - b) Off-street parking shall be provided according by ARTICLE XIV
  - c) The dwellings shall have all towing apparatus, wheels, axles, and exposed chassis, if any removed before occupancy of any kind is permitted.
  - d) The dwelling must be approved for and permanently connected to all required utilities.
  - e) All dwellings shall be installed with properly engineered foundation systems that meet the manufacturer's installation requirements and/or applicable state and local building codes for residential dwellings. A properly engineered foundation system is one that provides adequate support of the dwellings vertical and horizontal loads and transfers these and other imposed forces, without failure, from the dwelling to the undisturbed ground below the frost line.
  - f) All single family dwellings and permanently sited manufactured homes shall be taxed as real property.
- 2) Manufactured housing not meeting the criteria established for a permanently sited manufactured home shall be permitted in either a mobile manufactured home park or manufactured home subdivision.
  - a) Manufactured home parks and manufactured home subdivisions may be permitted/conditional use in an "R-3" residential district.
  - b) The Board of Appeals may permit one (1) nonconforming manufactured home per forty (40) acres or more as a conditional use. Permits for such use shall be for one (1) year and will require renewal for continued use. The location of such permitted manufactured home shall be in accordance with the yard requirements specified for residential uses in "R-1" Districts.
  - c) No porch, canopy, patio roof, room, structure for storage, or addition, may be attached to a manufactured home unless of a material or type of construction specifically designed and manufactured for such use.
  - d) All manufactured homes shall meet the minimum lot area, minimum setbacks, maximum height limitations for the particular district in which it will be located.
- 3) A manufactured home or travel trailer used for temporary living quarters or storage of materials or equipment used in conjunction with construction work may be permitted in any district during the period that the construction is in progress. Such permitted use shall be conditional and requires approval by the Board of Appeals and shall expire upon completion of the construction work. Permits for such use shall be for one (1) year and will require renewal for continued use.

## **Section 2. Manufactured Home Park Requirements**

General Requirements-Manufactured home parks shall be constructed pursuant to the Rules of the Ohio Department of Health, Public Health Council, Mobile Home Parks, Chapter 3701-27. In addition, manufactured home parks shall comply with the following:

- 1) A manufactured home park shall have a public water and sewer system and/or on the site water and wastewater treatment system acceptable to the Ohio EPA, Wood County Health Department or other approving agency of the State of Ohio or Wood County.
- 2) A manufactured home park shall be developed on a site of not less than 10 acres. Individual sites within a park shall be developed with sites having 5,500 square feet, including a minimum width of thirty (30) feet per manufactured home being served. This 5,500 square feet may be reduced by twenty (20) percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot lost through the reduction of the site below 5,500 square feet, at least an equal amount of land shall be dedicated to open space.
- 3) The minimum setback for a park shall be fifty (50) feet from a public right-of-way. The manufactured home shall be placed on the site so as to comply with the following:
  - a) Each manufactured home shall be placed upon the manufactured home site so as to provide no less than fifteen (15) feet between the side of one manufactured home and the side of another, fifteen (15) feet between the end of one manufactured home and the side of another, and ten (10) feet between the end of one manufactured home and the end of another. In computing these distance requirements, an auxiliary room or similar accessory connected to the manufactured home shall be considered as part of the manufactured home. A temporary porch or canopy, which is open on two or more sides, shall not be considered as part of a manufactured home.
  - b) No portion of any manufactured home, its appurtenance or parking space shall be located on a manufactured home site so as to be closer than fifteen (15) feet to a roadway boundary, or twenty-five (25) feet to a manufactured home park, boundary or property line.
- 4) All manufactured home spaces shall abut upon a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a private or public street.
- 5) All land in a manufactured home park shall comprise a single parcel. Public thoroughfares, except extensions of local and collector streets proposed as part of a



manufactured home site plat, shall not bisect or divide a manufactured home park to avoid unwarranted public traffic from traveling through the park.

- 6) Each manufactured home within a manufactured home park shall contain a complete bathroom, including flush toilet, kitchen facilities, sleeping accommodations and plumbing and electrical connections. Travel trailers, motor homes and other recreational vehicles shall not be occupied in a mobile home park.
- 7) All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.
- 8) Each manufactured home located within a manufactured home park does not require individual approval by the Board of Zoning Appeals and is not subject to one-year permit renewal for continued use.

### **Section 3. Manufactured Home Subdivision**

The manufactured home subdivision is intended as an area chiefly designed for single family manufactured and modular homes attached to a permanent continuous foundation as well as other buildings erected, arranged, intended or designed to be used for one single-family dwelling. Related community facilities, including churches, kindergartens, schools, public playgrounds, and public parks shall be permitted, as well as any building or permanent structure within a manufactured home subdivision to be used exclusively to provide accessory services for residents of said manufactured home subdivision such as, but not limited to, a recreational facility.

Manufactured home subdivisions shall be constructed pursuant to the Subdivision Rules and Regulations of Wood County, Ohio. In addition, manufactured home subdivisions shall comply with the following:

- 1) In a manufactured home subdivision, a manufactured home, modular home, single-family dwelling or any other principal building shall be situated on a lot of no less than seventy-two hundred (7,200) square feet in area and each manufactured home or single-family dwelling shall have a minimum net floor area for living quarters of seven hundred twenty (720) square feet.
- 2) Each dwelling, manufactured home, modular home, or principal building in a manufactured home subdivision shall be designed to meet the following criteria:
  - a) It shall contain either a basement of at least two hundred eighty-eight (288) square feet, a garage of at least two hundred eighty-eight (288) square feet, or a permanently constructed storage building containing at least one hundred square feet and attached to a permanent continuous foundation in compliance with the Wood County Building Code. Each garage or storage building shall be designed compatibly with the principal building or manufactured home. The Zoning Administrator shall determine whether a design is compatible.
  - b) All roofs shall be double pitched at least three (3) feet vertical for twelve (12) feet horizontal or greater and covered with material that is residential in appearance,

- including, but not limited to, approved wood, asphalt, composition or fiberglass shingles but excluding corrugated aluminum, corrugated fiberglass or metal roofing.
- c) The exterior siding shall have a dull finish, not a high gloss finish, and shall be residential in appearance, including but not limited to brick, stone, stucco, clapboard, simulated clapboard such as conventional vinyl or metal siding, wood shingles, shakes or similar material, but excluding smooth, ribbed or corrugated metal or plastic panels.
  - d) Each dwelling, principle building, manufactured home or modular home shall be designed so that it has a front entrance and front facade facing upon a public street.
- 3) The minimum lot frontage and setback requirements for each dwelling, manufactured home, modular home, or other principal building in a manufactured home subdivision, shall be in accordance with the lot frontage and setback requirements as a one (1) family dwelling in an "R-1" District.
  - 4) A manufactured home subdivision shall have a public water and sewer system and/or on site water and wastewater treatment system acceptable to the Ohio EPA, Wood County Health Department, or other approving agency of the State of Ohio or Wood County.
  - 5) Each manufactured home located in a manufactured home subdivision does not require individual approval by the Board of Zoning Appeals and is not subject to the one year permit renewal for continued use.

## **ARTICLE XVII. CONDITIONAL USE PERMIT**

### **Section 1. Permits for Conditional Uses**

The following uses may be permitted only by the Board of Zoning Appeals, in accordance with the procedure described in Section B of this article:

- 1) Airport Or Aircraft Landing Field
- 2) Country Club Or Golf Course
- 3) Lodge Or Private Club
- 4) Outdoor Theater
- 5) Golf Driving Range
- 6) Radio Or TV Transmitting Tower
- 7) Commercial Recreation Facilities
- 8) Manufactured Homes As Provided In ARTICLE XVI.
- 9) Non-Commercial Recreational Facilities Such As Golf Courses, Hunting Clubs, Or Private Racing Facilities
- 10) Sand, Gravel And Top Soil Extraction
- 11) Oil And Gas Wells
- 12) Ponds For Recreation Or Any Other Personal Or Public Uses
- 13) Group Homes

### **Section 2. Procedure**

All requests for conditional use permits shall be reviewed by the Board of Zoning Appeals within the same time limits as set forth in Section 519.14 and 519.15, Ohio Revised Code for hearing appeals.

The Board of Zoning Appeals may require such supporting information, maps and sketches from the applicant as it deems necessary to review in order to reach a decision.

If the Board of Zoning Appeals finds the request reasonable and that the use would be consistent with the spirit, purpose and intent of this resolution, and will not substantially injure the appropriate use of neighboring property and will generally serve the public convenience and welfare of the township it may grant the permit including imposition of conditions of the use.

## **ARTICLE XVIII. PLANNED UNIT DEVELOPMENT**

### **Section 1. General**

The township recognizes that it is increasingly difficult to forecast the various conditions and the township should permit factors that may be encountered in sizeable developments and that certain flexibility in the execution of the design and layout of a project. This will allow the developer to take advantage of topography in order to utilize the natural surface drainage, to economize in the construction of streets, sewers and storm drainage facilities, to reduce the amount of grading and thus minimize destruction of trees and topsoil. It may further allow him to adjust the layout to geographical and cultural limitations such as property ownership lines and among other things, create architectural variation in the development as well as attractive and usable buildings and building sites, and further, such developments can be designed so as to enhance the community in general.

The owner or owners of any tract of land comprising an area of not less than five (5) acres may submit to the Township Trustees a preliminary plan for the use and development of all of the tract of land for residential, commercial, industrial and allied purposes. The development plan shall be referred to the Township Zoning Commission and the County Planning Commission for study and report and for public hearings. Procedures and publications for such public hearings shall conform to the procedures prescribed in Section 519.12, Ohio Revised Code for hearings on changes and amendments.

Planned Unit Developments may be residential, commercial or industrial developments, or they may be combinations of residential and commercial, or commercial and industrial. The minimum site area for a residential development shall be ten (10) acres; for a commercial development, five (5) acres; and for an industrial development, twenty-five (25) acres.

A residential-commercial development shall have a minimum of twenty (20) acres and not less than 180 residential units. The commercial facilities which are part of such combination developments shall be devoted primarily to the convenience and service of the population concentration area of the planned unit; provided further that no such commercial area shall exceed five (5) acres in size for the first 160 acres in the plan plus one (1) acre for each additional thirty-two (32) acres.

Planned Commercial Unit Development adjoining or adjacent to a residential area and shall consist of low intensity uses providing convenience, products and/or services to neighboring residents and the surrounding area.

The type of service and/or products dispensed, maximum hours of operation, approximate number of employees, signs, lighting, service and waste disposal facilities, parking, setbacks, screening, fencing and such other similar and related duties and facilities as may be required by the zoning commission shall be provided by the applicant any may be made part of the plan by the commission.

Such development shall be so located and designed so that it will not introduce outside commercial traffic into interior residential areas.

Deed restrictions shall be drawn to subject the owners in fee, and all lessees or others holding, hereunder, to the requirements of the planned Unit Development by reference thereto and shall provide further that any residents or owner of property in or adjoining the Planned Unit Development, or the Township may enforce such requirements by injunction or other appropriate legal remedy.

Planned units shall be arranged progressively in relation to the zoning of the area adjoining and shall observe the setback requirements for each district as provided by this resolution.

Such a development plan may be submitted to the Township Trustees and shall be referred to the Zoning Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures and prescribed in ARTICLE XXII for hearings on changes and amendments.

### **Section 2. Required Plan and Actions by the Zoning Commission and Board of Trustees**

- 1) In order that the Commission may determine that the Planned Unit Development is consistent with good zoning practice and in harmony with the welfare of the community, the developer shall furnish a preliminary plan of the entire tract showing topography, roads, lot lines, lot areas, streets easements for utilities, encumbrances, and other relevant data. The plans shall include the location of existing structures, areas of shrubs and/or trees of ten (10) inch diameter or more, existing contours and the proposed grading plan.
- 2) Upon determination by the Zoning Commission that the proposed Planned Unit Development project as shown on the preliminary plan conforms to paragraph 1. Above and all other applicable provisions of this Resolution, it shall recommend approval to the Board of Trustees for a change of zoning districts as necessary. Such zoning approval shall be conditional, subject to approval of a final development plan, prepared by the proponent, which shall incorporate all requirements of this Resolution and such conditions, changes or modifications as required by the Zoning Commission.

### **Section 3. Requirements of the Final Plan**

- 1) After approval of the final plan of the Zoning Commission and Board of Trustees, adjustments or re-arrangement of buildings, parking areas, yards, driveways, streets, or entrances shall require resubmission of the final plan for approval by the Commission and Board of Trustees.
- 2) Planned Unit Developments shall be encouraged but they shall conform to the regulations of this Resolution or to the following modifications.
- 3) In "R-2" and "R-3" Districts, a Planned Unit Development may be permitted as follows:

- a) The lot area per family may be reduced, but such reduction shall not exceed twenty (20) percent of the area required in ARTICLE XII.
- b) Fifty (50) percent of the lot area reduction or not less than ten (10) percent of the total project area shall be devoted to open area and recreational facilities for the residents of the area being developed. Such open space land or recreational facilities shall be held in corporate ownership by the owners of the project area building sites, and the developer shall incorporate into protective covenants and/or deed restrictions, a clause giving an interest in such land to each owner who buys property within the development and provisions for maintenance and upkeep. As an alternate to a property owners' association, the developer may (under conditions suitable to the township) deed the land to the township, which shall maintain the open space in lieu of a property owners' association.
- c) In no case shall the density of families per net residential acre be greater than ten (10) percent more than that which would develop due to the uses permitted by right in each of the "R-1", "R-2" or "R-3" Districts. The maximum density permitted by this provision is as follows: in "R-1", 3.1 families per acre, in "R-2", 6.4 families per acre, and in "R-3", 9.6 families per acre.
- d) The lot width or required yards may be reduced not to exceed a ten (10) percent reduction of the requirements of ARTICLE XII.
- e) The design of single and two family residential structures to be erected in a planned unit development shall be so varied in placement of windows, entrance ways, roof design, coloring and height that no structure shall be closer than five (5) lots to another structure substantially similar in design. The lot widths may be varied due to the variety of structural designs and it is recommended that setbacks may be varied, but in no case shall a structure be closer to the street than is permitted by the front yard requirements as modified in paragraph (d) above. If lot widths for single or two family residential lots are varied by the developer, he shall enter into an agreement with the Township that the property owners within a planned unit development of this nature shall be assessed equally for any improvements which may be made by assessment.
- f) Every property shall be designed to have suitable access directly to the open space or recreation facilities required.
- g) Individual sewage disposal and/or water supply shall not be permitted in any planned unit development.

In "C" Districts, a planned unit development may be permitted in accordance with the following provisions provided:

- 1) The proponents of the development satisfactorily guarantee financial ability to complete the proposed project.
- 2) Construction is begun within one (1) year of the necessary zoning approval.
- 3) The project is completed within a reasonable time as determined by the Commission.
- 4) Market studies or other evidences satisfactory to the Commission demonstrate a need for the proposed development.
  - a) Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce

the number of potential accident locations at intersections with thoroughfares. In planning these groups of buildings or establishments, no yard space will be required between uses within the groups; however, the yard requirements must be observed at the edge of the complete development. Planting screens or fences as may be required by the Commission shall be provided.

- b) Certain types of commercial uses, such as a restaurant, central secretarial or stenographic pool, or other business service type uses, repair services, or clinics which form a small commercial Henry to serve the needs of the industries or their personnel, may be permitted in a planned industrial area.
- c) Off-street parking and loading areas shall conform to the provisions of this resolution.
- d) Yards. No building shall be less than seventy-five (75) feet distance from any boundary of the tract on which the office, research, or industrial development is located. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped and properly maintained at all times.

## **ARTICLE XIX. SUPPLEMENTAL REGULATIONS**

### **Section 1. Satellite Dish**

A Satellite dish is permitted in all districts as an accessory use. A Satellite dish shall be within the required rear or side yard setbacks. A Satellite dish shall be placed a minimum of 50' from any public road right of way.

### **Section 2. Fences and Hedges**

- 1) Fences measuring less than four (4) feet in height do not require a permit for installation. Conversely, fences measuring four (4) feet in height or greater require a permit.
- 2) In any district, no fence, structure, hedge or other planting shall be built or maintained in such a manner that visibility is obstructed from intersecting streets within eighty (80) feet in each direction from the intersection of the street centerlines.
- 3) For purposes of this resolution, fences shall be treated as accessory uses and setbacks shall be maintained as per the zoning district.

### **Section 3. Private Swimming Pools and Ponds**

- 1) A private swimming pool shall be any pool or open tank, where swimming is normally permitted, not located within a completely enclosed building, and containing water to a depth at any point greater than three and one-half (3 1/2) feet. Such swimming pools shall be allowed in following conditions and requirements.
  - a) The pool is intended as is to be used solely for the enjoyment of the occupants of the principle use of the property on which it is located.
  - b) No part of the water area, exposed equipment or structure housing the equipment shall be closer than ten (10) feet from any property line. Paved walks adjoining a pool may not be closer than five (5) feet from a property line.
  - c) The swimming pool or the entire property on which it is located shall be fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence to be not less than four (4) feet in height and maintained in good condition with a lock and gate.
  - d) The pool is not greater than twelve hundred (1,200) square feet in surface area and no more than twelve (12) feet in depth.
- 2) A private pond is permitted in all districts, with the following conditions:
  - a) A site plan to scale, must be prepared, showing the locations of the proposed pond, final grades, location of any existing or proposed buildings, septic tanks, leach fields, wells, underground fuel or gasoline tanks, easements, ditches and utility lines within five hundred (500) feet of the perimeter of the area.
  - b) Any man made or naturally occurring pond used for recreation, storm water retention or detention, shall be located at least fifty (50) feet from any public road right-of-way or drainage ditch. The natural grade of the land shall remain undisturbed within fifteen (15) feet of any property line and road right of way.



- c) If ponds are to be utilized for potable water supplies, approval of the Wood County Health Department shall be required.
- d) Pond (s) shall not be permitted to be located in a 100 year floodplain.
- e) Pond (s) shall provide at least one overflow. Adequate provisions for drainage shall be made subject to approval of the Wood County Engineer.
- f) Pond (s) shall be at least one-fourth (1/4) acre in area and shall have a minimum depth of ten (10) feet.
- g) Fill dirt may be hauled off-site. Any fill dirt retained on-site shall not be mounded so as to obstruct a view from neighboring property and may not exceed a height of 6' from the original grade of the property.
- h) After completion, a pond shall be properly maintained and supervised so that it will not become a danger or nuisance to area residents.

#### **Section 4. Group Homes**

It is proposed that group homes be permitted in all residential and agricultural districts under a conditional use designation. Any other criteria for conditional use permits would also apply. In addition, specific criteria are proposed for group home special uses:

- 1) Group home facilities are defined as a private residence which provides resident services to a maximum of eight (8) unrelated persons. Residence should be restricted to a maximum of two (2) persons per bedroom exclusive of the bedroom needed for the resident care-provider.
- 2) Group homes which contain one to eight (1-8) residents, exclusive of the care provider(s), shall be operated by a resident/owner of the home and shall not require a lot larger than the residential district within which it is located.
- 3) All group homes must be licensed by the appropriate state or county licensing agency (examples are Ohio State Department of Mental Health, Ohio State Department of Human Services, Wood County Health Department, etc.)
- 4) Public utilities of sewer and water should be provided where possible. In unsewered areas, appropriate approval shall be obtained from the Wood County Board of Health or Ohio Environmental Protection Agency.
- 5) The proximity and nature of the group home to the surrounding area shall be considered in determining the feasibility of the location or the conditions of approval. To minimize concentration of group homes within a township, a distance separate between group homes shall be one (1) mile in sewerred areas of the township. In the developed sewerred areas, group homes may be located no closer than one-fourth (1/4) mile of each other.
- 6) The owner should maintain a planned continuing contact with the adjacent residents and as necessary with the neighborhood with respect to operation of the facility. An awareness and acceptance of the group home and its residents shall be a goal. A report of activities and any incidents may be required as a condition of approval or subsequent thereto, by the township.
- 7) Residential care facilities which contain greater than eight (8) persons is defined as an institution.

### **Section 5. Disabled, Abandoned, and Junk Vehicles and Junk**

- 1) In order to prevent conditions conducive to the infestation of breeding vermin, insects or rodents, the establishment of an unattractive nuisance, the unsightly accumulation of discarded or salvaged items and materials and the devaluation of adjacent property, the accumulation or storage of the following in any district for more than 30 days is prohibited:
  - a) Junk, disabled, or inoperative vehicles, machinery or equipment;
  - b) Unused or discarded vehicles, equipment or machinery parts;
  - c) Rags and other used textile items, used paper products, and used or discarded tires;
  - d) Discarded building and construction materials;
  - e) Scrap metal, glass, plastic, and lumber;
  - f) Discarded home furnishings and appliances; and
  - g) Other junk items and those now and hereafter defined as "junk" in the Ohio Revised Code.
- 2) The above items are exempt if they are:
  - a) Stored in an enclosed garage or other accessory building and no business conducted therewith.

### **Section 6. Site Plan Review**

All proposed zoning amendments to any of the following zoning districts shall require site plan review. Those districts are "C-1", "C-2", "C-3" and "I"-Industrial.

In instances where an established permitted use or conditional use is converted or expanded to another permitted use or conditional use in "C-1", "C-2", "C-3" or "I"-Industrial districts, all information required of this section shall be submitted for review and approval of the Zoning Inspector.

#### **General Requirements:**

- 1) A formal letter of submittal shall accompany the site plan. The letter shall provide the name, address and phone number of any parties who are informed of progress on the request, e.g. land owner, attorney, architect, engineer, etc.
- 2) All site plans shall have a title indicating the type of request being made, e.g. request for more than one main building on a parcel, zoning amendment, etc.
- 3) The site plan shall be accompanied by a complete legal description of the subject property and a location sketch referenced from section lines and/ or major streets.
- 4) The site plan shall indicate the scale of the drawing and shall use an engineer's scale.
- 5) The site plan shall have the north arrow pointing either toward the top of the drawing or to the right side of the drawing, preferable toward the top, and should be located with the scale.
- 6) Nine (9) prints of the site plan shall be submitted to the Township Zoning Inspector

Specific Requirements:

- 1) The site plan shall show the zoning classification of the subject property and all abutting property uses (residential, commercial, etc.) and approximate location of abutting property, buildings, and/or structures.
- 2) The site plan shall indicate the distance of existing and proposed structure(s) from right-of-way line of all adjacent thoroughfares and show front, side and rear yard distances to the structure(s).
- 3) The site plan shall indicate the exact dimensions of the property in question, and show existing structure(s) with dimensions and proposed structure(s) with dimension. The site plan shall indicate building removals and other alterations, if any, of existing property.
- 4) The site plan shall indicate, by name, all adjacent thoroughfares. The site plans shall show both right-of-way and pavement widths measured from the centerline.
- 5) The site plan shall indicate the locations, size (height), and material of all existing and proposed fencing on the subject property.
- 6) The site plan shall show the location of all existing and proposed lighting on subject property.
- 7) The site plan shall show the location and dimensions of existing or proposed signs on the property.
- 8) The site plan shall indicate the widths of existing or proposed landscaping, screening and sidewalks.
- 9) Site plans shall show any ditches, creeks, or other natural features that may affect development of the property in question. Where appropriate, the 100-year high water elevation should be shown on the site plan. Information on this requirement may be obtained from the Wood County Plan Commission.
- 10) The site plan shall show existing and proposed drainage with dimensions.
- 11) The site plan shall show existing and proposed sanitary storm sewer, water mains, and location of hydrants and valves.
- 12) The site plan shall show existing and proposed pavements and roadways with dimensions.
- 13) The site plan shall indicate existing or proposed off-street parking, driveways, and recreational areas with complete dimensions. Curb cuts shall be measured at the curb and throat widths shall be indicated. The drawing shall include the number and size of proposed parking stalls along with internal circulation pattern of the off-street parking. If the off-street parking is physically joined with abutting property, then circulation between the properties shall be shown.
- 14) The site plan for a proposed drive-up establishment shall indicate where vehicles can stack and how many vehicles can stack at one time.

Application Procedures:

- 1) Site plans shall be filed with the Zoning Inspector.
- 2) The Zoning Inspector shall transmit the site plan to the Zoning Commission for review and recommendations.

- 3) The date of the Zoning Commission/Zoning Inspector accepts the site plan shall constitute the official filing date.
- 4) No permit shall be issued for any use or change in use prior to the review and recommendation of the site/development plan by the Zoning Commission/Zoning Inspector. Conditions or modifications may be attached to these plans.
- 5) The review time for site plans generally shall be in keeping with the time requirements established for zoning changes.
- 6) Any Change in the site plan, once approved, shall require a review by the Zoning Commission/Zoning Inspector.
- 7) All subsequent owners, heirs, or beneficiaries of a property zoned for "C-1", "C-2", "C-3" or "I"-Industrial must resubmit site plans to the Zoning Commission/Zoning Inspector for review and approval unless the proposed use of the property remains unchanged from a previously approved site plan.
- 8) The Zoning Commission may seek information and recommendations from the Wood County Planning Commission or other appropriate agencies to aid in their review of the site plan.

#### **Section 7. Home Occupations**

Home occupations shall be conditional uses in all districts permitting single family dwellings. A conditional use permit shall be granted by the Township Zoning Board of Appeals, provided that:

- 1) No more than one 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 the residential purposes by its occupants, and not more than twenty-five (25) per cent floor area of the dwelling shall be used in the conduct of the home occupation. One accessory building may be conditionally permitted for use, as home occupation in lieu of a single-family dwelling provided no more than 750 square feet are utilized in such building. Only one (1) home occupation may be conditionally permitted on the premises.
- 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 (1) sign, not exceeding three (3) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- 4) No traffic shall be generated by such 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 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 other than a single family residence or outside of the dwelling unit if conducted in other than a single family residence. No equipment or process shall be used which creates visual and audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.

## **Section 8. Regulation of Adult Entertainment Businesses**

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

### **Purpose**

The purpose of Sections A to D inclusive of this Resolution 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 adult entertainment businesses, residentially zoned areas, schools, churches, parks and playgrounds within Henry Township.

### **Definition**

The following definition shall apply in the interpretation of this Resolution:

- 1) "Adult Entertainment Business" means an adult bookstore, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section.
- 2) "Adult Book Store" means an establishment which utilizes 15% 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.
- 3) "Adult Motion Picture Theater" means an enclosed motion picture theater which is regularly used or utilizes 15% 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.
- 4) "Adult Motion Picture Drive-In Theater" means an open air drive-in theater which is regularly used or utilizes 15% or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult materials as defined in this section.

- 5) "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 feature exhibits, 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.
  - a) "Adult Material" means any book, magazine, newspaper, pamphlet, poster, print, 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
  - b) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
- 6) "Bottomless" means less than full opaque covering of male or female genitals, pubic area or buttocks.
- 7) "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 or any portion thereof, or female breast(s) with less than a full, opaque covering or any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
- 8) "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.
- 9) "Sexual Activity" means sexual conduct or sexual contact, or both.
- 10) "Sexual Contact" means any touching of an erogenous zone of another, including without limitation, the thigh, genitals, buttocks, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
- 11) "Sexual Excitement" means the condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

Conditional Uses Requiring Board Approval

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 this Resolution. In addition to said provisions; an adult business shall comply with the following conditional use criteria:

1. Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located.
2. No adult entertainment business shall be permitted in a location which is within 1,500 feet of another adult entertainment business;
3. No adult entertainment business shall be permitted in a location which is within 1,500 feet of any church, any public or private school, any park, any playground or any social services facility or neighborhood Henry;
4. No adult entertainment business shall be permitted in a location, which is within 1,500 feet of any residence or boundary of any residential district.
5. All measurements are from lot line to lot line.

Zoning of Adult Entertainment Businesses

Adult entertainment businesses shall be conditionally permitted in accordance with the following schedule:

<u>Conditionally Permitted Use</u>	<u>Districts Where Permitted</u>
Adult Book Store	"C-3"
Adult Motion Picture Theater	"C-3"
Adult Motion Picture Drive-In Theater	"C-3"
Adults Only Entertainment Establishment	"C-3"

Section 9. Commercial Vehicle (s) and Trailer Storage in "A" and "R" Districts

- 1) A commercial vehicle is defined as any vehicle or trailer licensed and registered as a commercial vehicle or trailer with a gross vehicle weight of 10,000 pounds and used or designed to be used for business or commercial purposes.
- 2) Not more than one commercial vehicle or trailer or herein defined shall be parked in an "A" or "R" district. The parking of a commercial vehicle herein described shall be accessory to the driver/owner owner-occupied residential dwelling.
- 3) Additional parking or storage of commercial vehicles and trailer(s), not to exceed 3, in excess of 10,000 pounds of gross vehicle weight may be permitted by the Zoning

Board of Appeals as a conditional use in an "A" district, provided the following conditions are met. They are:

- a) The site, lot or parcel of land is located along a Major Street and Highway as defined by the Wood County Major Street and Highway Plan (Liberty Hi Road, Cygnet Road, Eagleville Road, S.R. 18, S.R. 25, Interstate 75, and Deweyville Road)
  - b) The parking surface area shall be within the defined setbacks of an "A" district and shall be accessory to owner-occupied dwelling.
  - c) No business activity, loading, or unloading of materials shall be conducted at or on the site, lot or parcel of land.
  - d) No other residence shall be located within 500 feet of the property line of the site or parcel of land.
- 4) Vehicles and trailers licensed and used as agricultural vehicles or trailers which are integral parts of an on-site agricultural business are exempt.
  - 5) Infrequent short term parking of a commercial vehicle or trailer for conveying tools and materials to a premise for use on the premises or delivery or moving of goods to or from a dwelling unit are exempt.

**Section 10 Storm Water Management:**

Prior to the issuance of any zoning certificate for all commercial or industrial uses, including new uses and changes of uses encompassing a lot of area greater than one (1) acre the applicant shall prepare and the Wood County Engineer shall review and approve storm water management plans. Said plans shall be prepared by a licensed professional engineer and be designed using commonly accepted principles and practices. The Wood County Engineer shall promulgate rules and regulations governing storm water retention/detention based upon agricultural run-off rates and other measures as appropriate.

**Section 11 Agricultural Uses In Residential Areas:**

The use of land for agricultural purposes or the construction or use of buildings or structures incident to the use of agricultural purposes or land on which buildings or structures are located is exempt from zoning districts established by this Resolution except as regulated below:

- 1) A parcel with the following characteristics is subject to the agricultural use restrictions listed below in a), b), and c): (1.) The parcel is within a platted subdivision approved under O.R.C. 711.05, 711.09 or 711.10, or in any area consisting of fifteen or more lots approved under O.R.C. 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road and; (2.) The parcel is a lot of one acre or less.
  - a) Dairying, pasturage and animal husbandry of animals raised for their meats, skins or other byproducts are conditional uses subject to approval by the Board of Zoning Appeals. The Board shall consider:



- i) Size of the lot or parcel
  - ii) Type and number of animals
  - iii) Size area devoted to the above animal uses
  - iv) Feed and waste management plan
  - v) Uses of adjacent properties
  - vi) Location and type of animal housing
- b) Agricultural uses not involving animals are permitted so long as they are not extended beyond the front setback line for the district in which the parcel is located and does not exceed more than 33 1/3% of the total open space of such parcel.
- c) Building and structures accessory to the agricultural use of the property shall meet side and rear setbacks and shall be constructed in a design and of materials which harmonize to existing residential, commercial or industrial structures on the property. Such buildings shall not exceed 35 feet in height, shall not exceed one-eighth of the total area of the parcel and shall be placed behind the front set back line for the district in which the parcel is located.
- 2) On parcels which (1) meet the requirements of Section 11, 1) above and (2) are larger than one acre but less than five acres, the following agricultural uses are permitted subject to application for and approval of a conditional use permit therefore by the Board of Zoning Appeals
- a) Building and structures incident to the agricultural use of property are subject to the setback, construction and design requirements set forth in Section 11,1c) above.
  - b) When at least 35% of the lots of the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under O.R.C. 4503.06; dairying, pasturage and animal husbandry of animals raised for their meats, skins or other byproducts are conditional uses subject to approval by the Board of Zoning Appeals. The Board shall consider:
    - i) Size of the lot or parcel
    - ii) Type and number of animals
    - iii) Size area devoted to the above animal uses
    - iv) Feed and waste management plan
    - v) Uses of adjacent properties
    - vi) Location and type of animal housing
  - c) Any dairying and animal and poultry husbandry which exist prior to 35% of the lots being developed, shall be considered a non-conforming use of land and building or structures pursuant to O.R.C. 519.19.

- 3) The regulations in subsection 1) and 2) above do not apply to agriculture, buildings or structure and dairying and animal and poultry husbandry on lots greater than five acres.

## **ARTICLE XX. ADMINISTRATION**

### **Section 1. Purpose**

This article sets forth the powers and duties of the Zoning Commission, the Board of Zoning Appeals, the Board of Trustees, and the Zoning Inspector with respect to the administration of the provisions of this resolution.

### **Section 2. Zoning Inspector**

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

### **Section 3. Responsibilities of Zoning Inspector**

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

- 1) Enforce the provisions of this resolution and interpret the meaning and application of its provisions.
- 2) Respond to questions concerning applications for amendments to the Zoning resolution text and the Official Zoning District Map.
- 3) Issue zoning permits as provided by this resolution, and keeps a record of it with a notation of any special conditions involved.
- 4) Act on all applications upon which he is authorized to act by the provisions of this resolution within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefore. 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 resolution, 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 township offices.
- 7) Maintain permanent and current records required by this resolution, 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 Township Trustees, the Zoning Commission and the Board of Zoning Appeals and the public.
- 9) Review and approve site plans pursuant to this resolution.
- 10) Determine the existence of any violations of this resolution, 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 violation.
- 11) Prepare and submit an annual report to the Township Trustees and Zoning

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

#### **Section 4. Board of Zoning Appeals**

1) Membership

There is hereby established a Township Board of Zoning Appeals which shall consist of five (5) members, who are residents of the unincorporated area of the Township included in the area zoned. Members shall be appointed, and vacancies on the Board shall be filled by a majority vote of the Board of Trustees. The five (5) members first appointed shall serve for terms of one (1), two (2), three (3), four (4) and five (5) years respectively; thereafter appointment shall be made for five (5) year terms. Vacancies shall be filled by the Board of Trustees and shall be for the respective unexpired term. The members of the Board of Zoning Appeals may receive such compensation as the Board of Trustees provides.

2) Hearings, Rules, Etc

The hearings of the Board of Zoning Appeals shall be public. The Board shall organize annually and elect a Chairman, Vice-Chairman, and Secretary. The Board shall act by resolution in which three (3) members must concur. The Board shall adopt from time to time such rules and regulations, as it may deem necessary to carry into effect the provisions of this resolution. The Board shall hear any owner of property adjacent to the lot for which the granting of any zoning permit is pending, and shall also hear any other parties having substantial interest as determined by the Board.

3) Minutes and Records

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board of Trustees and shall be a public record.

4) Witnesses, Oaths, Etc

The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

5) Assistance

The Board may call upon the various officials and employees of the township for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

#### **Section 5. Zoning Commission**

1) Organization and Duties of Township Zoning Commission

The Township Zoning Commission shall hold an annual election for the purpose of selecting its officers which shall include a chairman, vice chairman and secretary. The election of such officers shall be held at the first meeting of each calendar year.

An official record of the Commission's meetings, actions, and determinations shall be kept. A copy of the agenda and minutes of each meeting and public hearing shall be supplied to the Board of Trustees for its own file.

2) General

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

## **Article XXI Enforcement**

### **Section 1. General**

This article stipulates the procedures to be followed in obtaining permits, certificates and other legal or administrative approvals under this resolution.

### **Section 2. Zoning Permits Required.**

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 Inspector. Zoning permits shall be issued only in conformity with the provisions of this resolution unless the Zoning Inspector receives a written, order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance.

### **Section 3. 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 1/2) 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) Site plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
- 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 a 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 resolution.

**Section 4. Approval of Zoning Permit.**

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this resolution. All zoning permits shall, however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector 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 resolution.

**Section 5. Expiration of Zoning Permit.**

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

**Section 6. Record of Zoning Permits**

The zoning Inspector 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.

**Section 7. Failure to Obtain a Zoning Permit**

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

**Section 8. 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 Inspector authorize only the use, and arrangement, 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 resolution.

**Section 9. Complaints Regarding Violations**

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

**Section 10. Entry and Inspection of Property**

The Zoning Inspector 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 resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor in securing a valid search warrant prior to entry.

**Section 11. Stop Work Order**

Subsequent to his determination that work is being done contrary to this resolution, the Zoning Inspector 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 Inspector, shall constitute a punishable violation of this resolution.

**Section 12. Zoning Permit Revocation**

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



### **Section 13. Notice of Violation**

Whenever the Zoning Inspector or his agent determines that there is a violation of any provision of this resolution, 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 resolution being violated; and 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, the service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, 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.

## **ARTICLE XXII AMENDMENT TO TOWNSHIP ZONING RESOLUTION**

### **Section 1. Procedure for Amendments or District Changes**

This resolution may be amended by utilizing the procedures specified in this resolution.

### **Section 2. General**

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

### **Section 3. Initiation of Zoning Amendments**

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

- 1) By adoption of a motion by the Zoning Commission;
- 2) By adoption of a resolution by the Board of Township Trustees;
- 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.

### **Section 4. Contents of Application for Zoning Map Amendment**

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

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

**Section 5. Contents of Application for Zoning Text Amendment**

- 1) Application for amendments proposing to change, supplement, amend, or repeal any portion(s) of this resolution, other than the Official Zoning Map, shall contain at least the following information:
- 2) The name, address, and phone number of the applicant;
- 3) The proposed amending resolution, approved as to form by County Prosecutor;
- 4) A statement of the reason(s) for the proposed amendment;
- 5) A statement explaining the ways in which the proposed amendment relates to the comprehensive plan;
- 6) A fee as established by resolution of the Township Trustees.

**Section 6. Procedural Steps for processing an application**

- 1) Transmittal to Zoning Commission  
Immediately after the adoption of a resolution by the Board of Township Trustees 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.
- 2) Submission to Wood County Planning Commission  
Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Township Trustees 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 Wood County Planning Commission. The Wood County 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.
- 3) Submission to Director of Transportation (5511.01 O.R.C.)  
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 Board of Township Trustees 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 Township Trustees that he shall proceed to acquire the land needed, then the Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Township Trustees 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 Township Trustees shall proceed as required by law.

- 4) **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 Township Trustees, 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.
- 5) **Notice of Public Hearing in Newspaper**  
Before holding the public hearing as required in Section 4, 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 Township at least ten (10) 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 Township Trustees for further determination.
- 6) **Notice of 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 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 Township Trustees. 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 newspaper as specified in Section 5.
- 7) **Recommendation by Zoning Commission**  
Within thirty (30) days after the public hearing required by Section 4, the Zoning Commission shall recommend to the Township Trustees 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.
- 8) **Public Hearing by Board of Township Trustees**  
Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees as specified in Section 5.

9) Action by Board of Township Trustees

Within twenty (20) days after the public hearing required in Section 8, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission; the unanimous vote of the Board of Township Trustees is required.

10) Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township 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 Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.

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.

## **ARTICLE XXIII PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES**

### **Section 1. General**

Appeals and variances shall conform to the procedures and requirements of Sections 2 to 12 inclusive, of this resolution. As specified in Section 3, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

### **Section 2. Appeals**

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

### **Section 3. Stay of Proceedings.**

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Inspector 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 or 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 Inspector from whom the appeal is taken or due cause shown.

### **Section 4. Variances**

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings or 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 resolution would result in unnecessary hardship.

## **Section 5. Application and Standards for Variances**

Except as otherwise permitted in this resolution, no variance in the strict application of the provisions of this resolution shall be granted by the Board of Zoning Appeals unless the Board finds 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 the property;
- 3) Description or nature of variance requested;
- 4) A fee as established by resolution;
- 5) Narrative statements establishing and substantiating that the 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 resolution on the district in which it is located and shall not be injurious to the area or 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 or 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 resolution 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 undue hardship created by the strict application of this resolution. 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 this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this resolution; 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 land or building, and the variance as granted is the minimum variance that will accomplish 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 streets, 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 this regulation to other lands, structures, or building in the same district.

**Section 6. Additional Conditions and Safeguards**

The Board 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 resolution.

**Section 7. Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

**Section 8. Notice of Public Hearing in Newspaper**

Before conducting the public hearing required in Section 7, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal of variance.

**Section 9. Notice to Parties in Interest**

Before conducting the public hearing required in Section 7, 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 in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 8.

**Section 10. Action by Board of Zoning Appeals**

Within thirty (30) days after the public hearing required in Section 7, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 6, 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 land, building or structure. Appeals from Board decision shall be made to the Court of Common Pleas.

**Section 11. Term of Variance**

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than one (1) year 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.



## **Section 12. Authorized Variances**

Variances from the regulations of this resolution shall not be granted unless the Board 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 5, 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 a 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 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.

**ARTICLE XXIV PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS: SUBSTANTIALLY SIMILAR USES.**

**Section 1. Regulation of Conditional Uses**

The provisions of Section 1 to 12 inclusive of this resolution apply to the location and maintenance of any and all conditional uses.

**Section 2. 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 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 resolution 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 1 to 12 of this resolution.

**Section 3. Contents of Conditional Use Permit Application**

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

- 1) Name, address and phone number of the applicant;
- 2) Legal description of the property;
- 3) Zoning district;
- 4) Descriptions of existing use;
- 5) Description of proposed conditional use;
- 6) 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 Board may require;
- 7) 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;
- 8) A list containing the names and mailing addresses of all owners of property within fifteen hundred (1,500) feet of the property in question;
- 9) A fee as established by this resolution.
- 10) A narrative addressing each of the applicable criteria contained in Section 4.

#### **Section 4. General Standards for All Conditional Uses**

In addition to the specific requirements for conditionally permitted uses as specified in ARTICLE XXIV Board 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:

- 1) Is in fact a conditional use as established under the provisions of ARTICLE XXIV and appears on the Schedule of District Regulations adopted for the zoning district involved;
- 2) Will be in accordance with the general objectives, or with any specific objective, of the Township's zoning resolution;
- 3) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- 4) Will not be hazardous or disturbing to existing or future neighboring uses;
- 5) 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;
- 6) 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.
- 7) 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;
- 8) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
- 9) Will not result in the destruction, loss, or damage or a natural, scenic, or historic feature or major importance.

#### **Section 5. 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 Inspector.

#### **Section 6. Notice of Public Hearing**

Before conducting the public hearing required in Section 5, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

### **Section 7. Notice to Parties of Interest**

Prior to conducting the public hearing required in Section 5, 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 5 for notices published in newspapers.

### **Section 8. Action by the Board of Zoning Appeals**

Within thirty (30) days after the date of the public hearing required in Section 5, the Board shall take one of the following actions:

- 1) 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 in such district have been met, and that 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 9. Upon making an affirmative finding, the Board shall direct the Zoning Inspector to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval.
- 2) 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.
- 3) 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.

### **Section 9. Supplementary Conditions and Safeguards**

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

### **Section 10. Expiration of Conditional Use Permit**

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within 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.

**Section 11. 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 resolution, 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 resolution. If the Board finds that a use is substantially similar to a specific use listed in this resolution, 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 ARTICLE XXII of this resolution. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Township Trustees 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 Township Trustees, such substantially similar use determination by the Board shall become effective.

**Section 12. Remedy by Application for Amendment**

If the Board determines that a proposed use is not substantially similar, such determination shall not be appealed to the Township Trustees, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in ARTICLE XXII.

## ARTICLE XXV. PENALTIES

- 1) In accordance with Section 519.99 of the Ohio Revised Code, any person, firm or corporation violating this resolution, or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars (\$100) for each offense. Each and every day there is a violation of this resolution, may be deemed a separate offense.
- 2) In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of law or of this resolution or any amendment thereof, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.