

Plain Township

# Zoning Resolution

Adopted by Plain Township Trustees  
8-24-20200

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## **ZONING RESOLUTION**

A RESOLUTION providing for regulating the location, size, height and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands, and for such purposes, dividing the unincorporated portion of the Township into zones or districts of such number, sizes and shapes as are deemed best suited to carry out said purposes, and providing for 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 1 – 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. Awning: A canopy or roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window.

9. Banner: A fabric or other non-rigid material that is not enclosed in a structural frame that is erected for the purpose of attracting the public's attention.
10. Base of Building: The location along a building wall that comes in contact with the ground.
11. Basement: A story partially or wholly underground. For height measurement a basement shall be counted as a story where more than one-half (½) of its height is above the average level adjoining the ground.
12. 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.
13. Billboard: Any sign containing a message that pertains to a person, product or service that is not available at the parcel on which the sign is located.
14. 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.
15. 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.
16. 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.
17. Building Frontage: The linear portion of a building facing an adjacent street of common parking area.
18. 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.

19. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.
20. Car Lot: Any lot on which two (2) or more motor vehicles in operating condition are offered for sale or display to the public.
21. 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 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.
22. Clinic: Any building or other structure devoted to the diagnosis, treatment and care of out-patients.
23. 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.
24. Cottage: A building designed and/or constructed for seasonal occupancy only.
25. Commercial recreational: recreational uses operated for profit such as campground facilities, paintball courses, etc.



26. Dwelling: A building designed, constructed, or reconstructed, for permanent occupancy by a family.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.

32. 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
33. 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.
34. Front Yard: Minimum distance between a structure and the front lot line.
35. 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 continuous.
36. Fluorescent Color: A colorant that absorbs light energy and reradiates the energy at visible wavelengths producing a reflectance value over 100%.
37. 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.
38. 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.
39. 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

40. 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
41. 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 and or mentally disabled, mentally ill, aged, and handicapped may be occupants of a group home
42. Highway, Major: A street or road of considerable continuity and used primarily as a traffic artery among large areas.
43. 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.
44. 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.
45. Illumination: The lighting of an object.
  - External Illumination: The lighting of an object from a light source that is not within the object.
  - Internal Illumination: The lighting of an object from a light source that is within the object.
46. 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.
47. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.
48. 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.

49. 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.
50. 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.
51. 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.
52. 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.
53. Logo: A Textual and/or graphic image displayed for the purpose of identifying an establishment, product, good, services, or other message to the general public.
54. Lot: A parcel of land occupied by or legally capable of being occupied by, a primary structure or building and/or accessory buildings and to include such open yard areas as are required by this resolution.
55. Lot, Area of: The area of lot computed exclusive of any portion of the right-of-way of any public thoroughfare.
56. Lot, Corner: Any lot at the junction of and abutting on two or more intersecting streets.
57. Lot, Interior: Any lot other than a corner lot.
58. 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".
59. 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.

60. Lot Line, Side: A “side lot line” is any lot line which is not a front lot line or rear lot line.
61. Lot of Record: A lot which has been recorded in the office of the County Recorder or Auditor of Wood County, Ohio.
62. 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.
63. 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.
64. 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 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.
65. 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.

66. 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.
67. 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.
68. 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.
69. Motor Court or Motel: A building or group of buildings used for the temporary residence of motorists or travelers.
70. Neon Color: An extremely bright color.
71. 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.
72. 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.

73. 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.
74. Parcel: An area of land shown as a unit or contiguous units on the County Auditor's map.
75. Parking Area: An open unoccupied space used or required for use for parking of automobiles exclusively.
76. 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.
77. Permanent Foundation: A permanent masonry, concrete, or locally approved footer or foundation to which a manufactured or mobile home may be affixed.
78. Permanently Sited Manufactured Home: Is a manufactured home that meets all of the following criteria:
1. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
  2. The structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area of at least 900 square feet, excluding garages, porches, or attachments;
  3. The structure has a minimum 3:12 residential roof pitch, conventional, residential siding, and a six-inch minimum eave overhang including appropriate guttering;
  4. The structure was manufactured after January 1, 1995.
  5. The structure is not located in a manufactured home park.
78. 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.
79. Planning Commission: Wherever Planning Commission or County Planning Commission is referred to, it shall be the Wood County Planning Commission.

80. Plant Cultivation: The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses.
81. Plat Required: When more than five (5) parcels are created from one parcel or a new road is dedicated.
82. Platting: Platting shall mean the platting for residential development in accordance with Wood County Land Subdivision Regulations.
83. Pond: A still body of water covering at least one-fourth (¼) acre and being at least ten (10) feet deep at its deepest point.
84. Porch: Wherever mentioned is a roofed open area, projecting from the front, side or rear wall of a building.
85. Professional Activities: The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, and engineers.
86. 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.
87. 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.
88. 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.

89. 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.
90. Rear Yard: Minimum distance between a structure and the rear lot line.
91. Recreational Facilities-Commercial: Recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, campgrounds, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, amusement parks, carnivals and similar enterprises.
92. 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.
93. 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.
94. 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.
95. Rest Home: A home which provides personal assistance to persons who, by reason of age, or infirmity, are dependent upon the service of others.
96. Right-of-Way: Land which is set aside between property lines for streets, alleys, easements, utilities or other physical improvements.

97. Satellite Dish: A device (normally dish or disk shape) used as an antenna for reception of signals via satellites.
98. Semi-public Uses: Churches, Sunday schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable or philanthropic nature.
99. Set Back Building Line: Line perpendicular to the setback distance at the specified distance.
100. Set Back Distance: The minimum horizontal distance between the road right-of-way and the building line.
101. 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.
102. 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.
103. 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.
104. Side Yard: Minimum distance between a structure and the side lot line.
105. 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.
106. Sign Amount: The quantity of signs on premise.

107. Sign Area: The entire area (in square feet) within a shape defined by a continuous line having only right angles that enclose the limits of sign copy. Sign structures shall not be included in the sign area measurement.
108. Sign Copy: Words, letters, numbers, logos, symbols, or designs.
109. Sign Face: The portion of a sign that displays sign copy.
110. Sign Height: The measurement from the location along a sign structure that comes in contact with the ground to the upper most point of the sign. Placing a sign on top of a mount is permitted if the mound is aesthetically incorporated into the sign's composition with elements such as landscaping and retaining walls.
111. Sign Setback: The distance from the nearest edge of a sign or sign structure, measured at the vertical line perpendicular to the ground, to the right-of-way or future right-of-way if established prior to the sign's construction.
112. Sign Structure: Any portion of a sign constructed to support a sign face.
113. Sign, Address: A Sign of high-intensity green background with high-intensity white numbers, not to exceed one square foot in area.
114. Sign, Awning: Any sign, copy, symbol, or logo displayed on an awning.
115. Sign, Building Mounted: A sign attached to a building that is visible to the general public.
116. Sign, Cantilever: A sign supported on the ground by a pole, not attached to any building, whereas the sign extends away from the primary support structure.
117. Sign, Construction: A sign identifying the name(s) of project owners, or those involved in a project being constructed or improved.
118. Sign, Directional: A sign erected for the sole purpose of directing vehicle or pedestrian traffic.
119. Sign, Freestanding: A self-supporting sign.
120. Sign, Monument: A self-supporting sign with a solid base upon which a sign is displayed.
121. Sign, Multi-Sign Copy Display: An object containing more than one sign.

122. Sign, Off-premise: See Billboard
123. Sign, Pole: A sign supported on the ground by a pole that is not attached to any building or other structure.
124. Sign, Political: A temporary sign used in connection with local, state or national elections.
125. Sign, Portable: A sign that is not permanently affixed to a structure or ground.
126. Sign, Real Estate: A sign indicating or directing one to a property that is available for sale, rent, or lease.
127. Sign, Roof: A sign located on a roof, or a sign that extends above the roofline of a building.
128. Sign, Single-Sign Copy Display: An object containing one sign.
129. Sign, Special Event: Any sign used to present information regarding a special event.
130. Sign, Subdivision Identification: Any sign used for the purpose of identifying a residential community consisting of condominiums, apartments, mobile homes, and or single-family homes.
131. Sign, Subdivision Marketing: Any temporary sign used for the purpose of advertising the sale of platted lots, sale or lease of multi-family units, or available space in a commercial development.
132. Sign, Window: Signs that are affixed to a window or are positioned within two (2) feet of the inside of a window so they are visible from the outside.
133. Social Activities: The use of land and building for clubs, fraternal organizations, veterans organizations and similar social purposes.
134. 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 dependent, handicapped, or aged person.

135. Special District "S": A zoning classification established by this resolution whose primary purpose is to retain natural areas of the township, such as flood plains or other topographic conditions which would preclude development; and institutional uses or land areas administered by federal, state, or local governments or agencies thereof, such as parks or cemeteries.
136. Special Structure: Unoccupied buildings typically located at the entrance of a development for the purpose of aesthetics and/or sign display.
137. 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.
138. 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.
139. 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.
140. Street: A public or private thoroughfare which affords the principal means of access to abutting property
141. Street Line: A dividing line separating a lot, tract or parcel of land and a contiguous street.
142. 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.
143. 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.
144. Township: Wherever Township is referred to, it shall be Plain Township, Wood County, Ohio.

145. Transportation-for-hire: Any business or public utility in the transportation of persons or property, or both, or furnishing such transportation service over any public street, road, or highway.
146. Trustees, Board of Trustees: The Board of Trustees of Plain Township, Wood County, Ohio.
147. Use: Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied.
148. Variance: A change in the requirements within a district, not to include a change in basic land use.
149. Wind Power Turbine Owner: The person or persons who own the Wind Turbine structure.
- Accessory Structures: Structures such as sheds, storage sheds, pool houses, unattached garages, and barns
  - Anemometer: An instrument that measures the force and direction of the wind.
  - Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located at, the purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, any habitable structures, and will not intrude onto a neighboring property.
  - Cowling: A streamlined removable metal that covers the turbine's nacelle.
  - Decibel: A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.
  - Nacelle: A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.
  - Primary Structure: For each property, the structure that one or more persons occupy the majority of time, on that property, for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude

structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

- Professional Engineer: A qualified individual who is licensed as a Professional Engineer in the State of Ohio.
- 151. Wind Power Turbine Tower: The support structure to which the turbine and rotor are attached.
- 152. Wind Power Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation.
- 153. Window Area: The area contained within the boundary of a window. A group of windows may be considered one window if they are on the same building face and are less than six inches apart.
- 154. Zoning Appeals Board: Board of Appeals of Plain Township, Wood County, Ohio.
- 155. Zoning Certificate: The document issued by the Zoning Inspector authorizing the use of the land or building.
- 156. Zoning Commission: Wherever "Commission" or "Zoning Commission" is referred to, it shall be the Zoning Commission of Plain Township, Wood County, Ohio.
- 157. 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

"C" COMMERCIAL DISTRICT

"I" INDUSTRIAL DISTRICT

"R-1" RESIDENTIAL DISTRICT

"R-2" RESIDENTIAL DISTRICT

## "S" SPECIAL DISTRICT

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

### Uses in the "A" Agriculture District

#### Permitted Uses:

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.

#### 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. 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 an extension or modification of said dwelling which alters its outward appearance as a dwelling unit.
4. Recreational Facilities-Commercial: Recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, campgrounds, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, amusement parks, carnivals and similar enterprises.
5. Non-commercial recreational uses requiring open space, such as golf courses, hunting clubs, race tracks or drag strips.



### **Uses in the “R-1” Residential District**

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

#### Permitted Uses:

1. One 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.

#### 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.

### **Uses in the “R-2” Residential District**

#### Permitted Uses:

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

Conditional Uses Requiring Board of Zoning Appeals Approval:

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

**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.

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.

Conditional Uses Requiring Zoning Board of Appeals Approval:

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

**Uses in the "I" Industrial District**

Permitted Uses:

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

Conditional Uses Requiring Zoning Board of Appeals Approval:

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

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.

**Uses in the "S" Special District**

Permitted Uses:

1. Essential Services
2. Public Services
3. Public Uses
4. Public buildings or structures erected, leased or used by any department of a municipal, township, county, state or federal government, including public and semipublic facilities such as economic development agencies, fire and police stations, post offices and libraries.

Conditional Uses Requiring Zoning Board of Appeals Approval:

1. Semi-public uses

**Sexually-Oriented Businesses**

1. PURPOSE

- a. 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:

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

- a. 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:
  - i. No person under the age of 18 years shall be admitted to or employed by a sexually-oriented cabaret or theatre.
  - ii. 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

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

- c. 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.
- d. 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:
  - i) Distance in feet from road right-of-way:
    - District: All
    - Township or County Road: 50\*
    - State or Federal Road: 75
3. Set back lines on corner lots shall be the same distance from each road according to its classification above.

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 four (4) times its average width.

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



## 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.	Min. Building Floor Area Per Family in Sq. Ft.
Agriculture "A" Individual Sewage Disposal and Water Supply							
1 Family	50	15	15	43,560	175	50	1 Story - 1350 Bi-Level - 1350 Tri-Split Level - 1350
2 Family	50	15	15	25,000	200	50	1350 Per Family
Residential "R-1" Individual Sewage Disposal and Water Supply							
1 Family	50	15	15	43,560	175	50	1350
2 Family	50	15	15	25,000	200	50	1350
Either Public Sanitary Sewer or Public Water Supply							
1 Family	50	15	15	43,560	175	50	1350
2 Family	50	15	15	25,000	200	50	1350
Both Public Sanitary Sewer and Public Water Supply							
1 Family	50	15	15	25,000	100	50	Same as above
2 Family	50	15	15	15,000	100	50	1350
Residential "R-2"							
1 Family	Same as "R-1"						
2 Family	Same as "R-1"						
Multiple Family with Individual Sewage Disposal and Water Supply						<b>Not Permitted</b>	
Multiple Family with Public Sanitary Sewer and Private Water Supply							
	50	15	15	15,000	100	50	1350
With Public Sanitary Sewer and Public Water Supply							
	50	15	15	15,000	100	50	1350
Commercial "C"	50	15	15			50	
Industrial "I"	50	15	15			50	
Special "S"	Same as Agriculture "A"						

\*No lot shall be more than four times deeper than its width in feet (the 4-1 rule)

## **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 1/2) 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 (¼) 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

2. Museums, Schools,  
Libraries

400 square feet of floor area.

3. Churches, Auditoriums,  
Arenas, Stadiums,  
Spectator Facilities in  
outdoor recreation Areas

4. Hospitals

One (1) per five (5) seats.

5. Motels and Hotels

6. Theatres, Restaurants

7. Skating Rinks, Dance  
Hall, medical and Dental  
Offices

One (1) per two (2) beds.

One (1) per guest room.

8. Clubs, Lodges and  
Similar Uses

One (1) per (4) seats.

One (1) per 100 square feet of floor  
area, or fraction thereof.

9. Bowling Alleys

One (1) per 200 square feet of  
floor area, or one (1) per four  
(4) persons that can be seated in  
an assembly room, whichever is  
greater.

10. All other commercial

Four (4) per bowling alley.

11. All industrial establishments  
property by the resident or  
owner.

One (1) per  
staff member  
and one (1) per

One (1) per 300 square feet of  
floor area or fraction thereof.

One (1) per each employee on  
maximum working shift plus  
spaces necessary to  
accommodate all vehicles used  
in connection therewith.

## Section 4 – Signage Regulations

PART 1.	Purpose of Signage Regulations
PART 2.	Sign Definitions
PART 3.	General Sign Standards
PART 4.	Sign Standards By Type
PART 5.	Permanent Sign Standards
PART 6.	Prohibited Signs
PART 7.	Sign Permits
PART 8.	Non-Conforming Signs
PART 9.	Maintenance of Signs
PART 10.	Abandoned Signs

### PART 1. PURPOSE OF SIGNAGE REGULATIONS

The purpose of this article is to apply a uniform standard for signs and outdoor advertising within Plain Township in order to protect the public safety, health, and welfare. By regulating the use, location, and area of signs and outdoor advertising of all types of the Township will protect property values, maintain an attractive business climate, promote the safety of motorists, allow for creative and varying sign designs and enhance the Township's appearance.

### PART 2. SIGN DEFINITIONS

The following definitions and phrases are used in this article and are also defined in Article XVIII.

- Awning: A canopy or roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window.
- Banner: A fabric or other non-rigid material that is not enclosed in a structural frame that is erected for the purpose of attracting the public's attention.
- Base of Building: The location along a building wall that comes in contact with the ground.
- Billboard: Any sign containing a message that pertains to a person, product or service that is not available at the parcel on which the sign is located.
- Building Frontage: The linear portion of a building facing an adjacent street or common parking area.
- Fluorescent Color: A colorant that absorbs light energy and reradiates the energy at visible wavelengths producing a reflectance value over 100%.
- Illumination: The lighting of an object.
  - External Illumination: The lighting of an object from a light source that is not within the object.
  - Internal Illumination: The lighting of an object from a light source that is within the object.
- Logo: A Textual and/or graphic image displayed for the purpose of identifying an establishment, product, good, services, or other message to the general public.

- Neon Color: An extremely bright color.
- Sign: Any object consisting of a communication in the form of text, or sign copy, designed for the purpose of identifying an establishment, product, goods, services or other message to the general public.
- Sign Amount: The quantity of signs on premise.
- Sign Area: The entire area (in square feet) within a shape defined by a continuous line having only right angles that enclose the limits of sign copy. Sign structures shall not be included in the sign area measurement.
- Sign Copy: Words, letters, numbers, logos, symbols, or designs.
- Sign Face: The portion of a sign that displays sign copy.
- Sign Height: The measurement from the location along a sign structure that comes in contact with the ground to the upper most point of the sign. Placing a sign on top of a mount is permitted if the mound is aesthetically incorporated into the sign's composition with elements such as landscaping and retaining walls.
- Sign Setback: The distance from the nearest edge of a sign or sign structure, measured at the vertical line perpendicular to the ground, to the right-of-way or future right-of-way if established prior to the sign's construction.
- Sign Structure: Any portion of a sign constructed to support a sign face.
- Sign, Address: A Sign of high-intensity green background with high-intensity white numbers, not to exceed one square foot in area.
- Sign, Awning: Any sign, copy, symbol, or logo displayed on an awning.
- Sign, Building Mounted: A sign attached to a building that is visible to the general public.
- Sign, Cantilever: A sign supported on the ground by a pole, not attached to any building, whereas the sign extends away from the primary support structure.
- Sign, Construction: A sign identifying the name(s) of project owners, or those involved in a project being constructed or improved.
- Sign, Directional: A sign erected for the sole purpose of directing vehicle or pedestrian traffic.
- Sign, Freestanding: A self-supporting sign.
- Sign, Monument: A self-supporting sign with a solid base upon which a sign is displayed.
- Sign, Multi-Sign Copy Display: An object containing more than one sign.
- Sign, Off-premise: See Billboard
- Sign, Pole: A sign supported on the ground by a pole that is not attached to any building or other structure.
- Sign, Political: A temporary sign used in connection with local, state or national elections.
- Sign, Portable: A sign that is not permanently affixed to a structure or ground.
- Sign, Real Estate: A sign indicating or directing one to a property that is available for sale, rent, or lease.
- Sign, Roof: A sign located on a roof, or a sign that extends above the roofline of a building.
- Sign, Single-Sign Copy Display: An object containing one sign.
- Sign, Special Event: Any sign used to present information regarding a special event.

- Sign, Subdivision Identification: Any sign used for the purpose of identifying a residential community consisting of condominiums, apartments, mobile homes, and or single-family homes.
- Sign, Subdivision Marketing: Any temporary sign used for the purpose of advertising the sale of platted lots, sale or lease of multi-family units, or available space in a commercial development.
- Sign, Window: Signs that are affixed to a window or are positioned within two (2) feet of the inside of a window so they are visible from the outside.
- Special Structure: Unoccupied buildings typically located at the entrance of a development for the purpose of aesthetics and/or sign display.
- Window Area: The area contained within the boundary of a window. A group of windows may be considered one window if they are on the same building face and are less than six inches apart.
- Zoning Inspector: The person employed by Plain Township with the title "Zoning Inspector".

### PART 3. GENERAL SIGN STANDARDS

#### 1. Illumination

The following shall apply to the illumination of signs and sign structures:

- A. All signs may be illuminated internally or externally if the source of light is not visible.
- B. Illumination must be arranged to reflect away from adjoining property and or right-of-ways.
- C. Illumination shall not cause a hazard to traffic or conflict with traffic control signs or lights.
- D. Illumination involving movement, or causing the illusion of movement by reason of the lighting arrangement, shall not be permitted. This includes blinking, flashing, or other illuminating devices that have a changing light intensity, brightness or color, and devices that resemble large TV screens.
- E. The intensity or brightness from an illuminated sign shall not create a negative impact on residential properties as determined by the Zoning Inspector.

#### 2. Billboards

- A. Such signs may only be located on a property adjacent to an officially designated state or federal highways.
- B. Such signs shall be set back from the right-of-way at least as far as the required front yard depth for a principal building in such districts. In addition:
  1. For every square foot by which such signs exceed eighty (80) square feet, such setback shall be increased by one-half (1/2) foot but need not exceed a setback of one hundred (100) feet.
  2. Such signs located at the intersection of any state or federal highway with a major or secondary street the setback shall not be less than five hundred (500) feet from the establishment right-of-way of each such highway or street.
  3. Such signs shall not be less than two hundred (200) feet from the intersection of any county or township road with any other public roadway.

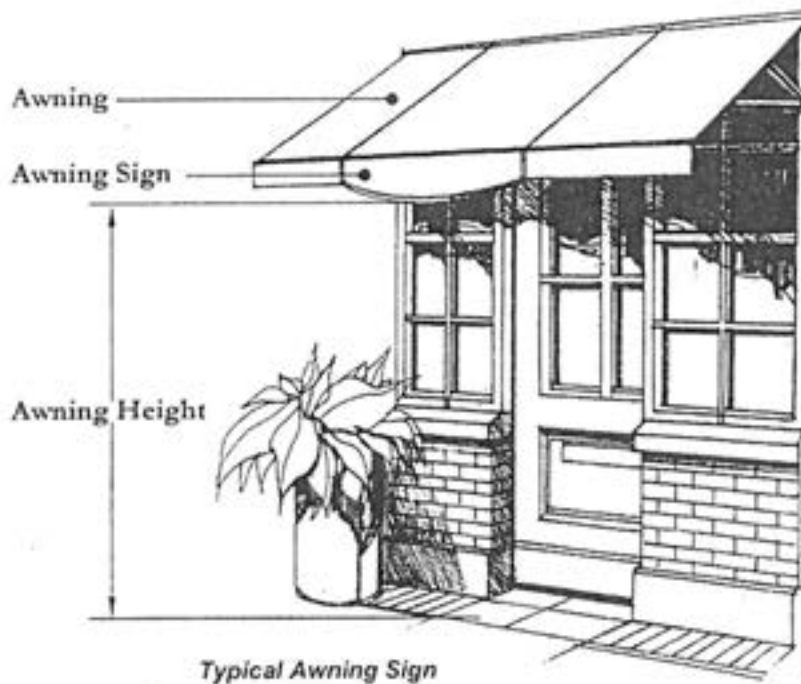


4. Such signs shall not be permitted within 100 feet of a residential lot line.
  5. Such sign shall not be permitted within 500 feet of a residential structure.
  6. Such sign shall not be permitted within 300 feet of a parcel containing any public parkways, public square or entrance to any public park, public or parochial school, library, church, or similar institution.
  7. Such signs shall not exceed 672 sf in area (14'x48')
  8. Such signs shall not exceed the maximum height permissible in the underlying zoning district. Where no maximum height is specified the maximum height shall be thirty feet (measured from the ground to top of structure).
  9. Such signs are not permitted in any "R" districts.
  10. Only two such signs are allowed per parcel.
  11. Such signs must be at least 1,250' apart.
3. Public Areas
- A. No sign shall be permitted to be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on public property nor over or across any street or public thoroughfare, except as may otherwise be authorized by this Article or as follows:
    1. A blade sign attached to a building may project a maximum of three feet over a public sidewalk, if the lowest part of the sign is at least eight feet above the sidewalk surface.
    2. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
    3. A bus stop sign erected by a public transit company.
    4. Signs of a public utility regarding its poles, lines, pipes, or facilities.
    5. Subdivision identification signs located in a boulevard if it is demonstrated the sign will not adversely obstruct a driver's or pedestrian's view. The placement will be subject to review by the BZA and the County.
    6. Emergency warning signs erected by a governmental agency, a public agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
4. Colors
- A. No more than five colors may be used per sign.
  - B. For the purpose of this Section, black shall be considered a color.
  - C. Neon and fluorescent colors are prohibited.
5. Lettering Styles and Sign Coverage
- A. No more than two letter styles are permitted per sign.
  - B. Letters may not occupy more than 75 percent of any sign face.

#### **PART 4. SIGN STANDARDS BY TYPE**

1. Awning Sign
  - A. Awning signs are permitted only as an integral part of the awning to which they are permanently attached.
  - B. No part of the awning sign is allowed to be detached from the awning.
  - C. Awning signs are not permitted in S-1, R-1, R-2, R-3, R-4, OR RMH-4.

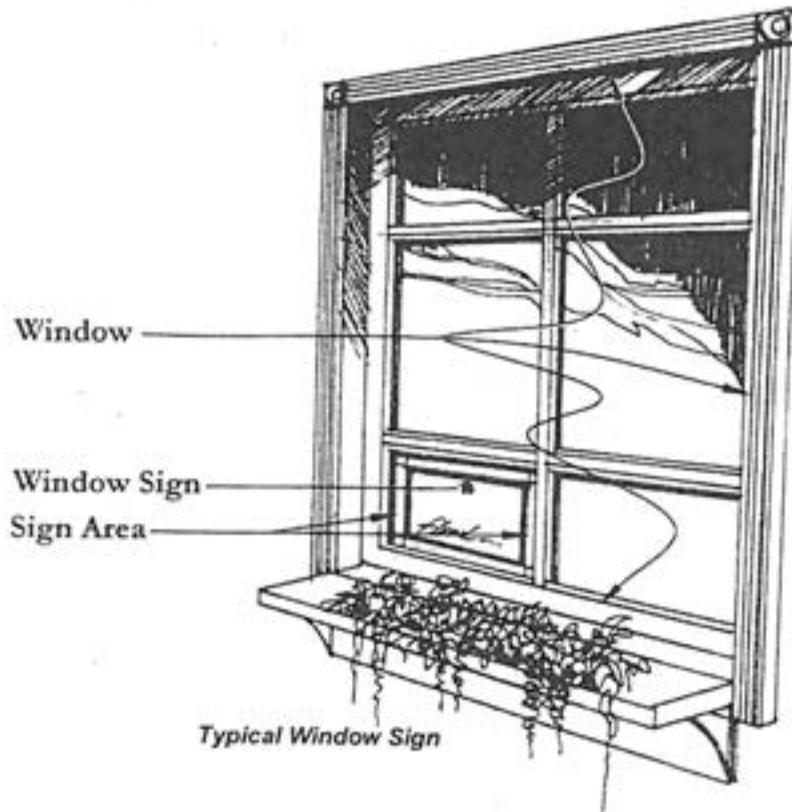
- D. Awning signs are not permitted to be internally illuminated. Awnings may be illuminated by a light protruding from the building it resides on if the light is directed downward.
- E. No structural element of an awning sign shall be located less than eight feet above a public walk. Where no walk is present, not less than seven feet above the base of the building.
- F. One awning sign is allowed per building frontage. For multi-tenant buildings, one awning sign is allowed per business, per frontage. That is, a building or business may have two awning signs if the business is located at an intersection and fronts two streets.
- G. A building or tenant may not have both a building mounted sign and an awning sign.
- H. Awning signs are only permitted over a first floor window and or door.
- I. Sign copy on an awning sign shall not exceed 12" in height.



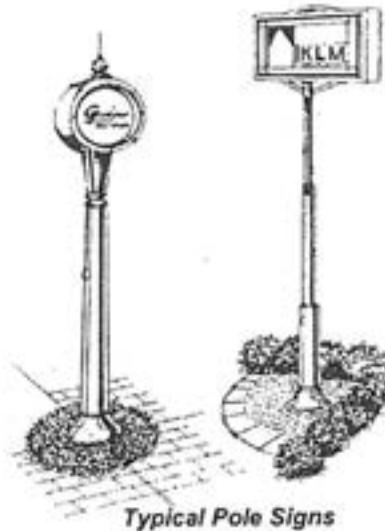
## 2. Window Signs

- A. Window signs are not permitted in S-1, R-1, R-2, R-3, R-4 or RMH-4.
- B. Any interior sign located within two feet of a window and exposed to public view shall be considered a Window sign.

- C. Window signs are only permitted on a building's first floor.
- D. One window sign is permitted per window.
- E. Sign area cannot exceed 25% of the total window area up to 36 square feet.

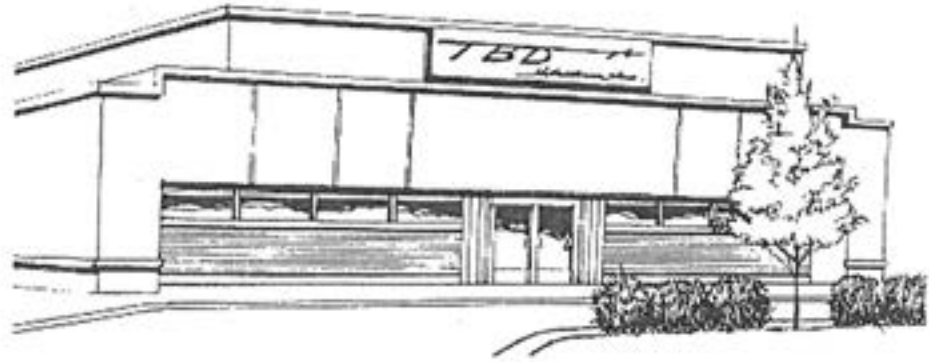


- 3. Pole Sign
  - A. Pole sign heights, areas and amounts vary by district. See Part 5.
  - B. Pole signs may not be internally illuminated.
  - C. Pole signs may be doubled sided.
  - D. Footing design, inspection and wind-load calculations may be required by the County.



#### 4. Building Mounted Signs

- A. Building mounted signs are not permitted in S-1, R-1, R-2, R-3, R-4 or RMH-4.
- B. The sign copy shall only represent the primary occupant or tenant of the building that the building mounted sign is attached.
- C. One building mounted sign is allowed per building frontage. For multi-tenant buildings, one building mounted sign is allowed per business, per frontage. That is, a building or business may have two building mounted signs if the business is located at an intersection and fronts two streets.
- D. A building or tenant may not have both a building mounted sign and an awning sign.
- E. Building mounted signs shall not project above the edge of the structure upon which it is attached.
- F. Building mounted signs shall not project more than 12" from the structure surface to which it is attached.
- G. The sign area of a building mounted sign shall be determined by multiplying 1.5 by the building frontage upon which the sign will be located; however, the sign area shall not exceed the area indicated in Part 5. For multi-tenant buildings, the portion of a building that is owned or leased by a single tenant shall be considered the "building" and the sign area shall be calculated based on the tenant's building frontage.



*Typical building mounted sign on a single-tenant building*

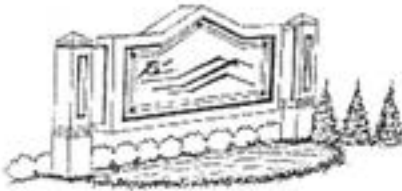
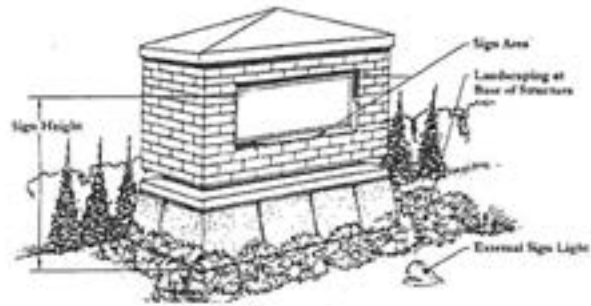


*Typical building mounted sign on a multi-tenant building*

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5. Monument Sign

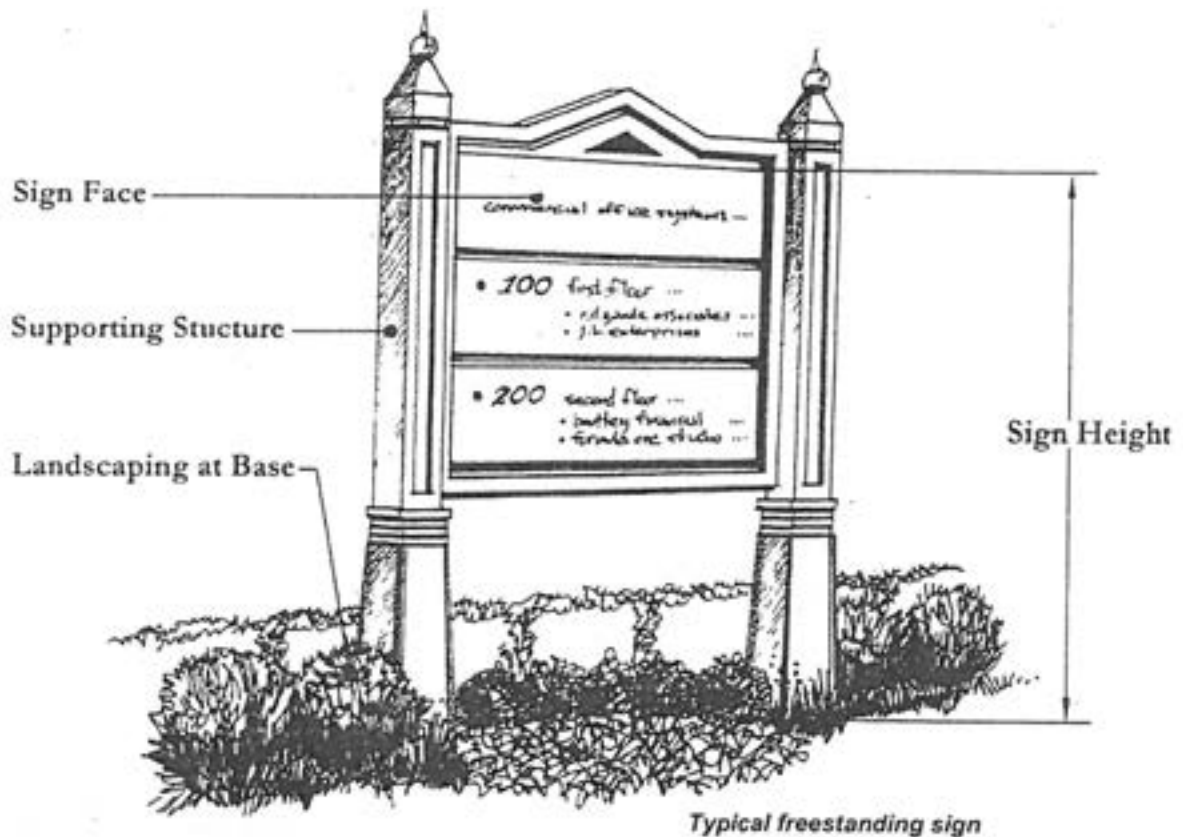
- A. Monument sign heights, areas and amounts vary by district. See Part 5.
- B. Footing design and inspection may be required by the County.



*Monument sign variations*

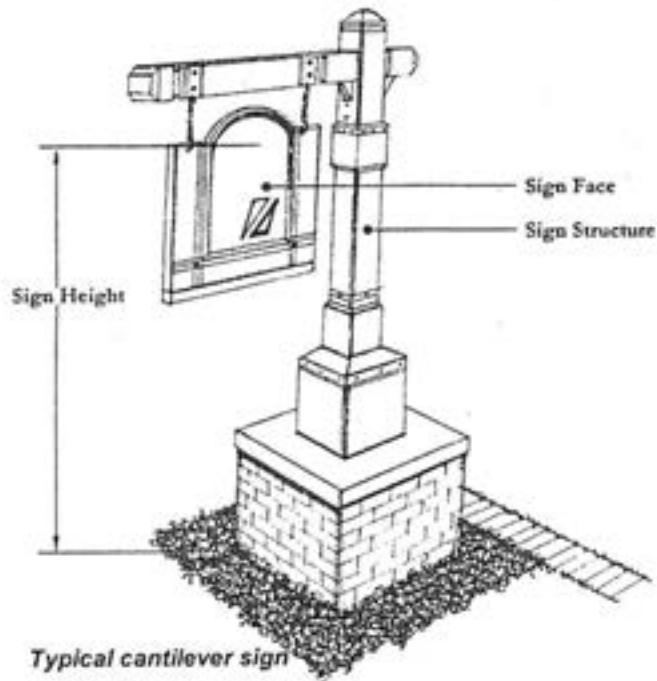
## 6. Freestanding Signs

- A. Freestanding signs are not permitted in residential districts: S-1, R-1, R-2, R-3, R4 or RMH-4.
- B. The total sign area, per side, of a freestanding sign shall be determined by multiplying 0.5 by the lot frontage upon which the sign will be located; however, the sign area shall not exceed the area indicated in Part 5.
- C. Such signs are typically used for multi-sign-copy display. For single-sign-copy, cantilever or monument signs are recommended.
- D. Footing design, inspection and wind-load calculations may be required by the County.
- E. The posts of such signs must be aesthetically pleasing.



7. Cantilever Sign

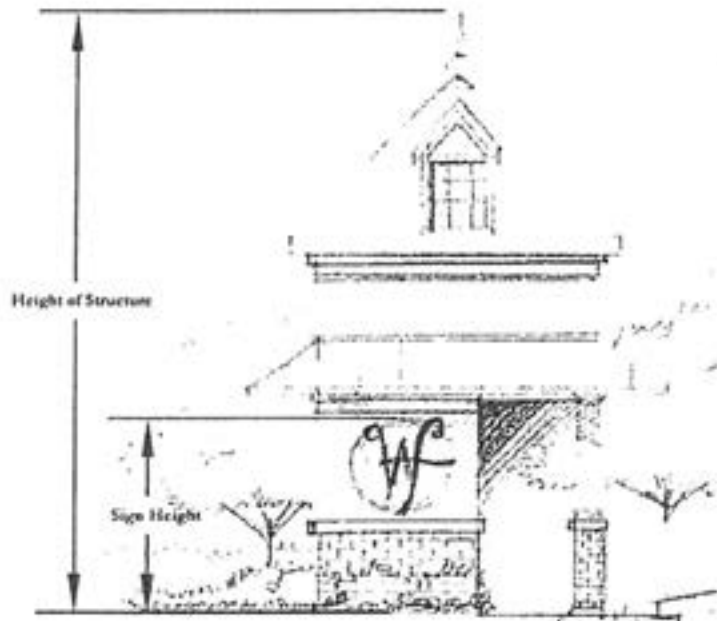
- A. Cantilever sign heights, areas and amounts vary by district. See Part 5.
- B. Footing design, inspection and wind-load calculations may be required by the County.



#### 8. Special Structures

- A. Such structures should be located to incorporate an architecture style into the site's frontage or entry landscape. These often resemble guardhouses or carriage houses.
- B. Such structures shall not serve any purpose other than sign support and/or aesthetics.
- C. Such structures should be constructed of materials similar to the site's building materials.
- D. The structures materials scale, and proportions are subject to Township review during permitting.
- E. Special structure heights and areas vary by district. See Part 5.





*Typical special structure*



*Special structure variation*

PERMANENT SIGN STANDARDS - RESIDENTIAL DISTRICTS

District	Monument	Pole	Cantilever	Special Structure*
A-1	Height: 6' Area: 30 sf Setback: 25' Amount: 1/entry	Height: 10' Area: 10 sf Setback: 25' Amount: 1/entry	Height: 10' Area: 20 sf Setback: 25' Amount: 1/entry	Height: 20' Footprint: 100' Setback: 35' primary, 10' secondary Amount: 2/entry
S-1	Height: 6' Area: 30 sf Setback: 25' Amount: 1/entry	Height: 10' Area: 10 sf Setback: 25' Amount: 1/entry	Height: 10' Area: 20 sf Setback: 25' Amount: 1/entry	Height: 20' Footprint: 100' Setback: 35' primary, 10' secondary Amount: 2 / entry
R-1	Height: 6' Area: 30 sf Setback: 25' Amount: 1/entry	Height: 10' Area: 10 sf Setback: 25' Amount: 1/entry	Height: 10' Area: 20 sf Setback: 25' Amount: 1/entry	Height: 20' Footprint: 100' Setback: 35' primary, 10' secondary Amount: 2 / entry
R-2	Height: 6' Area: 36 sf Setback: 25' Amount: 2/entry	Height: 15' Area: 15 sf Setback: 20' Amount: 1/entry	Height: 15' Area: 25 sf Setback: 20' Amount: 2/entry	Height: 20' Footprint: 100' Setback: 25' primary, 10' secondary Amount: 2/entry
R-3	Height: 6' Area: 36 sf Setback: 20' Amount: 2/entry	Height: 15' Area: 20 sf Setback: 10' Amount: 1/entry	Height: 15' Area: 20 sf Setback: 25' Amount: 2/entry	Height: 25' Footprint: 100' Setback: 25' primary, 2' secondary Amount: 2/entry
R-4	Height: 8' Area: 36 sf Setback: 20' Amount: 2/entry	Height: 15' Area: 20 sf Setback: 10' Amount: 1/entry	Height: 15' Area: 30 sf Setback: 10' Amount: 2/entry	Height: 25' Footprint: 100' Setback: 25' primary, 2' secondary Amount: 2/entry
RMH-4	Height: 8' Area: 36 sf Setback: 20' Amount: 2/entry	Height: 15' Area: 20 sf Setback: 10' Amount: 1/entry	Height: 15' Area: 30 sf Setback: 10' Amount: 2/entry	Height: 25' Footprint: 100' Setback: 25' primary, 2' secondary Amount: 2/entry

\*SPECIAL STRUCTURE NOTE:

Footprint: floor area of the structure (width x depth)	Setback primary: measured from existing roadway fronting site	Setback secondary: measured from proposed roadway constructed to access homes
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PERMANENT SIGN STANDARDS - NON-RESIDENTIAL DISTRICTS									
Dist.	Awning	Window	Monument	Pole	Bldg. Mount*	Freestanding	Cantilever	Special Structure*	
B-1	Height: 8' from public walk, 7' w/o walk Size: 12' max. Amount: 1 per business per frontage	Height: 1 <sup>st</sup> floor only Size: 25% of window area up to 36 sf Amount: 1 per window	Height: 8' Size: 48 sf Setback: 20' Amount: 2/entry	Height: 25' Size: 25 sf Setback: 20' Amount: 1/entry	Area: 64 sf Amount: 1 per business per frontage	Height: 8' Size: 36 sf Setback: 20' Amount: 1 per business per frontage	Height: 15' Size: 25 sf Setback: 20' Amount: 1/entry	Height: 25' Footprint: 100' Setback: 25' primary 2' secondary Amount: 2 / entry	
B-2	Height: 8' from public walk, 7' w/o walk Size: 12' max. Amount: 1 per business per frontage	Height: 1 <sup>st</sup> floor only Size: 25% of window area up to 36 sf Amount: 1 per window	Height: 8' Area: 48 sf Setback: 20' Amount: 2/entry	Height: 25' Area: 25 sf Setback: 10' Amount: 1/entry	Area: 100 sf Amount: 1 per business per frontage	Height: 20' Area: 50 sf Setback: 25' Amount: 1 per business per frontage	Height: 15' Area: 25 sf Setback: 10' Amount: 1/entry	Height: 25' Footprint: 100' Setback: 25' primary, 2' secondary Amount: 2 / entry	
B-3	Height: 8' from public walk, 7' w/o walk Size: 12' max. Amount: 1 per business per frontage	Height: 1 <sup>st</sup> floor only Size: 25% of window area up to 36 sf Amount: 1 per window	Height: 8' Area: 48 sf Setback: 20' Amount: 2/entry	Height: 25' Area: 25 sf Setback: 10' Amount: 1/entry	Area: 100 sf Amount: 1 per business per frontage	Height: 30' Area: 100 sf Setback: 25' Amount: 1 per business per frontage	Height: 15' Area: 25 sf Setback: 10' Amount: 1/entry	Height: 25' Footprint: 100' Setback: 25' primary, 2' secondary Amount: 2 / entry	
*Bldg. Mount: Sign area for building mounted signs is determined by multiplying 1.5 by the building frontage and cannot exceed the area shown in this table			* Setback primary: measured from existing right-of-way fronting site			* Setback secondary: measured from proposed right-of-way constructed to access development			

**PERMANENT SIGN STANDARDS - NON-RESIDENTIAL DISTRICTS (cont'd)**

Dist.	Awning	Window	Monument	Pole	Bldg. Mount*	Freestanding	Cantilever	Special Structure^
M-1	Height: 8' from public walk, 7' w/o walk Size: 12' max. Amount: 1 per business per frontage	Height: 1 <sup>st</sup> floor only Size: 25% of window area up to 36 sf Amount: 1 per window	Height: 8' Area: 72 sf Setback: 35' Amount: 2/entry	Height: 25' Area: 25 sf Setback: 10' Amount: 1/entry	Area: 250 sf Amount: 1 per business per frontage	Height: 35' Area: 120 sf Setback: 25' Amount: 1 per business per frontage	Height: 15' Area: 25 sf Setback: 10' Amount: 1/entry	Height: 25' Footprint: 100' Setback: 25' primary, 2' secondary Amount: 2/entry
M-2	Height: 8' from public walk, 7' w/o walk Size: 12' max. Amount: 1 per business per frontage	Height: 1 <sup>st</sup> floor only Size: 25% of window area up to 36 sf Amount: 1 per window	Height: 8' Area: 72 sf Setback: 35' Amount: 2/entry	Height: 25' Area: 25 sf Setback: 10' Amount: 1/entry	Area: 250 sf Amount: 1 per business per frontage	Height: 35' Area: 120 sf Setback: 25' Amount: 1 per business per frontage	Height: 15' Area: 25 sf Setback: 10' Amount: 1/entry	Height: 25' Footprint: 100' Setback: 25' primary, 2' secondary Amount: 2/entry

\*Bldg. Mount: Sign area for building mounted signs is determined by multiplying 1.5 by the building frontage and cannot exceed the area shown in this table

^ Setback primary: measured from existing right-of-way fronting site

^ Setback secondary: measured from proposed right-of-way constructed to access development



## PART 6. PROHIBITED SIGNS

The following signs and types of signs are prohibited in all zoning districts:

1. Signs that have flashing, moving, rotating, intermittent lights, signs with mechanical devices, motion picture signs, or signs that give the illusion of motion.
2. Air actuated attraction devices
3. Roof signs
4. Electronic variable message signs and reader boards
5. Signs that are harmful to juveniles, or of an obscene, pornographic, or immoral character, or which contain advertising which is untruthful
6. Signs that emit an audible sound
7. Signs that resemble or may be confused with traffic signs or signals
8. Signs that may conceal or divert attention from the view of any street sign, signal or device
9. Sign copy shall not be attached to a motor vehicle or trailer for the purpose of advertising a product, service, or business location, with the intent to be used as or in lieu of a portable sign

## PART 7. SIGN PERMITS

### 1. Sign Permit Criteria for Permanent Signs

- A. A sign permit shall be required in order to erect, move, alter, or reconstruct any permanent or temporary sign, except signs that are exempt from permits, in compliance with this Article. Additional permits may be required through the County Building Department.
- B. The Township Zoning Inspector shall review all sign permit applications. Upon determining the sign application is complete, the Zoning Inspector will either grant the sign permit, or deny the sign permit citing sections of the Code with which the application is inconsistent.
- C. Applicants for a sign permit must submit the following information for each sign:
  1. Completed sign application acquired from the Township Zoning Inspector
  2. Fee
  3. Site Plan Indicating:
    - a) The distance from sign to the nearest public right-of-way
    - b) Indicate any established future right-of-way
    - c) Existing spot elevations at base of sign
    - d) Proposed spot elevations at base of sign
    - e) Indication of existing grading along adjacent streets and within 50' of proposed sign
    - f) Indication of any mounding, retaining walls, or grading associated with the sign's construction.
    - g) Some of the above site plan criteria may be waived for building mounted signs

- h) The Township may request a site distance exhibit using ODOT standards to demonstrate the proposed sign does not adversely impede the view of motorists

4. Front elevation of proposed sign indicating:

- a) Height, width, and depth of support structure
- b) Description of visible materials
- c) Outline of sign area with dimensions and total area (in square feet)
- d) Sign copy including any logos, fonts, and ancillary line work
- e) Indicate if sign is single-faced or double-faced
- f) Color rendering of proposed sign
- g) Lighting style, type, wattage, and location. The Township may require a photometric study to demonstrate if light is affecting adjacent properties. A separate electric plan for an electric permit may be required by the County.
- h) Other information deemed necessary by the Township Inspector to insure the public safety, health and welfare is protected.

2. Sign Permit Criteria for Temporary Signs

- A. The Zoning Inspector must issue a temporary sign permit prior to the erection or construction of any temporary sign listed below.
- B. If a temporary sign is not removed upon expiration of the permit, the Zoning Inspector shall initiate the immediate removal of the sign without notice. The sign shall then become the property of the Township. Any and all costs associated with removing the sign shall be assessed against the property.
- C. Temporary Sign

Types:

1. Subdivision Marketing Signs

- a) Such signs may be used for the purpose of advertising the sale of platted lots, sale or lease of multi-family units, and available space in a commercial development.
- b) Such signs shall be limited to one per street frontage. No more than two (2) sign faces per sign.
- c) Such signs shall be limited to thirty-two square feet per sign face.
- d) Such signs shall not be more than ten (10) feet in height.
- e) Such signs shall not be located closer than 25 feet from any public right-of-way.
- f) Such signs shall be permitted for one (1) year. Additional temporary sign permits may be issued to extend the display period at the Zoning Inspectors discretion.

2. Banners

- a) Banners shall not exceed the allowable area for a monument sign in the applicable district
- b) Banners shall not be displayed above the roofline of any structure.

- c) Banners shall not have more than five colors. For the purpose of this Section, black shall be considered a color.
  - d) Banners shall not be located in or over any right-of-way.
  - e) Banners shall be permitted for one (1) year. Additional temporary sign permits, with corresponding fee, may be issued to extend the display period at the Zoning Inspectors discretion.
  - f) No property shall have more than two banners per frontage at any one time.
3. Special Event Signs
- a) Such sign shall not exceed the allowable area for a monument sign in the applicable district.
  - b) Not more than two such signs regarding the same topic shall be erected at any given time and located no closer than one thousand feet from each other.
  - c) Such signs shall not impede the view of motorists or create a public hazard.
  - d) Such signs shall not be illuminated.
  - e) Such signs shall not be located in or over any right-of-way.
  - f) Such signs shall not be displayed for a period of more than thirty (30) days before the event and shall be removed within forty-eight (48) hours after the event. Additional temporary sign permits, with corresponding fee, may be issued to extend the display period at the Zoning Inspectors discretion.
4. Portable Signs
- a) Such signs shall be permitted for not more than 30 days, two separate times, per year for each business.
  - b) Such signs shall not exceed seven feet in height or eight feet in width.
  - c) Such signs shall not be located in any right-of-way.
  - d) Such signs shall not impede the view of motorists nor create a public hazard.
  - e) Additional temporary sign permits, with corresponding fee, may be issued to extend the display period at the Zoning Inspector's discretion.
5. Construction Signs
- a) Such sign copy is limited to the names of project owners, or those involved in the project being constructed or improved.
  - b) Such signs shall be limited to only one per building.
  - c) Such signs shall not exceed twenty (20) square feet in area for a residential project and thirty-two (32) square feet for a non-residential project.
  - d) Such signs shall not exceed four (4) feet in height for a residential project and ten (10) feet in height for a non-residential project.
  - e) Such sign shall not be located closer than 15 feet from any public right-of way.
  - f) Such signs shall not impede the view of motorists nor create a public hazard.
  - g) Such signs shall be permitted only during the actual time of construction and shall be removed within thirty (30) days after construction.
3. Permanent Signs Exempt from Permit



A permit shall not be required for the following nor should these exempt signs be included in the determination of the total allowable number of signs or total allowable sign area for a site:

- A. Flags of any nation, state, municipality, or other political jurisdiction that do not exceed ten square feet in area.
- B. Cornerstones, commemorative tablets and historical signs that do not exceed ten square feet in area.
- C. Signs bearing only a residential property address or names of occupants of residential premises that do not exceed one square foot in area.
- D. An address sign shall be required for all commercial and/or residential buildings and is exempt from permit.
- E. One sign on or over a window or door of a business, announcing only the name of tenants and the nature of the business that do not exceed three square feet in area.
- F. Signs designated "official neighborhood watch area" that does not exceed three square feet in area.
- G. Signs located off-site that provide directions to publicly owned facilities or emergency facilities that do not exceed twelve square feet in area.
- H. Traffic directional signs indicating points of entry or exit to off-street parking, provided such signs are not larger than six square feet in area.
- I. Window signs less than twenty-five (25) percent of the window area.
- J. A sign(s) located inside a building that is not visible from the exterior.
- K. Elevated signs posted to indicate special parking locations for the handicapped, imprinted with the international symbol of accessibility.

#### 4. Temporary Signs Exempt from Permit

- A. Temporary real estate signs for the sale or lease of property do not require a permit if they satisfy the following:
  - 1. Such signs shall not exceed twelve square feet in area.
  - 2. Such signs shall not exceed four feet in height.
  - 3. Property for sale shall be limited to one real estate sign per street frontage.
  - 4. "Sold" signs may be posted for a period not to exceed ten days.
  - 5. Such signs shall not be illuminated.
  - 6. Signs exceeding this criterion may be allowed but will require a permit per Part 7.2.
- B. Open House Signs do not require a permit if they satisfy the following:
  - 1. No more than three off-premise directional signs shall be permitted, in conjunction with an open house, for no more than forty-eight consecutive hours.
  - 2. During the hours of the open house, one additional sign indicating that the house is open will be permitted on the property.
  - 3. Such signs shall not be illuminated.
- C. Small announcement signs that do not exceed two square feet and are not erected for more than 30 days and are not illuminated.
- D. Political signs do not require a permit if they satisfy the following:

1. Signs are erected for a period of time not to exceed sixty days before the election at which such candidacy; question or issue is to be submitted to voters or seventy-two hours after the election.
  2. Signs shall not exceed four square feet in total display area.
  3. Signs shall not exceed four feet in height.
  4. Signs shall not be erected within any public right-of-way or easement nor attached in any manner to any utility pole, fence or any other structure within any public right-of-way and must not adversely impede the view of drivers.
  5. Such signs shall not be illuminated.
- E. Official and legal notices required by a court or governmental agency.
- F. Flags, signs and lights clearly in the nature of decorations customarily associated with any national, state, local, or religious holiday, and containing no advertisement.

## PART 8. NON-CONFORMING SIGNS

### 1. Legal Non-conforming Status

- A. A sign shall be considered "Legal non-conforming" and will be exempt from the requirements of this Article if it was in existence on the date of adoption and was constructed in accordance with the requirements and other applicable law as in effect on the date of its construction, even if, by reason of its area, height, location, design, or construction, is not in conformance with the requirements of this Article.
- B. A legal non-conforming sign shall immediately lose its legal non-conforming status if any of the following is true:
  1. The sign is altered in any way (except for normal maintenance).
  2. The sign is relocated
  3. The sign face (except for changeable copy signs) is changed
  4. The sign and/or sign structure sustains damage which requires repairs that are in excess of thirty percent of the sign's value.
- C. Upon the loss of legal non-conforming status, a sign shall be immediately brought into compliance with this Article by securing a new permit or it shall be removed.

### 2. Notification of Non-conformity

- A. Upon the adoption of this Article, the Zoning Inspector shall identify all signs that are to be classified as "legal non-conforming" and notify their owners.
- B. If the sign owner cannot be determined, a notice shall be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated.

## PART 9. MAINTENANCE OF SIGNS

1. No person shall maintain or permit to maintain a sign that is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign at the owner's expense.
2. Every sign and supporting hardware, including temporary signs, shall be maintained in a safe and presentable manner at all times by the owner. This may include painting, cleaning, and repair or replacement of defective parts.

3. Repairs to signs and supporting hardware shall be equal to or better in quality of materials and design than the original sign.
4. The Zoning Inspector shall require compliance with all standards of this Article. If the sign is not made to comply with adequate safety and maintenance standards, the Zoning Inspector shall require its removal in accordance with this Article.

#### **PART 10. ABANDONED SIGNS**

Abandoned signs are a public nuisance and cause a blighting influence on nearby properties.

1. An abandoned sign shall be any sign that meets the following conditions: A. Any sign that is not maintained in accordance with this Article.  
B. Any sign that remains after the termination of a business. A business shall be considered terminated if it has ceased operations for at least one hundred eighty (180) consecutive days. Seasonal businesses are exempted from this determination.
2. Upon determining a sign has been abandoned, the Zoning Inspector will mail a notice to the owner of the sign and or property declaring the sign abandoned and advising the owner that it must be removed within thirty days from the date of mailing the notice.
3. If a person desires to appeal the abandoned sign designation, they must file notice to the Township Board of Zoning Appeals (BZA) within 10 days of receipt of the notice.
4. If it is determined by the Zoning Inspector that a sign is creating a dangerous situation and contact cannot be made with the sign owner, the service of a written notice shall not be required. In such an emergency, the Zoning Inspector shall initiate the immediate removal of the sign without notice. The sign shall then become the property of the Township. Any and all costs associated with removing the sign shall be assessed against the property.

#### **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 careprovider.
2. Group homes which contain one to eight (1-8) residents, exclusive of the careprovider(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 (1/4) mile of each other.
6. The owner should maintain a planned continuing contact with the adjacent residents and as necessary with the neighborhood with respect to operation of the facility. An awareness and acceptance of the group home and its residents shall be a goal. A report of activities and any incidents may be required as a condition of approval, or subsequent there to, by the township.
7. Residential care facilities which contain greater than eight (8) persons is defined as an institution.

#### **Section 6 – Transportation For Hire**

1. Transportation-for-hire business with not more than one commercial vehicle or trailer may be located in an "A" or "R" district so long as the business is operated from a parcel with an owner/operator single family dwelling.
2. Any transportation-for-hire business with two (2) or more vehicles and/or trailers must be located in a commercial district.
3. Any transportation-for-hire business wherever located in the township must meet the following requirements:
  - A. Parts, tire and other vehicles supplies shall be stored in an enclosed building.
  - B. The drive and parking surface area shall be graveled or paved and shall be within the established setbacks. The parking area shall have a minimum dimension of ten by twenty-five (10x25) feet for each vehicle and ten by sixty (10x60) feet for each trailer.
  - C. No more than one building or structure associated with the transportation-for-hire business shall be located on the property. The maximum floor area of such building or structure shall not exceed one thousand square feet or one-third the living area of the single family dwelling on the premises whichever is greater.
4. This provision does not apply to the following:
  - A. Vehicles and trailers licensed as agricultural vehicles or trailers which are an integral part of onsite agricultural business.
  - B. Buildings or structures of, or the use of the land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;
  - C. Infrequent short term parking of a commercial vehicle or trailer for the delivery of goods to a premises for use on the premises and
  - D. The delivery or moving of goods to or from a dwelling unit.

## 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. Commercial recreational facilities.
16. 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 - WIND TURBINE REGULATIONS

### Section 1 - Purpose

Plain Township recognizes the importance of clean, sustainable and renewable energy sources. To that end, Plain Township permits the use of residential wind turbines under the following regulations to ensure the safety and welfare of the township residents is met.

1. Protect residential and agricultural areas from potential adverse impact of wind turbine generators
2. Permit wind turbine generators in selected areas by on-site residential, commercial, or industrial users, subject to the terms, conditions, and provisions hereof
3. Ensure the public health, welfare, and safety of the Township's residents in connection with wind turbine generators and
4. Avoid potential damage to real and personal property from the wind turbine generators or anemometer towers or the failure of such structures and related operations.

### Section 2 - Definitions

For the purposes of the regulations of residential use of wind turbine generators. The following definitions and phrases are used in this article and are also defined in Article V.

Accessory Structures: Structures such as sheds, storage sheds, pool houses, unattached garages, and barns

Anemometer: An instrument that measures the force and direction of the wind.

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

Cowling: A streamlined removable metal that covers the turbine's nacelle.

Decibel: A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

Nacelle: A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.

Primary Structure: For each property, the structure that one or more persons occupy the majority of time, on that property, for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

Professional Engineer: A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

Wind Power Turbine Owner: The person or persons who owns the Wind Turbine structure.

Wind Power Turbine Tower: The support structure to which the turbine and rotor are attached.

Wind Power Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation.

### **Section 3 - Regulations**

1. Wind turbines shall be a permitted use in all districts under the following conditions:
  - A. The maximum height of any turbine shall be 125' ft. For purposes of this particular zoning item, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
  - B. Setbacks: the following shall apply in regards to setbacks
    1. Any turbine erected on a parcel of land will need to establish a "clear fall zone" from all neighboring property lines, as well as any habitable structures on the parcel intended for the turbine and any overhead utility lines. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at, and would not strike any structure including the primary dwelling, and any habitable structures.
    2. Clear Fall Zone shall be a minimum of turbine unit height x 1.1.
    3. Any turbine erected shall be erected behind the required front yard setback for each district.
  - C. Maintenance

1. Wind turbines must be maintained in good working order. Turbines that become inoperable for more than 24 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing turbine.
- D. Decibel Levels
1. All units shall operate within a decibel range not to exceed 70 decibels. This information shall be included in the engineering report described below in Section II of this document. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring property. If testing of decibel readings becomes necessary, it will be done at Property owner's expense.
- E. Wiring and Electrical Apparatuses
1. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground.

#### **Section 4 - Permits**

1. A permit shall be required before construction can commence on an individual wind turbine system.
2. As part of the permit process, the applicant shall inquire with the Wood County Planning Commission as to whether or not additional height restrictions are applicable due to the unit's location in relation to the Wood County Airport.
3. Applicant shall then provide the Township Zoning Inspector with the following items and or information when applying for a permit:
  - A. Location of all public and private airports in relation to the location of the turbine, as well as any applicable FAA restrictions that may be applicable to the turbine.
  - B. An engineering report that shows:
    - i. The total size and height of the unit
    - ii. The total size and depth of the unit's concrete mounting pad, iii. A list and or depiction of all safety measures that will be on the unit including anticlimb devices, grounding devices, and lightning protection,
    - iv. Data specifying the kilowatt size and generating capacity of the particular unit.
    - v. The maximum decibel level of the particular unit. This information must be obtained from the manufacturer of the turbine unit.
  - C. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right of ways, and neighboring properties.
  - D. Evidence of "clear fall zone" with manufacturer's recommendations must be attached to the engineering report.

- E. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

## **ARTICLE XVIII - 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 established from time to time by Resolution adopted by the Plain Township Board of Trustees.
2. The Zoning Inspector shall forthwith deposit all fees with the Township Fiscal Officer, who shall credit such fees to the credit of the General Revenue Fund of the Township.
3. Every zoning certificate shall require the applicant to certify that the building or the proposed use of a 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 Township Trustees.

#### **ARTICLE XIX - 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 XX - 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 XXI – ZONING COMMISSION**

### **Section 1 – Duties Of Zoning Commission**

For the purpose of this Resolution the Zoning Commission shall have the following duties:

1. Prepare and adopt land use plans for the unincorporated territory of the Township
2. Review and/or initiate and review all proposed amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees
3. Review Planned Unit Development Preliminary Plans and make recommendations to the Board of Township Trustees and approve Planned Unit Development Final Plans
4. Review and approve Site Plans and
5. Make an analysis and present a report on any matter before the Board of Zoning Appeals

### **Section 2 – Organization And Procedures**

#### **1. Membership**

There is hereby created a Plain Township Zoning Commission of five(5) members, who shall be appointed by the Township Trustees. Members shall be residents of the unincorporated area of the Township included in the area zoned.

##### **A. Terms**

The terms of each member shall be five (5) years beginning January 1<sup>st</sup>, except that the term of the original members shall be of such length and so arranged that the term of one successor is appointed and qualified each year. Each member shall serve until the member's successor is appointed and qualified.

##### **B. Alternatives**

The Board of Township Trustees may appoint one alternate member to the township Zoning Commission, for terms to be determined by the Township Trustees. An alternative member shall take the place of an absent regular member at any meeting of the township Zoning Commission. An alternate member shall meet the same membership criteria as a regular member. When

attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. Each alternate member shall serve until the member's successor is appointed and qualified.

C. Vacancies and Removal

Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term. Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

2. Officers

A. The Zoning Commission shall organize annually and elect a Chairperson and Vice-Chairperson Secretary from its membership. The Township Board of Trustees may appoint a Secretary to serve the Township Zoning Commission. The Commission shall adopt rules as may be necessary to carry into effect the provisions of this Resolution and to exercise the powers and jurisdiction conferred upon it by the Resolution.

B. The Chairperson shall preside at all meetings of the Commission, and decide on all points of order and procedure unless otherwise directed by a majority of the Commission. The Chairperson may appoint committees deemed necessary to carry out the business of the Commission. The Chairperson may administer oaths.

C. The Vice-Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during an absence, disability or disqualification.

D. The Secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Commission. The Secretary's signature shall be the official signature of the Commission and shall appear on all decisions as directed by the Commission.

3. Proceedings of the Zoning Commission

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairperson and at such other times as the Commission may determine. All showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and filed in the office of the Commissioner.



## ARTICLE XXII - 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 1<sup>st</sup>, 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 Plain Township 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 difficult 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 XXIII - 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 XXIV - EFFECTIVE DATE**

**SECTION 1**

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

PASSED August 24, 2020

ADOPTED August 24, 2020

TRUSTEE Donald L. Beehster

TRUSTEE Ron Belski

TRUSTEE James A. Ross

ATTEST Eli Zabel B. Frostdorf  
Eli Zabel B. Frostdorf, Fiscal Officer

Original Date Adopted: Nov. 14, 1967  
Amended: April 1, 1979  
Amended: Jan. 1, 1989  
Amended: Jan. 22, 2007  
Amended: August 24, 2020

**Plain Township Zoning Fees  
As of August, 2020**

1. Single family residential building construction	\$300.00
2. Two-family residential building construction	\$400.00
3. Each additional family above two – in addition to above	\$100.00
4. Residential accessory building, garages or additions to buildings.	\$150.00
a. If square footage is less than 250 square feet.	\$75.00
5. Industrial or Commercial building construction or remodeling	\$1,000.00
6. Fences and desks	\$50.00
7. In ground pools or ponds	\$100.00
8. Signage	
a. On site sign less than 30 square feet	\$100.00
b. On site sign 30 to 100 square feet	\$200.00
c. Off site sign less than 200 square foot	\$250.00
d. Off site sign more than 200 square foot	\$450.00
9. Zoning Appeal Board Hearings, Conditional Use Permits and Variances	\$300.00
10. Zoning Commission Board Hearing, Land Use Changes	\$400.00

Zoning Fees and rates subject to change at the discretion of the Township Trustees and independent of any changes to the overall zoning resolutions.