

PLAIN
TOWNSHIP
ZONING RESOLUTION

TABLE OF CONTENTS

		Page No.
	<u>ZONING RESOLUTION</u>	1
<u>ARTICLE I</u>	<u>PURPOSE</u>	1
<u>ARTICLE II</u>	<u>IDENTIFICATION</u>	1
<u>ARTICLE III</u>	<u>INTERPRETATION</u>	2
<u>ARTICLE IV</u>	<u>EXEMPTIONS</u>	2
<u>ARTICLE V</u>	<u>DEFINITIONS</u>	3 - 16
<u>ARTICLE VI</u>	<u>DISTRICTS & GENERAL PROVISIONS</u>	17
<u>ARTICLE VII</u>	<u>CLASSIFICATION OF USES</u>	18 - 27
	A Permitted Uses in a Agriculture District	18
	A-1 Conditional Uses Requiring Zoning Board of Appeals Approval	18
	R Residential Districts - R-1 & R-2	18
	B-1 Permitted Uses in Residential District	18-19
	B-2 Residential District Accessory Uses	19
	B-3 Permitted Uses in R-2 Residential District	19
	B-4 Conditional Uses Requiring Zoning Board of Appeals	19
	C-1 Permitted Uses in the C-Commercial District	19-20
	C-2 Commercial Requirements	20
	C-3 Conditional Uses Requiring Zoning Board of Appeals	20
	D-1 Permitted Uses in the I-Industrial District	20
	D-2 Industrial Requirements	21
	D-3 Separation Requirements for Sexually Oriented Businesses	21-25
<u>ARTICLE VIII</u>	<u>PROHIBITED USES</u>	25
<u>ARTICLE IX</u>	<u>NON-CONFORMING USES</u>	25-26
<u>ARTICLE X</u>	<u>RELOCATION OF A STRUCTURE</u>	26
<u>ARTICLE XI</u>	<u>SET BACK BUILDING LINE; LOT WIDTH TO DEPTH RATIO</u>	
	A. Set Back Building Lines	26-27
	B. Newly Created Parcels/Splits	27
<u>ARTICLE XII</u>	<u>LOT AND FLOOR AREA CHARTS</u>	28-29
	Charts 1 & 2	
<u>ARTICLE XIII</u>	<u>MAXIMUM HEIGHT OF BUILDINGS</u>	30

<u>ARTICLE XIV</u>	<u>SUPPLEMENTAL REGULATIONS</u>	30-36
Section 1	Fences and Hedges	30
Section 2	Private Swimming Pool and Ponds	30-31
Section 3	Parking Facilities	32-33
Section 4	Signs and Outdoor Advertising Structures	34-35
Section 5	Group Homes	36
<u>ARTICLE XV</u>	<u>MANUFACTURED, MOBILE OR MODULAR HOUSING</u>	37
Section 1	Placement of Manufactured Homes	37-38
Section 2	Manufactured Home Park Requirements	38-39
Section 3	Manufactured Home Sub-Division	39-41
<u>ARTICLE XVI</u>	<u>CONDITIONAL USE PERMIT</u>	42
Section 1	Permits for Conditional Uses	42
Section 2	Procedure	42
<u>ARTICLE XVII</u>	<u>ADMINISTRATION</u>	41-42
Section 1	Zoning Inspector	42
Section 2	Plats, Maps and Descriptions	43
Section 3	Zoning Certificate (Permit)	43
Section 4	Fee for Zoning Permits	
<u>ARTICLE XVIII</u>	<u>PENALTIES</u>	44
<u>ARTICLE XIX</u>	<u>VALIDITY</u>	44
<u>ARTICLE XX</u>	<u>BOARD OF ZONING APPEALS</u>	45-47
Section 1	Organization and Procedures	45
Section 2	Application and Appeals	45-46
Section 3	Powers & Duties	46-47
<u>ARTICLE XXI</u>	<u>DISTRICT CHANGES AND RESOLUTION AMENDMENTS</u>	
Section 1	General	48
Section 2	Procedure for Change in Zoning Districts	48
Section 3	Application Fees	48
<u>ARTICLE XXII</u>	<u>EFFECTIVE DATE</u>	49
Section 1	Effective Date and Signatures	
	FEES	50

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 the method and proceedings for the administration and enforcement of this resolution.

WHEREAS, the Board of Trustees of Plain 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 Plain Township, Wood County, Ohio, that the Zoning Resolution of Plain Township read as follows:

ZONING RESOLUTION OF PLAIN 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 Plain Township find it necessary and advisable to regulate the location, height, bulk, sizes 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 Plain in Wood County, Ohio and whenever the word "County" appears in this resolution, it shall be deemed to mean the County of Wood, 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 regulations, 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 vice-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.
5. This resolution is continuing and amendable. Any use which is nonconforming as provided in 519.19 of the Ohio Revised Code, shall be deemed to be a nonconforming use under the provisions of this resolution.

ARTICLE IV - EXEMPTIONS

In accordance with Section 519.21 of the Ohio Revised Code the following and only the following are exempt from the Zoning regulations.

1. The use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure. This does not include the residential dwelling.
2. The use of land or buildings for any public utility or railroad, whether publicly or privately owned, for the operation of its business.

ARTICLE V - DEFINITIONS

Definitions which shall be applicable in construing this resolution.

1. Accessory Building: Building customarily incident to and located on the same lot with another building, and not called a residential garage. An accessory building will not be permitted to be built prior to the dwelling.
2. Accessory Use: An "accessory use" is either a subordinate use of a building, other structure or lot or a subordinate building or other structure:
 - A. Whose use is clearly incidental to the use of the principal building, other structure or use of land, and
 - B. Which is customary in connection with the principal building, other structure or use of land, and
 - C. Which is located on the same lot with the principal building, other structure or use of land.
3. Agriculture: "Agriculture" shall include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
4. Agricultural Zone: Areas of land may be classified as agricultural provided the general area is not built up for urban use and the general area is open space.
5. Alteration: Any change to a structure which involves a structural change.
6. Apartment: A room or suite of rooms intended, designed, or used as a residence by a single family.
7. Area of Building: The number of square feet included within the outside walls, excluding porches, breezeways, terraces.
8. Basement: A story partially or wholly underground. For height measurement a basement shall be counted as a story where more than one-half ($\frac{1}{2}$) of its height is above the average level adjoining the ground.
9. Bed & Breakfast: A building other than a hotel where lodging is provided and

offered to the public for compensation for not more than eight individuals and open transient guests.

10. **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.

11. **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.

12. **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.

13. **Building, Height of**: The vertical distance measured from the adjoining curb grade to the highest point of the roof, provided that where buildings are set back from the street line the height of the building may be measured from the average elevation of the finished grade along the front of the building. In any event, no structure excluding accessory projections such as chimney, television antenna, towers etc. shall exceed the maximum permitted height for the district which it is located.

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

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

16. **Child Day Care**: Administering to the needs of infants, toddlers, pre-school and school children outside of school hours by persons other than parents, guardians, custodians or relatives by blood, marriage or adoption for any part of a 24 hour day in a place of residence other than the Childs own home. (O.R.C. 5104.01) types of facilities are outlined below.

1. **Day Care Center** - Any place that provides child day care to thirteen (13) or more children, with or without compensation, or any place that is not the permanent residence of the licensee or administrator that provides day care for seven to twelve (7-12) children, with or without compensation.

2. **Type A Family Day Care Home** - The permanent residence of the

administrator in which day care service is provided for seven to twelve (7-12) children or four to twelve (4-12) children if four (4) or more children are under two (2) years of age. In the process of counting children, any child under six (6) years of age related to administrator, licensee or employee shall be counted.

3. Type B Family Care Home - The permanent residence of the care provider in which day care service is provided for one to six (1-6) children if no more than (3) children are under two (2) years of age at any one time.

17. Clinic: Any building or other structure devoted to the diagnosis, treatment and care of out-patients.

18. Club: A building or portion thereof, or premise 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 business.

19. Cottage: A building designed and/or constructed for seasonal occupancy only.

20. Dwelling: A building designed, constructed, or reconstructed, for permanent occupancy by a family.

21. Dwelling, Single-Family: A permanent structure, entirely detached and independent from any other principal structure, placed on a permanent foundation, having an exterior design and construction commonly regarded as residential, and having one or more rooms with provisions for living, sanitary, sleeping and cooking 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 units, manufactured homes, but not barns, sheds, garages or other structures designed for uses other than single family residential use.

22. Dwelling, Special Care: A dwelling occupied by a single family plus not more than three (3) special care inhabitants. The special care inhabitants must require special care or attention from the dwelling owner or family but such special care is not to include medical or therapeutic services provided in the dwelling. The primary elements of a traditional family relationship must exist among all of the inhabitants of the special care dwelling (i.e. there must exist that type of relationship which emphasizes the collective body of persons under one head and one domestic government having natural or moral duties to support and care for each other). The relationship between the special care inhabitants and the family offering the care must be non-profit (i.e. the compensation received must be designed to reimburse the reasonable cost of providing said care). The family or dwelling owner must provide either a permanent living arrangement for those

permanently in need of care or a feeling permanency of living arrangements for those who are in a period of transition between their institutionalization and their complete reintegration into society. Said dwelling unit, if required by the state or county, shall meet all the licensing requirements.

23. 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 to be designed for two families. Each dwelling unit shall have its own separate, private means of ingress and egress.

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

25. 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 or distribution systems, collection, communication, supply or disposal 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.

26. Family: One or more persons who live together in one dwelling unit and maintain a common household. A "family" may also include domestic servants and gratuitous guests

27. 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 not include basements, unless such area is fully improved with electrical hook-up as well as furnishings and décor similar to the rest of the home. It shall be the determination of the zoning inspector, based on blue prints or home improvement plans, whether such basement area may be included in the floor area calculation.

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

29. Frontage: All the property 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, which is the distance from one side lot line to the other side lot line measured parallel to the front line, shall be a minimum maintained for the entire depth of the lot.

30. 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 an accessory. Not

more than one of the vehicles may be a commercial vehicle, which vehicle shall not exceed a two-ton capacity.

31. 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 driving vehicles.

32. Gas Station, Service Station: Any building, structure or land used only for the sale of motor vehicle fuels, oils, lubricants and automobile 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

33. Gross Lease-able 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 measured from the center line in joining 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

34. 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

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

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

37. 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.

38. 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.

39. Institution: A building occupied by a non-profit corporation or a non-profit

establishment for public use.

40. In-the-Home-Business: Business activities being conducted entirely within a Dwelling or residence thereof, providing the activities do not involve: hired employees Private phone or mail advertising status, nor involve any extension or modification of said dwelling which alters its outward appearance as a dwelling unit.
41. Junk Yards: Two (2) or more unlicensed motor 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.
42. 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.
43. 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 feet.
44. Lodging House: A building other than a hotel where lodging for three or more persons is provided for compensation pursuant to previous arrangement and not to anyone who may apply.
45. 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.
46. Lot, Area of: The area of lot computed exclusive of any portion of the right-of-way of any public thoroughfare.
47. Lot, Corner: Any lot at the junction of and abutting on two or more intersecting streets.
48. Lot, Interior: Any lot other than a corner lot.
49. 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".
50. 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.

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

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

53. 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, noise, vibration, cinders, gas fumes, dust, smoke, refuse matter or water carried waste.

54. 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 and parts for products and parts for production of finished equipment; research and testing laboratories; printing and engraving plants.

55. Manufactured Housing: Any pre assembled residence transported to a site for final assembly and set up. Does not include traditional site built housing.

1. 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 or more sections and does not qualify under this Resolution’s definition of a manufactured home or industrialized unit.

2. 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.

56. 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.

57. 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 manufactured home sites for one (1) or more manufactured homes. The term manufactured home park shall mean the same as a trailer park, trailer court, or trailer camp; however, only mobile homes or trailers with HUD certification shall be located therein.
58. 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.
59. 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 XV. Section III herein.
60. Motor Court or Motel: A building or group of buildings used for the temporary residence of motorists or travelers.
61. Non-Conforming Use: The use of land or a building, or portion thereof, which use does not conform with the use regulations of the district in which it is situated. A non-conforming use existing at the time this resolution or any amendment thereto takes effect may be continued except that if it is voluntarily discontinued for two or more years, it shall be deemed abandoned and any future use must be in conformity with the uses permitted in such district.
62. Non-Traditional Accessory Buildings: The use, including but not limited to, semi-truck trailers, box trucks, cargo containers used by the air, rail, shipping and land transportation industries are prohibited in all districts when used as an accessory building. The Zoning Inspector shall make an initial determination that a proposed structure is a non-traditional accessory building at the time an application is made. That decision may be appealed to the Zoning Board of Appeals. All other matters related to placement of an accessory building shall be in accordance with this Resolution.
63. Off-Street Parking Space: An off-street space available for the parking of one motor vehicle and having an area of not less than two hundred square feet, exclusive of passageways, driveways and other maneuvering area appurtenant thereto and giving access thereto. Such space shall have direct access to a street or alley.
64. Parcel: An area of land shown as a unit or contiguous units on the County Auditor's map.
65. Parking Area: An open unoccupied space used or required for use for parking of automobiles exclusively.

66. **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.
67. **Permanent Foundation:** A permanent masonry, concrete, or locally approved footer or foundation to which a manufactured or mobile home may be affixed.
68. **Permanently Sited Manufactured Home:** Is a manufactured home that meets all of the following criteria:
1. The structure if 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.
69. **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.
70. **Planning Commission:** Wherever Planning Commission or County Planning Commission is referred to, it shall be the Wood County Planning Commission.
71. **Plant Cultivation:** The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses.
72. **Plat Required:** When more than five (5) parcels are created from one parcel or a new road is dedicated.
73. **Platting:** Platting shall mean the platting for residential development in accordance with Wood County Land Subdivision Regulations.

74. **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.
75. **Porch**: Wherever mentioned is a roofed open area, projecting from the front, side or rear wall of a building.
76. **Professional Activities**: The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, and engineers.
77. **Prohibited Animals**: Any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which because of its size, vicious nature or other characteristics would constitute a danger to human life or property if it escapes from secure quarters. It will be unlawful for any person to keep, maintain, or have in his possession within the township any of the following animals: all poisonous animals including rear-fang snakes, badgers, bears, beavers, canids (wolves, coyotes, jackals, dingo, raccoon dogs), civet, constrictor snakes, crocodilians (alligators, crocodiles, caimans, cavials). Eagles, owls, edentata (ant eaters, tamandua, sloths, armadillos). Felids (lions, tigers, leopards, cheetahs, jaguars, pumas, lynx, ocelots). Game cocks and other fighting birds, hyenas, marsupials (opossums, Tasmanian wolf, kangaroos, koalas, wombats). Porcupine, primates (apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs). Procuonids (coatis, kinkajous, ring-tailed cats, pandas). Rheas, ungulates (elephants, zebra, tapirs, rhinoceroses, camel, caribou, antelope, reindeer, giraffe, hippopotamus, wild boar, gazelle, gnu). Water buffalo, wart hogs, and any other animals as declared dangerous by the U. S. Dept. of the Interior or Ohio Revised Code.
78. **Public-Semi-Public Use**: A designation of use to include governmental buildings and spaces, public and private schools, public and private park and recreation areas and religious institutions.
79. **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 sewerage services.
80. **Quarry**: Any land from which rock, stone, gravel, sand, clay, earth or mineral is removed 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.
81. **Rear Yard**: Minimum distance between a structure and the rear lot line.
82. **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.

83. 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 centers including private community swimming pools.

84. 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.

85. 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 nonresidential uses, except accessory uses for residences, in a building containing both residences and other uses; and institutional uses, as in rest homes, nursing homes, homes for the aged, orphanages and other institutional residential uses.

86. 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.

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

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

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

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

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

92. **Set Back Distance:** The minimum horizontal distance between the road right-of-way and the building line.
93. **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.
94. **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.
95. **Sexually Oriented Businesses:** An establishment where a substantial portion of the use is distinguished or characterized by its emphasis on sexually-oriented materials. Permitted sexually-oriented businesses include, but are not limited to the following uses: sexually-oriented cabarets/movie houses, sexually-oriented media stores, sexually-oriented motels, and sexually-oriented shops. Specifically prohibited sexually-oriented businesses include: sexually-oriented encounter centers; sexually-oriented escort agencies; sexually-oriented nude modeling studios; sexually-oriented spas; and sexually-oriented viewing booths.
96. **Side Yard:** Minimum distance between a structure and the side lot line.
97. **Sign:** Any structure or part thereof or any device attached to a structure or painted or represented on a structure on which lettered figures or pictorial matter is displayed or used for the purpose of bringing the subject thereof to the attention of the public. A "sign" includes any billboard, but does not include any flag, badge, or insignia of any government or governmental agency or of any charitable, religious, educational or similar organization.
98. **Social Activities:** The use of land and building for clubs, fraternal organizations, veterans organizations and similar social purposes.
99. **Special Care Inhabitant:** A person who requires specialized care, rehabilitation or therapy provided in a dwelling or family unit; which therapeutic services may be of a medical, psychological, or related type assistance. Example of such persons shall include, but not limited to, mentally ill, autistic, mentally retarded, developmentally disabled, foster care, delinquent, drug dependant, handicapped, or aged person.
100. **Specialized Animal Raising and Care:** The use of land and buildings for the raising and care of birds and fur-bearing animals such as rabbits and domestic pets; animal kennels and the stabling and care of horses.
101. **Story:** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above

it, then the space between the floor and the ceiling next above it.

102. 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.

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

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

105. 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, other support is or is not permanently located in or attached to the soil. Such structures do not include fences.

106. 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 repainting, re-roofing, or residing.

107. Township: Wherever Township is referred to, it shall be Plain Township, Wood County, Ohio.

108. Trustees, Board of Trustees: The Board of Trustees of Plain Township, Wood County, Ohio.

109. Use: Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied.

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

111. Zoning Appeals Board: Board of Appeals of Plain Township, Wood County, Ohio.

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

113. Zoning Commission: Wherever "Commission" or "Zoning Commission" is referred to, it shall be the Zoning Commission of Plain Township, Wood County, Ohio.

114. 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 is hereby divided into the following Districts:

- "A" AGRICULTURE DISTRICT**
- "A-1" CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL**
- "R-1" RESIDENTIAL DISTRICT**
- "R-2" RESIDENTIAL DISTRICT**
- "B-1" PERMITTED USES IN RESIDENTIAL DISTRICT**
- "B-2" RESIDENTIAL DISTRICT ACCESSORY USES**
- "B-3" PERMITTED USES IN R-2 RESIDENTIAL DISTRICT**
- "B-4" CONDITIONAL USES REQUIRING ZONING BOARD APPEALS APPROVAL**
- "C-1" PERMITTED USES IN THE COMMERCIAL DISTRICT**
- "C-2" COMMERCIAL REQUIREMENTS**
- "C-3" CONDITIONAL USES REQUIRING ZONING BOARD OF APPEALS APPROVAL**
- "D-1" PERMITTED USES IN THE INDUSTRIAL DISTRICT**
- "D-2" INDUSTRIAL REQUIREMENTS**

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 building 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.

A. PERMITTED USES IN A-AGRICULTURE DISTRICT

1. Any agriculture use.
2. One single family or one two-family dwelling per lot for residential purposes, and buildings accessory thereto; but excluding the use of tents, cabins and basements for residential purposes.
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 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 in-egress be unobstructed for a distance of 500 feet in each direction.

A-1 CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL

1. Manufactured Homes as permitted in ARTICLE XV.
2. Churches and Parish Houses, including Sunday Schools and meeting facilities.
3. Private recreation facilities not operated for a profit including swimming pools, tennis courts, etc.
4. An office or "In the Home" Business, which is conducted entirely within a dwelling or residence thereof, providing the activities do not involve: hired employees, private phone or mail advertising status, nor involve any extension or modification of said dwelling which alters its outward appearance as a dwelling unit.
5. Non-commercial recreational use requiring open space, such as golf courses, hunting clubs, race tracks or drag strips.

R RESIDENTIAL DISTRICTS; R-1 and R-2

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.

B-1 PERMITTED USES IN RESIDENTIAL DISTRICT

1. One single-family dwelling or one 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 not including correctional institutions.
7. An office of "in-the-home business" which is conducted entirely within a dwelling by a resident thereof, providing the activities do not involve: hired employees, private phone or mail advertising status. Nor 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, Section 4.

B-2 RESIDENTIAL DISTRICT ACCESSORY USES

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

B-3 PERMITTED USES IN R-2 RESIDENTIAL DISTRICT

1. Any use as permitted in the R-1 District.

B-4 CONDITIONAL USES REQUIRING ZONING BOARD APPEALS APPROVAL

1. Mobile home parks.
2. Multiple Family Dwellings.

C-1 PERMITTED USES IN THE C-COMMERCIAL DISTRICT

The commercial zone is intended as an area wherein commercial uses are concentrated 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.

C-2 COMMERCIAL REQUIREMENTS

1. All commercial structures shall have plans reviewed by the Ohio Department of Industrial Relations and by the local authorized jurisdiction. These plans shall be approved by the same, prior to the issuance of a zoning permit.
2. Lot size, side yards, and set-back lines and height requirements shall be in accordance with ARTICLE XI, XII, and XIII.
3. Off street parking shall be provided in accordance with ARTICLE XIV, Section 4 and shall be on the same side of the public road as the establishment.
4. The front set-back distance shall remain free of any and all structures.
5. Distance between commercial structures will be thirty (30) ft.

C-3 CONDITIONAL USES REQUIRING ZONING BOARD OF APPEALS APPROVAL

1. Commercial auto and truck towing services.
2. Commercial auto and truck repair facilities.

D-1 PERMITTED USES IN THE I-INDUSTRIAL DISTRICT

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.
3. Adult entertainment type businesses including videos, apparel, books.

D-2 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, Section 4, and shall be on the same side of the public road as the establishment.

D-3 SEXUALLY-ORIENTED BUSINESSES

1. PURPOSE

Additional regulations are imposed upon sexually oriented businesses to: Protect juveniles from harm or exposure to sexually oriented materials; prevent the spread of communicable or sexually transmitted diseases; reduce and eliminate the negative impact that adult uses may have on property values and the character and quality of residential neighborhoods; prevent sexually oriented businesses from diminishing or destroying the use of public facilities, particularly facilities expected to be used by children or used for religious purposes, etc. These regulations are not adopted for the purpose of restricting or prohibiting any protected speech associated with sexually oriented business land uses. The Supreme Court

and lower federal courts have recognized a number of possible secondary effects of sexually oriented businesses, including:

- a. Decline of character of a community's neighborhoods and quality of life.
- b. Increase of crime (e.g. prostitution, drug sales).
- c. Spread of disease, particularly sexually transmitted diseases.
- d. Degeneration of the social and moral order.
- e. Harm to children.

The Township Trustees and Zoning Commission have reviewed secondary effect studies by various cities. Given the documented harmful secondary effects of sexually-oriented businesses on adjacent neighborhoods and specific land uses, the following specific, reasonable and uniform regulations have been developed to protect the public health, safety, convenience, comfort, prosperity, and general welfare of the residents of the township.

2. PERMITTED USES

Permitted sexually-oriented businesses include, but are not limited to the following uses: sexually-oriented cabarets/movie houses, sexually-oriented media stores, sexually-oriented motels, and sexually-oriented shops, more specifically defined in this regulation.

3. ACCESSORY USES

- a. A sexually-oriented business use may not be an accessory use.
- b. No two sexually-oriented business uses may be located in the same premises or on the same lot.

4. PROHIBITED LAND USES AND ACTIVITIES

- a. Specifically prohibited sexually-oriented businesses include: sexually oriented encounter centers; sexually-oriented escort agencies; sexually oriented nude modeling studios; sexually-oriented spas; and sexually oriented viewing booths, more specifically defined hereunder by this Zoning Resolution.
- b. Gambling. No sexually-oriented business establishment games,

machines, tables, or implements shall be used for gambling.

- c. Obscene Sexual Conduct. No one shall perform or conduct any obscene material, performance, or activity at any business establishment in the Township.
- d. Tips. Tips or other gratuities shall not be given to performers or employees of a sexually-oriented business establishment by placing such tips or gratuities directly on the performer or employee or in or on the performer's or employee's costume or clothing. Any such tips or gratuities shall be placed by patrons into a receptacle provided by management for receipt of such tips or gratuities.
- e. Age Restrictions
 - (1) No person under the age of 18 years shall be admitted to or employed by a sexually-oriented cabaret or theatre
 - (2) No person under the age of 18 years shall be allowed or permitted to purchase or receive, whether for consideration or not, any sexually oriented material or other goods or services at or from any sexually oriented business establishment.

5. SEPARATION REQUIREMENT FOR SPECIFIED LAND USES

- a. No sexually-oriented business shall be permitted in a location which is within 1,500 feet of any residence or boundary of any residential district.
- b. Sexually-oriented uses shall not be located within 1,500 feet of libraries, educational institutions, training facilities for persons with mental or physical disabilities, museums, religious places of worship, child day care facilities, parks, playgrounds, swimming pools, pool and billiard halls, video arcades, pinball arcades, any social services facility or neighborhood center, or other public gathering places, family-oriented uses, or recreational uses established for the activities of juveniles.
- c. No sexually-oriented business shall be permitted in a location which is within 1,500 feet of another sexually-oriented business or within a 1,000 foot radius of any bar, tavern, or other establishment regulated by the Ohio division of liquor control offering the sale of beer or intoxicating liquor for the consumption on the premises in combination with live entertainment.

- d. For the purposes of this section, measurement shall be made in a straight line without regard for intervening structures or objects, from the nearest point of the property line of a sexually-oriented business, to the nearest property line of the protected district or premise listed above. The presence of a municipal, county, or other political subdivision boundary shall be irrelevant for the purpose of calculating and applying the distance requirements of this section.

6. SEPARATION REQUIREMENT FOR LIVE PERFORMERS

No person shall engage in a live performance of sexually-oriented material except upon a stage elevated at least 18 inches above floor level.

- a. All parts of the stage, or a clearly designated area thereof within which the person exhibits specified anatomical areas or performs specified sexually-oriented material, shall be a distance of at least (6) feet from all parts of a clearly designated area in which patrons may be present.
- b. The stage or designated area thereof shall be separated from the area in which patrons may be located by a barrier or railing the top of which is at least three (3) feet above the floor level.
- c. No person engaging in such live performances or patron may extend any part of his or her body over or beyond the barrier or railing.

7. EXTERNAL VISUAL IMPACT

- a. No sexually-oriented materials, or displays, promotions, or advertisement which display specified sexual anatomical areas or specified sexual activities, shall be displayed, distributed or exhibited so as to be visible from the public right-of-way, or from any adjacent public or privately owned property, or by juveniles permitted within the establishment.
- b. All building openings, entries, windows, and doors or sexually-oriented businesses shall be located, covered, serviced, or otherwise designed to prevent a view into the interior of the building from any public space or privately owned property.

8. OTHER REGULATIONS

- a. Sexually-oriented businesses shall comply with the regulations applicable to all properties in any district in which they are located.
- b. Signage Requirements. Exterior signage shall not include verbal or written messages, graphics, drawings, or other illustrations which publicly

display specified sexual anatomical areas or specified sexual activities.

- c. Animals. No animals, except seeing eye dogs required to assist the blind, shall be permitted at any time at or in any sexually-oriented business establishment.
- d. Restrooms. All restrooms in a sexually-oriented business establishment shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No sexually-oriented materials or live performances shall be provided or allowed at any time in the restrooms of a sexually-oriented business establishment. Separate male and female restrooms shall be provided for and used by sexually-oriented business establishment employees and patrons.
- e. Parking Requirements. Off-street parking shall be provided in accordance with **Article IX (Off-Street Parking and Loading Requirements)**.

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, reducing, disposing of /or burning garbage, refuse, scrap metal, rubbish, offal, or dead animal or demolition material, except such as a 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. Junk yards, 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.
9. No burying of demolition materials of any kind except for disposal of buildings on existing property.
10. Prohibited animals.

ARTICLE IX - NON-CONFORMING USES

1. A non-conforming use existing at the time this resolution

- takes effect may be continued, except that if it is voluntarily discontinued for two or more years, it shall be deemed abandoned and any future 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, but not completed, may be completed and put to such non-conforming use, provided it is done within one year after this resolution takes effect.
 3. Any structure or building existing as a non-conforming use at the time this resolution 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 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, conforming to current building codes.
 4. Any building or structure or land area devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use 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 to be 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 re-located, it shall conform to all zoning requirements for the district in which it is to be placed, and a permit is required

1. Set-back lines shall pertain to all structures.

ARTICLE XI - SET BACK BUILDING LINES; LOT WIDTH TO DEPTH RATIO

A. Set back building lines

1. Set back lines shall pertain to all structures.
2. Minimum set-back distance shall be measured from the eaves.

and shall be as follows:

Distance in feet from road right-of-way:

District: All

Township or County Road: 50*

State or Federal Road: 75 ft.

3. Set back lines on corner lots shall be the same distance from each road according to its classification above.

* 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) feet right-of-way then set-back will be greater correspondingly.

- B. All newly created parcels or splits that occur in Plain Township regardless of their size in acreage will not have a depth which is more than three (3) times its average width.

Si. .1

**ARTICLE XII
LOT AND FLOOR AREA REQUIREMENTS**

District	Min. Front Yard Depth in Ft. (see Article IX for exceptions)	Min. Side Yard in Ft.	Min. Rear yard in Ft.	Min. Lot Area per Family in Sq. Ft.	Min. Lot Frontage in Ft. *	Height in Ft.	Per Family In Sq. Ft.	Min. Building Floor Area
Agriculture Individual sewage disposal and water supply 1 Family	50 Ft.	15 Ft.	15 Ft.	43,560	175 Ft.	50 Ft.	1 Story-1350	Bi-Level-1350
2 Family	50 Ft.	15 Ft.	15 Ft.	25,000	200 Ft.	50 Ft.	1350 per Family	Tri-Split Level-1350
RESIDENTIAL R-1 Individual sewage and water supply 1 Family	50 Ft.	15 Ft.	15 Ft.	43,560	175 Ft.	50 Ft.	1350	
2 Family	50 Ft.	15 Ft.	15 Ft.	25000	200 Ft.	50 Ft.	1350	
Either public sanitary sewer or public water supply 1 Family	50 Ft.	15 Ft.	15 Ft.	43560	175 Ft.	50 Ft.	1350	
2 Family	50 Ft.	15 Ft.	15 Ft.	25000	200 Ft.	50 Ft.	1350	
Both public sanitary sewer and public water supply 1 Family	50 Ft.	15 Ft.	15 Ft.	25000	100 Ft.	50 Ft.	Same as above	
2 Family	50 Ft.	15 Ft.	15 Ft.	15000	100 Ft.	50 Ft.	1350	

* No lot shall be more than three times deeper than its width in feet (the 3-1 rule)

Shulz

ARTICLE XII
LOT AND FLOOR AREA REQUIREMENTS
(continued)

District	Min. Front Yard Depth In Ft.	(see Article XI for exceptions)	Min. Side Yard in Ft.	Min. Rear Yard in Ft.	Min. Lot Area per Family in Sq. Ft.	Min. Lot Frontage in Ft.	Min. Building Floor Area Per Family in Sq. Ft.
RESIDENTIAL R-2							
1 Family	Same as Residential R-1						
2 Family	Same as Residential R-1						
Multiple Family with individual sewage disposal and water supply system	Not Permitted						
Multiple Family with Public Sanitary Sewer and private water supply	50 Ft.		15 Ft.	15 Ft.	15,000 Sq.Ft.	100 Ft.	50 Ft. 1350 Sq.Ft.
With Public Sanitary Sewage and Public water supply	50 Ft.		15 Ft.	15 Ft.	15,000 Sq.Ft.	100 Ft.	50 Ft. 1350 Sq.Ft.
COMMERCIAL-C	50 Ft.		15 Ft.	15 Ft.			50 Ft.
INDUSTRIAL-I	50 Ft.		15 Ft.	15 Ft.			50 Ft.
SPECIAL-S	Same as Agriculture-A						

ARTICLE XIII - MAXIMUM HEIGHT OF BUILDINGS

This resolution establishes a maximum height of fifty feet (50) above established grade. This does not include chimneys, television antennas, and towers, etc.

ARTICLE XIV - SUPPLEMENTAL REGULATIONS

SECTION 1 - FENCES AND HEDGES

- A. Fences measuring less than four (4) feet in height do not require a permit for installation. Conversely, fences greater than (4) feet in height require a permit.
- B. In any district, no fence, structure, hedge or other plantings 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.

SECTION 2 - 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 or normally capable of containing water to a depth at any point greater than one and one-half (1 ½) feet. Such swimming pools shall be allowed in any "A" or "R" District providing it complies with the following conditions and requirements.
 - A. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 - B. No part of the water area, exposed equipment or structure housing the equipment shall be closer than fifteen (15) 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.
2. A private pond is permitted in all districts, with the following conditions:
 - A. A site plan to scale, must be prepared, showing the location of the proposed pond, final grades, location of any existing or proposed buildings, septic tanks, leach fields, wells, underground fuel or gasoline storage tanks, easements, ditches and utility lines within five hundred (500) feet of the perimeter of the area. This plan will be submitted to the Zoning Inspector for approval.
 - 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.
 - 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 locate in a 100 year floodplain.
 - E. Pond (s) shall provide at least one overflow. Adequate provisions for drainage must be made.
 - F. Pond (s) shall be at least one fourth ($\frac{1}{4}$) acre in area and be at least ten (10) feet at it's deepest point.
 - G. Fill dirt may be hauled off-site. Any fill dirt retained on-site shall not be mounded ten (10) feet above the natural grade. Any mounding above (10) feet requires a variance.
 - 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 3 - PARKING FACILITIES

In computing the number of parking spaces required by these regulations, a parking space as hereinbefore defined in an enclosed or unenclosed area of not less than 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 reacquired 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. A. Location of Parking Spaces - All parking spaces shall be Located within a distance of 500 feet of the facility being served.
B. 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.
4. Shopping Plaza
 - Neighborhood: 8 spaces per 1, 000 square feet of gross lease- able area.
 - Community : 6.5 spaces per 1,000 square feet of gross lease- able area.
 - Religion : 5 spaces per 1,000 square feet of gross lease- able area.
5. 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.

<u>Use</u>	<u>Number of Off-Street Parking Spaces</u>
1. Dwellings	Two (2) per dwelling unit, except that

- one additional space or proper size shall be provided for each additional motor vehicle owned or stored on the property by the resident or owner.
2. Museums, Schools, Libraries One (1) per staff member and one (1) per 400 square feet of floor area.
 3. Churches, Auditoriums, Arenas, Stadiums, Spectator Facilities in outdoor recreation Areas One (1) per five (5) seats.
 4. Hospitals One (1) per two (2) beds.
 5. Motels and Hotels One (1) per guest room.
 6. Theatres, Restaurants One (1) per (4) seats.
 7. Skating Rinks, Dance Hall, medical and Dental Offices One (1) per 100 square feet of floor area, or fraction thereof.
 8. Clubs, Lodges and Similar Uses One (1) one 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.
 9. Bowling Alleys Four (4) per bowling alley.
 10. All other commercial One (1) per 300 square feet of floor area or fraction thereof.
 11. All industrial establishments One (1) per each employee on maximum working shift plus spaces necessary to accommodate all vehicles used in connection therewith.

SECTION 4 - SIGNS AND OUTDOOR ADVERTISING STRUCTURES

1. No sign shall be permitted in any district except as hereinafter provided:
2. 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 products sold on the premises, or to activities. or to activities carried on within the premises. No permit is required.
3. 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. Each side is considered a sign.
4. In a commercial or manufacturing district, each business may be permitted one flat or wall sign. Such 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 ½) square feet of sign area for each lineal foot of building such enterprise but shall not exceed a maximum area of one hundred (100) square feet. A permit is required.
5. 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 or to activities carried on within the premise. For purposes of this resolution, each surface of a free-standing sign that is utilized for display, shall count as one (1) sign. Heights restrictions for such signs shall be regulated as per township zoning district requirements. A permit is required.
6. 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 . A permit is required.
7. 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.
8. Offsite 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 per parcel of land. No building

wall shall be used for such offsite advertising. All such structures must be placed at least thirty (30) feet from adjoining property lines. 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.

9. 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 being advertising matter shall not be included in computation of surface area.
10. All signs and advertising structures shall be setback a 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. Sixty feet (60) from center line, or thirty (30) feet from center stripe.
11. All signs and advertising structures may be illuminated internally or be 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. Sign fee less than thirty square feet (30) equals \$50.00. A thirty (30) to one hundred (100) square feet sign equals \$100.00.
12. 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 relates to the new occupants premise, to new products sold on the premise, or to new activities carried on within the premise.
13. For the purpose of this resolution, outdoor advertising off-premise signs shall be classified as a business use and be conditionally permitted in all Districts except for residential. In addition, signs along the interstate and Primary highways shall conform to the requirements of the Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.
14. Public notices, traffic control signs, and small signs bearing only property numbers of the names of the occupants of the premise are exempt from this resolution.

SECTION 5- GROUP HOMES

It is proposed that group homes are permitted in all residential and agricultural districts as a conditional use subject to general conditional use requirements, and the following:

1. Group home facilities are defined as a private residence which provides 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. The lot shall be the same size or maybe larger than the lot size required in the "A" and "R" 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 non-sewer areas, appropriate approval shall be obtained from the Wood County Board of Health or the 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 separation between group homes shall be one (1) mile in non-sewer areas of the township. In the developed sewer areas, group homes may be located no closer than one-fourth (¼) 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.

ARTICLE XV - MANUFACTURED, MOBILE OR MODULAR HOUSING

SECTION 1 - PLACEMENT OF MANUFACTURED HOMES

1. Manufactured homes shall be permitted in either an established manufactured home park or manufactured home subdivision.
2. Manufactured home parks and manufactured home subdivision may be permitted in an "R-2" District, but only with a conditional use permit granted by the Board of Appeals.
3. One (1) manufactured home per farm, forty (40) acres or more may be permitted as a conditional use by the Board of Appeals. The location of such permitted manufactured home shall be in accordance with the yard requirements specified for residential uses in "R-1" District.
4. A manufactured home used for temporary living quarters, or storage of material or equipment in conjunction with construction work only 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 Zoning Board of Appeals and shall expire upon completion of the construction work. Permits for such use shall be for one year and will require renewal for continued use. A copy of the signed contract to build the new home and proof of a building loan must be provided.
5. No porch, canopy, patio roof, room, structure for storage, or other addition, may be attached to a manufactured home unless of a material or type of construction specifically designed and approved by a licensed professional engineer.
6. A manufactured home meeting the requirements of 3781.10 O.R.C. may be placed in any district which permits single-family dwelling (s) providing all matters regarding lot size, setback and other provisions

of this Resolution are maintained. "Industrialized units" meeting the requirements of this section must be licensed by the State of Ohio with a letter of certification. A copy of said letter of certification shall be required at the time a zoning permit is requested as evidence of meeting the requirements of 3781.10 O.R.C.

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 as 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 the manufactured home.

- (b) No portion of any manufactured home, its appurtenances 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 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 or 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.

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 an 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 compatible with the principal building or manufactured home. The Zoning Inspector 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, principal building, manufactured home or modular home shall be designed so that it has a front entrance and front façade 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 of 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.

ARTICLE XVI - 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 2 of this article:

1. Airport or aircraft land field
2. Country club or golf course
3. Lodge or private club
4. Outdoor theater
5. Golf driving range
6. Radio or T.V. transmitting tower
7. Commercial recreational facilities
8. Manufactured or mobile homes as provided in ARTICLE XV
9. Non-commercial recreational facilities such as race tracks, drag strips
10. Rock, stone, gravel, sand, clay, top soil or mineral extraction.
11. Oil and gas wells
12. Ponds for recreation or any other personal or public use
13. Group homes
14. Commercial shooting ranges, hunting clubs, gun clubs
15. Multiple dwellings

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 Sections 519.14 and 519.15, ORC 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 XVII - ADMINISTRATION

SECTION 1 - ZONING INSPECTOR

ENFORCEMENT BY WHOM: The position of Township Zoning Inspector is hereby created and he is hereby designated and authorized to enforce this resolution.

The Township Zoning Inspector, and such assistants as may be determined necessary shall be appointed by, and serve at the pleasure of, the Board of Township Trustees and shall receive such compensation as the Board of Township Trustees may provide.

SECTION 2 - PLATS, MAPS AND DESCRIPTIONS

Each application for a zoning permit shall be accompanied by a plat, map or comprehensive descriptions, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, reconstructed or structurally altered, and such other information as shall be necessary to provide for the enforcement of this resolution. A careful record shall be kept of all such applications, maps or comprehensive descriptions, in the office of the Township Zoning Inspector or the office of the Board of Township Trustees.

SECTION 3 - ZONING CERTIFICATE (PERMIT)

1. Before constructing, locating, reconstructing, changing the use of, or altering the outside dimensions of any structure, applications shall be made to the township zoning inspector for a zoning certificate. The application shall indicate the exact location of the proposed construction, addition, alteration or change of use and shall include a plot plan, plans and specifications showing the proposed location and dimensions, and the proposed use, all of which shall be included in the permanent record of the application. Within ten (10) days after receipt of the application, the zoning inspector shall issue a zoning certificate if the proposed construction, alterations, or change of use by applications complies with the requirements of this resolution, and the application is accompanied by the proper fee, or shall refuse the same if it does not comply.
2. Every zoning certificate shall state that the building or the proposed use of the building or land complies with all provisions of law. A record of all zoning certificates shall be kept on file in the office of the Zoning Inspector or his agent, and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.
3. The zoning certificate must be posted on the premises before work is started, and so positioned to be read from the outside of the building or structure
4. All zoning permits issued in Plain Twp. are valid for one (1) year measured from date of permit issuance. If the zoning permit expires before commencement of substantial work on the structure, the applicant must re-apply to the Plain Twp. Zoning Inspector for a new permit and comply with any changes in the zoning

regulations in effect.

SECTION 4 - FEE FOR ZONING CERTIFICATES

1. Each applicant shall pay a fee prior to the issuance of a zoning permit as set from time to time by a resolution passed by the Plain Township Board of Trustees. Such fees are for the purpose of defraying the costs of inspection, certification and maintenance of necessary records pertaining to the implementation of the zoning resolution.
2. The zoning inspector shall forthwith deposit all fees with the township fiscal officer who shall deposit such fees to the general revenue fund of the township.

ARTICLE XVIII - 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 five hundred dollars (\$500.) for each offense. Each and every day there is a violation of these resolutions, may be deemed a separate offense.
2. In case any building is or is proposed to be located, erected, 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 thereto, the Board of Township Trustees, the Prosecuting Attorney of this 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.

ARTICLE XIX - VALIDITY

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

ARTICLE XX - BOARD OF ZONING APPEALS

SECTION 1 - ORGANIZATION AND PROCEDURES

1. “Membership” - There is hereby created a Township Board of Zoning Appeals of five (5) members, who shall be residents of the unincorporated area of the Township included in the area zoned. The terms of each member shall be five (5) years, beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Trustees and shall be for the respective un-expired term. The Zoning Board of Appeals, like the Zoning Board, may appoint up to two (2) alternate members to serve in circumstances when one or more regular board members are unable to attend a meeting. Said alternate will have full voting privileges.
2. Hearings, Rules, Etc. - The hearings of the Board of Zoning Appeals shall be public. However, the Board may go into executive session for discussion but not for vote on any case before it. 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 provision of this Resolution. The Board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any building permit is pending, and shall also hear any other parties in interest.
3. 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 officials' actions, all of which shall be immediately filed with 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 may require the production of documents, under such regulations as it may establish.

SECTION 2 - APPLICATION AND APPEALS

1. Application - An application to appeal in cases in which the Board has original Jurisdiction under the provisions of this resolution, may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board bureau. Such application shall be filed with the zoning inspector who shall be filed with the zoning inspector who shall transmit same to the Board. A fee

as set from time to time by the Plain Township Trustees, shall be paid to the Zoning inspector at the time the notice of appeal is filed, for the purpose of defraying the cost of investigation, legal notices and other expenses incidental to the determination of such matter. Such sums so deposited with the zoning inspector shall be forthwith paid over to the township clerk to the credit of the general revenue fund of the township.

2. Appeals - Appeals shall be taken as provided in Section 519.15 O.R.C. and The Board of Zoning Appeals shall act as therein provided.

SECTION 3 - POWERS AND DUTIES

Powers and Duties - The board of Zoning Appeals shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Resolution or any amendments thereto.
2. In hearing and deciding appeals, the Board shall have the power to grant and exception in the following instances:
 - (a) Permit the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this Resolution.
 - (b) Interpret provisions of this Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying and made a part of this Resolution where the street layout actually on the ground varies from the street layout, as shown on the map of the aforesaid.
 - (c) Determine whether an industry should be permitted within the I-Industrial District because of an operation or activity of a noxious or offensive nature or causing excessive emission of odor; dust, smoke, gas, noise, fumes, flame, radiation or vibration; or is of such nature as to excessively restrict the circulation of air or light on adjoining property.
3. The Board shall have the authority to grant the following variances.
 - (a) Permit a variation in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare.

- (b) The extension or completion of a building devoted to a non-conforming use upon a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building became non-conforming, and where such extension is necessary and incidental to the existing use of such building; provided, however, that floor areas of such extension shall not exceed in all twenty-five (25) percent of the floor area of the existing building or buildings devoted to a non-conforming use and provided further that such extension or extensions shall be undertaken within five (5) years of the date when the use of such building became non-conforming.
 - (c) Authorize upon appeal--whenever a property owner can show that a strict application of the terms of the Resolution relating to the use, construction or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship--such variations of the strict application of the terms of this Resolution as are in harmony with its general purpose and intent; but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the zoning plan as established by this Resolution, and at the same time, the surrounding property will be properly protected.
- 4. The Board shall have the power to hear and decide in accordance with the provisions of this resolution, applications for a conditional uses. In considering an application for a conditional use, the board shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing a conditional use, the board may impose such requirements and conditions with respect to location, construction, maintenance and operation --in addition to those expressly stipulated in this Resolution for the particular conditional use-- as the Board may deem necessary for the protection of adjacent properties and the public interest.
- 5. In considering all appeals and all proposed exceptions to this Resolution, Board shall, before making any exceptions or variations from the Resolution in a specific case, first determine that it will not impair an adequate supply of light and air to adjacent property or unreasonably increase congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the portion of the Township to which this Resolution applies.

ARTICLE XXI - DISTRICT CHANGES AND RESOLUTION AMENDMENTS

SECTION 1 - GENERAL

Whenever the Public necessity, convenience, general welfare or good zoning practices require, the Board of Trustees may by Resolution--after receipt of Recommendation thereon from the Commission, and subject to the procedures provided by law--amend, supplement or change the regulations, district boundaries or classification 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 Board of Township Trustees.

SECTION 2 - PROCEDURE FOR CHANGE IN ZONING DISTRICTS

1. Applications for any change of district boundaries or classifications of property as shown on the Zoning Map, shall be submitted to the Commission, upon such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Commission. Each such application shall be verified by at least one of the owners or lessees of the property within the area proposed to be reclassified. Applications for amendments initiated by the Commission shall be accompanied by its motion pertaining to such proposed amendment.
2. Names and Addresses of Adjacent Property Owners--Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the property the zoning classification of which is proposed to be changed.
3. Upon application for any change of district boundaries or classification of property as shown on the zoning map; or any amendment or supplement of this resolution, the zoning commission shall proceed as provided in 519.12 O.R.C.

SECTION 3 - APPLICATION FEES

1. At that time an application for a change of zoning districts is filed with the Commission or Board of Zoning Appeals, as provided herein, there shall be deposited a fee as set by resolution of the Board of Trustees of Plain Township from time to time. Said fee is for the purpose of defraying the costs of investigation, legal notices and other expenses incidental to the determination of such matter. Such sums so deposited shall be credited by the township fiscal officer to the general fund of the township.

ARTICLE XXII - EFFECTIVE DATE

SECTION 1

This resolution shall become effective from and after the date of its approval and adoption, as provided by law.

PASSED Jan 22, 2007

ADOPTED Feb 22, 2007

TRUSTEE *Daniel L. Beckwith*
 TRUSTEE *James A. Avery*
 TRUSTEE *Dean E. Angerstein*

ATTEST *Charles Bosthoff*
 Plain Twp Zoning Commission Chairman

Original Date Adopted: Nov. 14, 1967
 Amended: April 1, 1979
 Amended: Jan. 1, 1989
 Amended: Jan. 22, 2007

Plain Township Zoning Fees

As of January 1, 2007

1. Single family residential building construction	\$ 200.00
2. Two-family residential building construction	\$ 300.00
3. Each additional family above two	\$ 100.00
4. Residential accessory buildings, garages, or additions to buildings	\$ 100.00
5. Industrial or Commercial building construction or remodeling	\$1,000.00
6. Fences	\$ 25.00
7. In Ground Pools or Ponds	\$ 100.00
8. On site sign less than 30 square feet	\$ 50.00
On site sign 30 to 100 square feet	\$ 100.00
Off site sign less than 200 square foot	\$ 200.00
Off site sign more than 200 square foot	\$ 450.00
9. Zoning Appeals Board Hearing Conditional Use Permits, Variances	\$ 300.00
10. Zoning Commission Board Hearing Land Use Changes	\$ 400.00