

Windham Township Zoning Resolution



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Portage County Ohio
Lori Calcei County Recorder
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**Windham Township,
Portage County, Ohio
Updated 2019**

November 13, 1970

Amendments June 7, 1973

Amendments June 1, 1978

Amendments December 1, 1983

Amendments August 1, 1992

Amendments December 20, 1994

Amendments March 5, 1998

Amendments November 9, 1998

Amendments February 22, 2001

Revised 2014

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Amendments February 2019

Amendments July 2023

Amendments October 2023

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Article I

SECTION 1.1:

This Resolution shall be known as the Windham Township Zoning Resolution.

SECTION 1.2: Authorization:

The authority for establishing "The Windham Township Zoning Resolution" is derive from sections 519.01 to 519.99, inclusive, of the *Ohio Revised Code*.

SECTION 1.3: Purpose: The purposes of this Zoning Resolution:

- A. To promote and protect the public health, safety, convenience, comfort, prosperity and general welfare of the Township in accordance with Section 519.02 of the *Ohio Revised Code*.
- B. To regulate the use of buildings, other structures and land for residential, commercial, industrial, public, or other uses;
- C. To regulate the bulk, height, design and location of structures;
- D. To regulate population density;
- E. To divide the land within the Township into districts, according to the use of land and buildings and the intensity of such use, as may be deemed best suited to carry out the purposes of the Township Land Use Plan and this Zoning Resolution; and
- F. To provide procedures for the administration and enforcement of this Zoning Resolution.

SECTION 1.4: Minimum Requirements, Conflicting Regulations:

- A. The provisions of this Zoning Resolution shall be construed to achieve the purposes and objectives for which they are adopted. In interpreting and applying the provisions of this Zoning Resolution, these provisions shall be held to be the minimum requirements necessary in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare. If for any reason any of these requirements are found to be incompatible or inconsistent with another requirement of this Resolution, the provision with the more restrictive requirement shall be deemed applicable.

- B. 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 the Resolution shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this resolution.

SECTION 1.5: Separability Clause:

Should any statement or provision of this Resolution be declared unconstitutional or invalid by the courts, such decision shall not nullify or affect the validity of the Resolution as a whole, or any other part of the Resolution other than the part declared invalid or unconstitutional.

Article II - General Provisions

SECTION 2.1: Establishment of Districts or Zones:

The unincorporated territory of Windham Township, Portage County, Ohio is hereby divided into districts or zones as follows:

- A. R-1 Residential District
- B. I-1 Industrial District

SECTION 2.2: Uniformity of Regulations:

All regulations shall be uniform for each class or kind of buildings, other structures, or use, throughout each district or zone.

SECTION 2.3: Zoning Districts Map:

The districts or zones and their boundary lines are indicated upon a map entitled "Zoning Districts Map of Windham Township, Portage County, Ohio", which map, together with all notations, references, and matters shown thereon is hereby attached to and made a part of this Resolution. Said map shall be maintained in the office of the Township Clerk, and shall show all amendments or changes made thereon.

SECTION 2.4: Uses Exempt from Regulations:

- A. Agricultural Uses: Nothing contained in these regulations shall prohibit 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 upon which such buildings or structures are located, and no zoning certificate shall be required for such use, building or structure. Farm dwellings, however, shall conform to the regulations contained in this Resolution for R-1 Districts. See definition of agriculture, Appendix 1.
- B. Public Utilities and Railroads: Nothing contained in these regulations shall prohibit the location, erection, construction, reconstruction, change alteration, maintenance, removal, use or enlargement of any building or structures of any public utility or railroad, for the operation of its business.

SECTION 2.5: Nuisances Prohibited:

This Resolution permits specific uses in specific districts. These performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. Points of measurement to determine compliance with the performance standards of this Resolution shall be the property line, unless otherwise specified. All structures, lands, air and waters shall hereafter, in addition to their use, site and sanitary regulations, comply with the following performance standards:

- A. Noise: All sources of noise (except those not under the direct control of occupant of use, such as vehicles) must comply with the following standards:
1. The level of sound cannot exceed the values specified in Schedules 1 and 2 when measured at the points indicated.
 2. Between the hours of 11:00 P.M. to 7:00 A.M. (local time), the permissible sound levels for a commercial or industrial use at a Residential Zoning District boundary or where adjoining to a residential use, shall be reduced by ten (10) decibels in each octave band for impact noises designated in Schedule 2.
 - a. Method of Measurement: The maximum permitted sound levels for each type of land use, measured in decibels at property lines, shall not exceed the following values:

SCHEDULE 1 MAXIMUM PERMITTED SOUND LEVELS (DECIBELS) FOR RESIDENTIAL AND OTHER NON-COMMERCIAL AND NON-INDUSTRIAL USES	
Octave band, cycles/second	No residential or non-commercial or non-industrial activity or use shall produce a sound level at property lines that exceed the following
0-75	72
75-150	67
150-300	59
300-600	52
600-1200	40
1200-2400	46

SCHEDULE 2 MAXIMUM PERMITTED SOUND LEVELS (DECIBELS) FOR COMMERCIAL AND INDUSTRIAL USES		
Octave band, cycles/secon d	Adjoining Residential District Boundaries or Residential Uses	Along Industrial Building Lot Lines within an Industrial Zoning District
0-75	72	79
75-150	67	74
150-300	59	66
300-600	52	59
600-1200	46	53
1200-2400	40	47
2400-4800	34	41
Over 4800	32	39

- B. Vibration: No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for:
1. Three minutes or more duration in any one hour of the day between the hours of 7:00 a.m. and 7:00 p.m. (local time);
 2. Thirty seconds or more duration in any one hour during the hours 7:00 p.m. to 7:00 a.m. (local time);
 3. The product of displacement in inches times the frequencies in cycles per second of earth borne vibrations from any activity shall not exceed the values specified in Schedule 3 when measured at the points indicated.
 4. Method of Measurement:
 - a. Earth borne vibrations shall be measured by means of a three component recording system, capable of measuring vibration in three mutually perpendicular directions. The displacement shall be the maximum instantaneous vector sum of the amplitude in the three directions.

SCHEDULE 3		
MAXIMUM PERMITTED VIBRATIONS (INCHED PER SECOND) AREA OF MEASUREMENT		
Type of Vibration	At residential boundaries	At all other lot lines
Continuous	.003	.015
Impulsive 100/min or less	.006	.030
Less than 8 pulses per 24 hours	.015	.075

- C. Glare or Heat: Any use or activity in any district, which produces an intense glare or heat, shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard along lot lines.
- D. Air Pollution: Any use or activity in any district that emits smoke, fly ash, dust, particulate, vapors, mists, gases or other substances in quantities or in a manner that exceeds established state or federal standards or that is harmful or potentially harmful to human health, to animals, to vegetation or to other property, or which can cause excessive soiling shall be considered a public nuisance and is prohibited. Dust and other types of pollution borne by the wind from such sources as storage areas, yards, or roads within the lot boundaries shall be kept to a minimum by appropriate landscaping, fencing, or other acceptable means.

1. Method of Measurement:
 - a. No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringlemann Chart.
 - b. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringlemann Chart, for not more than four minutes in any thirty-minute period.
 - c. For the purpose of grading the density of smoke, the Ringlemann Chart, as published by the U.S. Bureau of Mines, shall be the standard.
- E. Water Pollution: No use or activity within the Township shall locate, store, discharge or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, toxicity, temperature, or obnoxiousness that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable deposits of debris, oil, scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

In addition, no use or activity shall withdraw water or discharge any liquid or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth by the Ohio or Federal EPA, Ohio Revised Code or other applicable accepted standards.
- F. Radioactivity: All operations using or storing radioactive materials, whether or not licensed by the Atomic Energy Commission, or appropriate agency shall be prohibited.
- G. Electrical Interference: No use, activity, or process shall be conducted which produces electromagnetic interference with radio, cell phone or television reception.
- H. Fire or Explosive Hazards: All uses and activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and suppression equipment as defined by the WVFD Joint Fire District requirements and devices that is standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have noncombustible exterior walls and an automatic fire extinguishing system.
 1. Method of Measurement:
 2. The storage, use or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

3. The storage, use or manufacture of solid materials or products ranging from free to active burning to intense burning is permitted provided the following condition is met:
 - a. The said materials are stored, used or manufactured within a completely enclosed building having incombustible exterior walls and protected throughout by an automatic fire extinguishing system; or
 - b. The said materials are stored outdoors in conformance with the regulations of the Fire Prevention Code of the American Insurance Association, and such storage shall have 50 feet clearance from all property lines.
4. The storage, use or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with Schedule 4.

SCHEDULE 4 TOTAL CAPACITY IN GALLONS OF FLAMMABLE MATERIALS* PERMITTED		
Type of Industry	Above Ground	Below Ground
A. Businesses/Industries Engaged in Storage and Distribution		
1. Materials having a closed cup flash point over 187 Degrees F.	100,000	400,000
2. From and including 105 degrees F. to and including 187 degrees F.	50,000	200,000
3. Materials having a closed cup flash point of less than 105 degrees F.	20,000	100,000
B. Businesses/Industries Engaged in Use or Manufacture of Flammable Materials		
1. Materials having a closed cup flash point over 187 Degrees F.	50,000	400,000
2. From and including 105 degrees F. to and including 187 degrees F.	10,000	200,000

* When flammable gases are stored, used, or manufactured and measured in cubic feet, the quantity in Cubic feet (at S.T.P.) permitted shall not exceed 300 times the quantities listed.

- I. Burial of Waste: No waste of any kind shall be buried on the property. All waste must be properly disposed of according to OEPA, State, and County Health Codes. Home based composting or organic refuse will be allowed provided that such use is incidental to the residence and is not conducted as, or part of a business and provided it does not become a public nuisance.
- J. Dangerous/Objectionable/Prohibited Uses: No use shall be permitted or authorized to be established that may become hazardous, noxious, or offensive, injurious, harmful, or objectionable or which may otherwise adversely affect surrounding areas or adjoining

premises. At a minimum, the occupation or use of any land or building in any district shall be in violation of the Resolution if one or more of the following conditions are found to exist at any time.

1. The use or storage of flammable or explosive materials is not adequately protected by fire fighting and fire protection equipment or by such safety devices as are normally required for such activities.
2. Activities involving the use of storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved.
3. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency.
4. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency.
5. Objectionable noise as determined by the Zoning Inspector due to volume, frequency or beat is present.
6. Vibration discernible by the Zoning Inspector without instruments is present on an adjoining lot or property.
7. Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district.
8. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property.
9. Water pollution or containment is present in violation of the regulations of the Ohio Environmental Protection Agency.

K. Assurance Requirements and Plans: Prior to the issuance of a Zoning Certificate the applicant may be required to provide written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of process, operations entailed in certain uses or occupations shall comply with the requirements of this Resolution.

L. Enforcement Provisions: Any occupancy, use, conditions or circumstances existing in violation of this Resolution shall be subject to the enforcement procedures contained in this Resolution.

M. Prohibit Uses: The following specific uses are prohibited in any area:

1. Storage, sale, or manufacture of fireworks, or any other explosive.
2. Dumping, storing, burying, reducing, disposing or burning of garbage, refuse, scrap metal, rubbish or dead animals (except household pets buried in own yard), except as specifically permitted in this Resolution except for composting

yard wastes and kitchen scraps (no meat, dairy or fat wastes) if properly maintained. Guidelines of the Portage County Solid Waste District are adhered to.

3. Use of any vehicle for dwelling unit purposes.
4. Junk motor vehicles, junk yards, auto graveyards or places for the collection of scrap metal, paper, rags, glass, or junk for sale, salvage, or storage purposes or for dismantling used vehicles, except as otherwise specifically permitted in this Resolution.
5. Slaughterhouses and fertilizer manufacturers.
6. Wild and Dangerous Animals: No person or owner shall be permitted to keep, maintain or have in their possession or under their control within the Township of Windham any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, and vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.
 - a. Exemptions:
 - 1) A person possessing or having custody of a sick or injured wild animal solely for the purpose of transporting the animal to a licensed veterinarian or permitted wildlife rehabilitator for care, to any incorporated humane society or animal shelter, to an organization that is an accredited member of the American Association of Zoological Parks and Aquariums, or to a state, federal, or local governmental official with authority or apparent authority to handle the animal.
 - 2) Licensed veterinarians and incorporated humane societies or animal shelters tending to injured or sick wild animals.
 - 3) The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where they are kept as live specimens for the public to view, or for the purpose of instruction or study.
 - 4) The keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show; in such cases not to exceed thirty (30) days.
 - b. No person or owner shall be permitted to keep, maintain or have in his or her possession or under his or her control within the Township of Windham any of the following wild animals: Any animal that has been declared to be protected or endangered by the U. S. Department of Interior and/or the *Ohio Revised Code*.
 - c. Any other dangerous animal. Dangerous animal includes 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 escaped from secure quarters. Dangerous animal also includes any domestic,

reptile, or fowl which because of its size or vicious propensity or other characteristic would constitute a danger to human life or property if it escaped from secure quarters.

SECTION 2.6: Principal Buildings

- A. Except as otherwise specified in this Resolution, all principal buildings, regardless of use, shall be located on a lot having the required frontage on a public street or private street built to Portage County Subdivision Regulations standards.
- B. Except as otherwise specified in this Resolution, no more than one principal residential building shall be permitted on any individual lot.
- C. Minimum Distance for Buildings Intended for Human Habitation from Oil and Gas Facilities:
 - 1. All buildings intended for human habitation, place of assembly, education or occupancy by the public shall be located at least 300 feet from any well head, separator units, storage tank and tank battery.
 - 2. No habitual structure for human habitation, place of assembly, education or occupancy by the public shall be located may be placed within 25 feet of a plugged well.

SECTION 2.7: Regulations of Accessory Buildings and Structures

- A. Except as otherwise specified in this Resolution, all lots shall be permitted accessory buildings or structures, excluding attached garages, in association with a principal building provided that:
 - 1. It shall not be located closer than fifteen (15) feet to any principal building and ten (10) feet from all other non-inhabitable buildings.
 - 2. It shall not exceed thirty-five (35) feet in height.
 - 3. It shall not be located in the front yard area of a lot.
 - 4. It shall meet all yard requirements of the zoning district.
 - 5. It shall not contain or be used as a dwelling unit.
 - 6. It shall be made of durable all-weather materials.
 - 7. Additional requirements for accessory buildings and structures with any dimensions greater than 192 total square feet shall comply with the following requirements.
 - a. A Zoning Certificate is required.
 - b. The building or structure shall be placed on a permanent frost-free foundation.
 - 8. Additional requirements for accessory buildings and structures with any

dimensions equal to or less than 192 total square feet shall comply with the following requirements.

- a. A Zoning Certificate is required.
 - b. It shall not exceed twelve (12) feet in height.
 - c. It shall be located in the rear yard area of a lot.
 - d. It may be placed as close as fifteen (15) feet from the property lines comprising the rear yard area, if it is for the residents use.
9. Temporary Dwellings: No residential dwelling may be placed on the same lot with another residential dwelling except as otherwise permitted in this Resolution.

SECTION 2.8: Temporary Medical Hardship Permit

A temporary medical hardship certificate may be issued to allow the convenient provision for assisted health care needs of a person with a demonstrated health hardship by allowing the temporary placement of a manufactured home on a lot with an existing single-family residence. The certificate is temporary in nature and not intended to increase the residential density beyond the current zoning district requirements. Only a manufactured home is permitted to be placed on the property and no other type of dwelling unit will be permitted.

- A. Basis for Approval: A temporary medical hardship certificate may be granted to allow placement and occupancy of a manufactured home on a lot with a single-family residence based on the following conditions:
1. The person with the medical hardship must either be one of the property owners or a relative of one of the property owners.
 - a. If the person with the medical hardship is one of the property owners, then the primary health care provider may reside temporarily in the manufactured home and is not required to be a relative.
 - b. If the person with the medical hardship is a relative of one of the property owners, then the primary care provider must be a relative.
 - c. For the purposes of this section, a relative is defined as a spouse, grandparent, parent, child, brother or sister, either by blood or legal relationship.
 2. The Applicant(s) shall be required to Submit:
 - a. A statement signed by a medical doctor that the person with the medical hardship is unable to adequately provide daily self-care needs based upon a diagnosis of the licensed physician;
 - b. A signed affidavit stating that the manufactured home will be removed within 60 days of the medical hardship condition no longer existing or within 60 days of the temporary medical hardship certification's expiration date.
 - c. The applicant(s) must submit a site plan containing the following information to ensure that the siting of the manufactured home shall meet all applicable setback requirements for the zoning district without a variance:

- 1) The size and boundaries of the lot;
 - 2) The location of all existing buildings on the lot;
 - 3) Location of existing sewage disposal system, including leach fields;
 - 4) Location of the existing public or private water system, including wellheads;
 - 5) The proposed location of the mobile home or manufactured home on the lot (the mobile home should be placed to the rear of the primary residential dwelling whenever possible);
 - 6) The location of any wheelchair ramps to accommodate the health care needs of the proposed occupant (no other accessory structures are permitted).
- d. The applicant(s) must submit documentation that indicates approval of the water supply and sewage disposal systems for the manufactured home by the appropriate governmental agency.
 - e. The manufactured home must remain in its transportable state. The manufactured home cannot be placed on a permanent foundation.
- B. Issuance of a Medical Hardship Permit: A temporary medical hardship certificate may be issued for a period of up to one (1) year. The permit is renewable for successive one (1) year periods upon written request by the applicant(s). A letter from a medical doctor must accompany the continuance request, which states the medical hardship still exists.

SECTION 2.9 Replacement/Repair:

Where a structure used for residential purposes is destroyed or determined to be unfit for habitation due to natural or unintentional disaster such as flood, fire, explosion, etc., temporary housing (manufactured homes) shall be permitted for a period not to exceed two years while repairing, rebuilding or replacing the damaged dwelling, provided the following requirements are met

- A. The Zoning Inspector shall take into consideration the County Board of Health and/or Building Department recommendations in determining whether a dwelling is unfit for habitation due to disaster causes.
- B. Sanitary sewage disposal and water system for temporary housing shall be in a manner approved by the County Board of Health and proof of approvals from the Health Department shall be submitted to the Zoning Inspector prior to the issuance of a Zoning Certificate.

- C. A Zoning Certificate for temporary housing shall be issued for an initial term of two years. Applicant must submit a work schedule for permanent dwelling construction within ninety (90) days of being issued a Zoning Certificate.
- D. A Zoning Certificate for temporary housing shall be separate from, and have no bearing on, any other permits for structures that may be required to conform to this Zoning Resolution.
- E. All temporary housing shall be removed within thirty (30) days after the damaged dwelling is fit for habitation, or within thirty (30) days of the expiration date of the Zoning Certificate for the temporary housing, whichever shall come first.
- F. The location of the temporary housing must meet all the existing side yard regulations but may not encroach into the front or rear yard setback area by no more than 50% of that setback area.

SECTION 2.10: New Construction:

Where a new residential dwelling would replace an existing residential dwelling on a property or while a house vacant lot is being constructed, a temporary residence may be placed upon the lot and used by the residents providing a Zoning Certificate is issued in accordance with the following requirements.

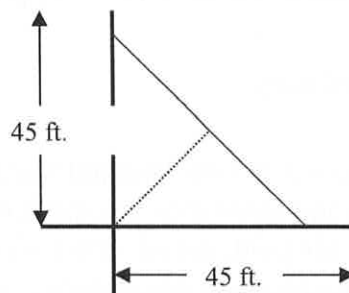
- A. A notarized statement will be required of the applicant affirming his agreement to raze or remove the original dwelling(s) or to have a second lot created, within one year of the date of the issuance of the second permit for the new dwelling unit.
- B. New construction shall be completed within two (2) years of issuance of zoning permit.

SECTION 2.11: Projections into yard area:

- A. Terraces, porches, platforms or other ornamental features, whether covered or uncovered, which do not extend more than two (2) feet above the level of the ground, may project into a required side yard, provided these projections remain a distance of at least twelve (12) feet from the adjacent property lot line to allow passage of emergency vehicles and fire apparatus.
- B. The ordinary projections of balconies, chimneys or flues, and similar architectural projections shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side, or rear yard.

SECTION 2.12: Manufactured Homes:

- A. All manufactured homes shall be located on a permanent foundation in compliance with 1992 CABO 1 and 2 Family Dwelling Code and all Portage County Building Department Resolutions.
- B. All Manufactured Homes shall be skirted from the ground to the floor with material that has no more than ten (10) percent openings to prevent small children and animals from crawling underneath.
- C. All Manufactured Homes shall have adequate health facilities available, including running water and toilet facilities connected to an approved sewerage system.
- D. Manufactured Homes not used as dwellings shall not be permitted to remain on the lot.
- E. Manufactured Home may be permitted for use as a temporary building (home), as specified in this Resolution.
- F. Corner Lots:
 - 1. Required yards facing streets: Corner lots are required to have the minimum front yard requirements facing both streets.
 - 2. Visibility at corner lots: No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines at 45 feet in both directions from the intersection of the centerline of street lines. Shade trees which are pruned at least eight (8) feet above the established grade of the roadway so as not to obstruct clear view by motor vehicle drivers are permitted (see below).



- G. Substandard Lot: Any lot which was platted prior to the enactment of this Resolution, that does not meet the requirements of this Resolution for yards, or other open space, may be utilized for single residence purposes, provided the necessary requirements for sanitary sewage facilities and water as established by the responsible health authority

can safely be accommodated. The purpose of this provision is to permit utilization of recorded lots, which lack adequate width, depth, or area, so long as reasonable living standards can be maintained.

1. In no case shall the setback be less than 8 feet.

H. Outdoor advertising signs: Outdoor advertising signs shall be classified as a business use and shall be permitted in all districts zoned for industry, business, trade, or lands used for agricultural purposes. Outdoor advertising signs shall be erected subject to the provisions of Article IV.

I. Fences, Walls and Hedges: Fences, walls and hedges are permitted in any required yard provided:

1. Fences, walls, or hedges alongside or rear property lines shall not exceed six (6) feet in height above the grade.
2. Fences, walls, or hedges along the front yard area shall not exceed four (4) feet in height.
3. Informal plantings may be higher than six (6) feet in height.
4. All fences, walls and hedges shall be well maintained and shall not become hazardous to neighboring uses or obstruct vision of motorists at intersections, both of intersecting roadways and driveway/roadway intersections.
5. A fence, wall, or hedge cannot be located any closer than 3 feet from any property line.

J. Flood lands, High-water Tables and Unstable Soils:

1. No principal uses except recreational, agricultural, and nature preserves, shall be permitted in areas subject to periodic flooding, as determined by Federal Emergency Management Agency (FEMA), or detailed U.S. Army Corps of Engineering studies. Land defined as a wetland and which may be indicated on the National Wetlands Inventory Map, Portage County Soil Survey (hydric soils or non-hydric soils with hydric inclusions), or most current wetlands study shall not be altered, dredged, filled, excavated, constructed on, until the U.S. Army Corps of Engineers or the Ohio EPA has determined jurisdiction and, if such jurisdiction is applicable, what regulations will apply.
2. Unstable soils, as defined by the Portage County Soil Survey and/or the Portage County Building Department may not be built upon in order to protect personal and real property and lives.
3. No land may be used in such a manner that may increase danger to health, life, property, or increase the flood hazard or impair drainage or water courses.

K. General Regulations of Roads, Lighting Utilities and Fire Protection.

1. Streets and Roads: Any development may utilize either a public and/or private roadway network designed in accordance with the following specifications, unless otherwise specified in the Portage County Subdivision Regulations:
 - a. Street alignments shall follow natural contours and be designed to conserve natural features.
 - b. Locations of streets shall be planned to avoid excessive storm water runoff.
 - c. The area of the project devoted to streets and related pavement shall be the minimum necessary to provide adequate and safe movement through the development.
 - d. All roadways shall have a minimum improved surface of twenty-two (22) feet in width for the safe passage of emergency vehicles and fire apparatus.
 - e. All roadways that are dead-end must have adequate space for all types of fire equipment to turn around at the end.
2. Fire Protection, Lighting, Utilities: All residential developments shall contain adequate fire hydrants, if applicable, as determined by the Fire Department which serves the area; shall have adequate artificial lighting of streets which meet the current Township lighting standards and shall have all utility lines placed underground.

L. Parking and Storing of Vehicles:

1. General Requirements:
 - a. No parked vehicle, trailer or cargo container shall be used as a dwelling, office or other structure, or for the storage of any material or animals, and shall have no connections to any electric, telephone, water, sewer, gas or fuel source.
 - b. No unlicensed or inoperable or dismantled vehicle may be parked in any residential lot.
 - c. Any number of motor vehicles or trailers may be repaired, constructed and/or stored simultaneously if conducted within an enclosed building.
2. Inoperable Motor Vehicles:
 - a. Any unlicensed or junk motor vehicle or a collector vehicle meeting the requirements of a junk motor vehicle shall be stored in an enclosed garage or building
 - b. A junk motor vehicle means a motor vehicle that meets all of the following criteria:
 - 1) Three model years old, or older;
 - 2) Apparently inoperable;
 - 3) Extensively damaged, including, but not limited to any of the following: missing wheels, tires, engine, or transmission.
 - c. A Junk Motor Vehicle Inspection Form will be issued by the Zoning Inspector

for vehicles not in compliance.

Article III - District Regulations

SECTION 3.1 Residential District:

- A. Purpose: The purpose of this district is to accommodate residential development at low density that will promote the continuation of the predominately rural residential character of Windham Township.
- B. Uses: Within an R-1 Residential District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:
 - 1. Permitted Uses:
 - a. Single-family Dwelling
 - b. Two-family Dwelling
 - c. Home occupation
 - d. Accessory buildings
 - e. School and other Government Buildings
 - 2. Conditionally Permitted Uses:
 - a. Bed and breakfast establishments, subject to Section 5.4
 - b. Cemeteries, subject to Sections 5.5
 - c. Home based businesses, subject to Section 5.6
 - d. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures; subject to Section 5.7
- C. Area, Yard and Height Regulations:
 - 1. Minimum Lot Size: The minimum lot area shall be two (2) acres, exclusive of road right-of-way or otherwise encumbered area, with a minimum lot width at the building setback line of one hundred fifty (150) feet.
 - 2. Minimum Frontage on a Street: Two hundred (200) feet
 - 3. Minimum Rear Yard Width: Seventy five (75) feet.
 - 4. Minimum Front Yard Depth (street address): One hundred twenty (120) feet from the road right of way.
 - 5. Minimum Rear Yard Depth: Fifty (50) feet
 - 6. Minimum Side Yard Width: Fifteen (15) feet for each side at set back
 - 7. Maximum Building Height: Thirty-five (35) feet
 - 8. Minimum Living Floor Area per Dwelling Unit
 - a. Unless otherwise specified, the minimum residential living floor area per dwelling unit is as follows:

1) Single- Family:

One story – 1,250 sq. ft. measured at the foundation.

1 ½ story – 1,000 sq. ft. measured at the foundation, plus 500 sq. ft. on the additional story.

Two story – 1,500 sq. ft. total not less the 750 sq. ft. 1st floor.

2 ½ story – 1,500 sq. ft. total not less than 750 sq. ft. 1st floor.

2) Two Family:

One story – 1,000 sq. ft. per dwelling unit measured at the foundation

Two story – 1,500 sq. ft. total not less than 750 sq. ft. 1st floor.

- b. Minimum living floor area per family shall not include porches, steps, terraces, breezeways, attached or built-in garages, unfinished basements not having windows exposed to the outside, or other attached structures not intended for human occupancy.

D. Accessory Buildings:

1. Accessory buildings shall be limited to thirty-five (35) feet in height.
2. Automobiles, vehicles, trailers and mobile homes cannot be used as an accessory building or accessory use building.

- E. All residential buildings (including manufactured homes) shall have a complete foundation permanently affixed, installed to a depth below the frost line, and must be at least one story above ground level. Plus, all dwellings must conform to current State and Local fire and safety codes.

SECTION 3.2: Industrial District:

- A. Purpose: The purpose of this district is to provide for a limited variety of industrial developments in appropriate locations so as to maintain and promote the rural residential character of Windham Township.

- B. Uses: Within an I-1 Industrial District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

1. Permitted Uses:

- a. Lumber yard for retail lumber sales.
- b. Warehousing
- c. Grain Elevators
- d. Research laboratories and offices

- e. Contractor's yards and storage facilities provided, however, that all equipment, tools, and facilities shall be neatly arranged or stored or kept within a suitable building.
 - f. Assembling, polishing, grinding of metal and plastic products, but not the manufacture of steel and other metals.
 - 2. Conditionally Permitted Uses:
 - a. Wireless telecommunication service facilities that are not public utilities, subject to Subsection 5.7.
- C. Area, yard and Height Regulations:
- 1. Minimum Front Yard: One hundred (100) feet from road right of way
 - 2. Minimum Rear Yard: One hundred (100) feet.
 - 3. Minimum Side Yard: One hundred (100) feet
 - 4. Maximum height: 35 feet
- D. Parking and Loading Requirements:
- 1. Manufacturing and industrial establishments shall have one (1) space per employee. The total number being the total number of employees on the largest shift of employees. Off-street parking may be permitted in the rear and side yards.
 - 2. Every building used for the following purposes: Manufacturing, storage, warehousing, department store, wholesale store, retail store, market, dairy, mortuary, and other uses similarly and customary receiving or distributing goods by motor vehicle shall provide space on the premises for unloading purposes on the basis of the following regulations:
 - a. Every building having five thousand (5,000) square feet or over, gross floor area, shall be provided with at least one truck loading or unloading space not less than twelve (12) feet in width, fifty (50) feet in length, and fourteen (14) feet clearance. One additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet, or fraction thereof, of gross floor area in the building.
 - b. Access to truck loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.
 - c. Loading space as required under this section shall be provided as are additional to off-street parking spaces as required, and shall not be considered as supplying off-street parking space.

Section 3.3: Home Renewable Energy Systems

A. Ground Mounted Solar Systems

1. Ground-mounted systems are subject to the setback requirements in Section 3.1.C. The required setbacks are measured from the lot/parcel/property line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.
2. No system shall be permitted to be located in the required front yard setback.
3. Ground mounted solar systems require a permit from the township. After a review and acceptance of site plan and required information, a permit authorizing construction shall be issued.

Article IV - Sign Regulations

SECTION 4.1: The following signs are permitted in any district:

- A. One non-illuminated sign, advertising the sale or lease of the lot or building, not exceeding six (6) square feet in area on any lot.
- B. Signs appropriate to public or semi-public building for the purpose of displaying the name and activities or services therein provided, not larger than a total of twenty (20) square feet and restricted to the premises.
- C. Signs incidental to legal process and necessary to the public welfare.
- D. No sign shall extend into any highway or street right-of-way.
- E. Signs no larger than ten (10) square feet in area are permitted in any district when the use of the sign is in direct relation to the use on the premises.
- F. A sign shall not exceed six feet in height, unless otherwise specified in this Resolution.

SECTION 4.2: The following signs are permitted in the Industrial District and a Zoning Certificate shall be required:

- A. Business signs and billboards are permitted only in an industrial district. Such signs are subject to the following regulations and a Zoning Certificate shall be required.
 - 1. Location:
 - a. Business signs may be fixed flat against the wall of buildings or may project not more than four (4) feet. The bottom of a projecting sign shall be at least ten (10) feet above the finished grade of the building.
 - b. No business sign or billboard shall be erected closer than eighty (80) feet to any intersection with the exception of those signs incidental to the legal process and necessary to the public welfare or those signs attached to a building or structure and they must be placed so as not to obstruct the view or cause a traffic hazard.
 - c. All business signs and billboards erected beyond eighty (80) feet but within two hundred (200) feet of any intersection must be erected so as not to obstruct the view or cause a traffic hazard.
 - d. All billboards and business signs shall be required to meet the minimum setback required of the district in which it is located.

- e. No business sign shall be located on, or project into a public right-of-way.
- B. Maximum size of signs shall be one hundred (100) square feet exclusive of base, poles, or other types of support.
- C. No free standing billboard shall have less than three (3) feet of bottom open space along its entire length. Latticing shall be regarded as satisfying this requirement.
- D. Illumination: Any business sign or billboard may be illuminated with electric lights (including neon or other gaseous type tubes or incandescent lamps).

SECTION 4.3: Measurement of Sign Areas and Height

- A. The sign face shall be computed as including the entire area within a geometric form or combinations of geometric forms comprising all of the display area of the sign and including all advertising matter displayed.
- B. Frames and structural members not being used to display advertising matter shall not be included in computation of sign face.
- C. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the total allowable display area, except where the two faces are placed back-to-back and are at no point more than two (2) feet from each other. In these instances, the total allowable display area shall be taken as the area of one of the sign faces, and if the faces are unequal in area, the larger shall determine the measurable display area.
- D. For a sign consisting of individual letters or symbols attached to or painted on a surface, such as, but not limited to a wall, window, canopy or awning, the sign face shall be considered as the smallest rectangle or other geometric form which encompasses all of the letters and symbols.
- E. For a sign painted on or applied to a building the height of a sign shall be computed as the distance from the base of a sign or supportive structure at its point of attachment at normal grade to the top of the highest attached component of the sign. The finished grade may not be altered so as to raise the height of the top of the sign from the finished grade of the site.

SECTION 4.4: Criteria for the Construction and Design of Signs

In addition to ensuring compliance with the numerical standards of these regulations, the Zoning Inspector shall consider the proposed general design, arrangement and placement of the sign according to the following criteria.

A. Construction Standards:

1. All signs shall be constructed in conformance with the appropriate building code and other applicable requirements of the County and Township.
2. All signs shall be structurally sound so as to pose no threat to pedestrian or vehicular traffic. Signs shall be fabricated on and of material that is of good quality and durability.
3. All signs shall be rigidly secured and no sign shall swing from a bar, crane, awning or other sign. No part of any sign shall be revolving, oscillating or otherwise be designed to move.

B. Design Criteria:

1. The lettering shall be large enough to be easily read, but not overly large or out of scale with the building or site.
2. The number of items, letters, symbols and shapes shall be consistent with the amount of information that can be comprehended by the viewer, reflect simplicity, avoid visual clutter and improve legibility.
3. The shape of the sign shall be simple, and the sign should be consolidated into the minimum number of elements.
4. The size, style and location of the sign shall be appropriate to the activity of the site.
5. The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture. The sign shall also have a minimum of advertising and reflect the primary purpose of identifying the name and type of establishment or use.
6. Instructional signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.

C. Illumination of Signs:

1. Signs permitted to be illuminated shall be in compliance with the following requirements:
 - a. Whenever external illumination is used for a sign, the source of light shall be located, shielded and directed in such a manner that the light does not shine or cause glare onto any surrounding street or private residence.
 - b. The lighting of any sign, whether resulting from external or internal illumination, shall not be of such brightness so as to cause glare that is

hazardous or a nuisance to pedestrian or vehicular traffic or adjacent premises.

2. Signs shall not be lighted to obstruct traffic control or any public information signs. Illuminated signs erected within one hundred (100) feet of an intersection where an illuminated device has been provided for the control of traffic may not duplicate in the electric light of such sign, any colors appearing in the traffic control signal.

SECTION 4.5: Required Maintenance of Signs

All signs shall be maintained in accordance with the following:

- A. The property owner shall maintain the sign in a condition fit for the intended use and has a continuing obligation to comply with all building code requirements.
- B. Each sign shall contain the name, address and telephone number of a firm or person responsible for maintaining the sign. Such information shall be placed on the frame or other supports and large enough to be easily read by a person standing on the ground adjacent to the sign.
- C. If the sign is deemed by the Zoning Inspector to be in an unsafe condition, the responsible party shall be immediately notified, in writing of the violation. Within seven (7) business days of the mailing of the notice, if corrective action isn't taken to remedy the violation, then the Zoning Inspector may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to cause removal or alteration to comply with this regulation.
- D. Whenever, any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, re-lettering or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:
 1. There is no alteration or remodeling to the structure or the mounting of the sign itself.
 2. There is no enlargement or increase in any of the dimensions of the sign or its structure.
 3. The sign is accessory to a legally permitted, conditional or nonconforming use.
- E. Sign and Billboard Fee: All fees for signs and billboards shall be set by resolution of the Windham Township Trustees. A copy of said resolution shall be kept by the Zoning Inspector.

ARTICLE V CONDITIONAL ZONING CERTIFICATES

SECTION 5.1: Purpose

- A. Rather than assign all uses to special individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will at the same time maintain adequate provision for the security of the health, safety, convenience, and general welfare of the community's inhabitants.
- B. In order to accomplish such a dual objective, provision is made in this Resolution for a more detailed consideration of each of certain specific activities as may relate to proposed conditions or locations, design, size, operation, concentration of population, etc. Land and structure uses possessing these particular unique characteristics are designated as conditionally permissible uses and are permitted through the issuance of a "Conditional Zoning Certificate" with such conditions and safeguards attached (as may be deemed necessary) for the protection of the public welfare.
- C. The Board of Zoning Appeals, as hereinafter created, may authorize the issuance of such Conditional Zoning Certificates for any of the following uses in those districts designated and the following procedures should be followed in submitting a request for such a certificate.

SECTION 5.2: Procedure for making application:

Any application shall be submitted through the Zoning Inspector to the Board of Zoning Appeals on a special form for that purpose; each application shall be accompanied by payment of the fee as set by the Township Trustees.

SECTION 5.3: General Standards for all Conditional Zoning Certificates:

- A. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location WILL:
 - 1. Be harmonious with and in accordance with the general objective of the Township Comprehensive or land use plan of current adoption.
 - 2. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
 - 3. Not be disturbing or hazardous to existing or future neighboring uses.

4. Be served adequately by essential public facilities and service such as, highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such service.
5. Not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
6. Not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic noise, smoke, fumes, glare, odors, or noise of any nature.
7. Be consistent with the intent and purpose of the Resolution.
8. Be in compliance with the Portage County Subdivision Regulations, when applicable, the Board of Health Standards, and the County Building Code.
9. Have vehicular approaches to the property, which shall be so designed as not to create an interference on surrounding public streets or roads.

B. Specific Regulations Pertaining to Certain Conditionally Permissible Uses:

1. All structures and activity areas shall be located at least fifteen (15) feet from all property lines.
2. Any temporary structure must be indicated as such on site plans submitted to the Zoning Board of Appeals for approval. Such structures shall not be continued as permanent structures. The Zoning Board of Appeals shall set the period of continuance.
3. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.

SECTION 5.4: Cemetery

- A. The site shall have direct access to a major thoroughfare or collector street, which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
- B. Any new cemetery shall be located on a site containing not less than twenty-five (25) acres.
- C. No buildings, including but not limited to mausoleums and maintenance buildings, shall be located within fifty (50) feet of any property line.

- D. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line.
- E. No burial plots or facilities are permitted within any flood hazard area.
- F. Sufficient parking spaces shall be provided throughout the cemetery so as not to hinder local traffic flow.
- G. Adequate off street waiting space shall be provided for funeral processions so that vehicles do not stack up in the street right of way.

SECTION 5.5: Home Based Business

A. Intent/Purpose

The Township recognizes the desire and need of some citizens to use their residence for business activities in order to provide the opportunity to be more directly involved in raising children while earning a living, and/or to provide an alternative means to be financially solvent. It further recognizes that home based businesses can serve to nurture the development of new businesses, reduce vehicle trip generation rates, and serve as a business incubator thereby improving the local economy while also recognizing the need to protect the surrounding areas from adverse impacts generated by these business activities.

B. Conditionally Permitted Home Based Businesses

The following is a list of the types of home based businesses permitted under these regulations. It is recognized that this list is not totally inclusive. A determination of substantial similarity by the Board of Zoning Appeals will need to be made if the use or type of use is not listed:

1. Offices for professionals, including but not limited to: architects, brokers, counselors, clergy, dentists, doctors, draftspersons and cartographers, engineers, insurance agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, sales persons and manufacturers' representatives, and travel agents.
2. Personal services, including barbershops, beauty salons, manicure and pedicure services, pet grooming, catering and chauffeuring services.
3. Instructional services, including music, dance, art and craft classes, and tutoring.
4. Studios for artists, sculptors, musicians, photographers and authors.
5. Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry and woodworking.

6. Repair services, including but not limited to: watch and clocks, small appliances, computers, electronic devices, lawnmowers, and small engines. (Excluding ATV's, Motorcycles, Boats, Jet Skis and other such motorized vehicles.)
7. Assembly, packaging of goods for sale or distribution that are made on the premises.
8. Sales of goods made on the premises.
9. Other Home Based Businesses which have no customer or client visits, on premise employees, do not involve use of any accessory buildings, nor any commercial vehicle storage.

C. Prohibited Home Based Businesses

The following types of home based businesses are specifically prohibited due to their potential impacts to the residential area. Some of those listed are regulated in other sections:

1. Adult Entertainment Uses.
2. Restaurants, clubs, drinking establishments.
3. Motor vehicle repair shops.
4. Undertaking and funeral parlors, crematoriums.
5. Veterinarian clinics, animal hospitals.
6. Uses stipulated in Section 2.5.1 Dangerous/Objectionable/Prohibited Uses.
7. Any uses that require client visits, on premise employees, storage of commercial vehicles, use of accessory structures for the business.

D. Conditions and Operating Standards

1. The basis of calculation for total area that may be used for the home based business is twenty-five (25) percent of the gross floor area of the residential dwelling unit and up to an area that is equivalent to one-hundred (100) percent of the gross floor area of the residential dwelling for space allocated for this use in any accessory buildings on the site.
2. There shall be no outdoor storage of materials of any kind connected with the Home Based Business. The storage of all materials related to the Home Based Business shall be stored in an enclosed building(s).
3. Any number of home based businesses per dwelling unit and its accessory buildings are permitted, provided that all of the conditions provided herein shall be complied with collectively, as if determined for a single use on the site.
4. The total customer visits shall be limited to no more than two (2) vehicles at any one time, providing adequate parking is made available without encroaching into the yard setback areas.

5. The home based business shall be limited to the parking/storage of one commercial vehicle. The commercial vehicle shall not exceed a maximum gross vehicle weight of ten-thousand (10,000) pounds. Said vehicle shall be stored in a garage. If the commercial vehicle cannot be stored in a garage, it only may be parked in a side or rear yard if it can be screened from view from the road and neighboring properties.
6. There shall be no visible evidence of such use from the street or adjacent property, except for one (1) unlighted sign as regulated by Section 4.1 with no other outward evidence of such use.

SECTION 5.7: Wireless telecommunication service facilities

A. The purposes of these regulations to provide for the construction and use of wireless telecommunication towers and facilities. The purpose of these regulations is to minimize adverse impacts on health, safety, and public welfare, including negative visual impacts, through attention to siting, design, construction, buffering, and reduction of the need for multiple tower locations.

B. Priority of Locations:

1. A wireless telecommunication tower or facility may be located in the following areas when conditions specified in this resolution are satisfied and efforts shall be made to locate in the areas listed in the order of priority listed:
 - a. First Priority: New wireless antennas shall co-locate on existing towers or on existing structures which have been constructed for other purposes such as, but not limited to: water towers, church steeples and chimneys.
 - b. Second Priority: Priority for the use of Public Land for wireless telecommunication antennas and towers will be given to the following entities in order:
 - 1) Windham Township.
 - 2) Public Safety Agencies/Departments including law enforcement, fire, and ambulance services.
 - 3) Other governmental agencies for uses that are not related to public safety.
 - 4) Entities providing licensed commercial wireless telecommunication services including cellular, PCS, SMR, ESMR, paging and similar services that are marketed to the general public.
 - 5) Privately owned agricultural lands
 - 6) Privately owned property (non-agricultural)

C. General Requirements:

1. A proposed wireless telecommunication facility application shall comply with plan review requirements of this resolution including landscaping plans to screen the facility from adjoining uses.
2. All wireless telecommunication facilities shall be designed to promote facility and site sharing.
3. All applications for wireless telecommunication facilities shall, as part of the application and plan review process, include a plan for reclamation for both the tower facility and tower site, in the event the facility is no longer functioning in the fashion as originally intended. The reclamation plan should include the removal and disposal of all obsolete and/or abandoned equipment, as well as the reclamation of the area with vegetation to prevent erosion.
4. The applicant will submit a letter of credit, performance bond, or other security acceptable to the township to cover the costs of the antenna or tower's removal, by an amount agreed upon by the Windham Township Trustees, per vertical foot of wireless telecommunication tower height, measured from the finished grade. In addition, any co-locator shall be required to provide its own financial guarantee to the Township to insure the removal and disposal of all obsolete and/or abandoned equipment, and the reclamation of the tower site.
5. The application shall include conclusive technical evidence as to why the wireless telecommunication tower and facility must be located where it is proposed to be located and no alternative choice can be considered, in order to service the applicant's service area.
6. Existing towers must be utilized, as multi-user towers, if at all possible, before a new tower may be constructed. The applicant must provide written evidence that all wireless telecommunication service facilities that supply service within the proposed service area have been requested to permit co-location by the applicant and have been rejected by the owner of the tower, building or structure. Facilities that are not proposed to be multi-user sites must provide written explanation why the subject facility is not a candidate for co-location.
7. As a condition of issuing a conditional zoning certificate to construct and operate a new tower in the Township, the owner/operator of the telecommunication tower shall agree to allow co-location until the tower has reached full antenna capacity, but in no event shall the owner/operator agree to allow fewer than two additional antenna platforms for additional providers unrelated to the owner/operator. Agreement to this provision must be included in the applicant's lease with the landowner if different from the owner/operator of the tower. Written evidence shall be presented to the Board of Zoning Appeals that the owner of the property on which the tower is to be located has agreed to the terms of this section as well as all other applicable requirements in this resolution.

D. Standards Applicable to All Wireless Telecommunication Tower Facilities:

1. No tower shall be erected at a distance closer than the height of the tower plus fifty (50) feet from any structure, road, highway, or property line, excluding any building or road which is necessary to the express use of the tower.
2. All towers shall be monopole structures.
3. An eight (8) foot high security fence shall be placed around the tower base and all appurtenant structures within twenty (20) feet of the tower base.
4. No tower shall exceed 200 feet in height above the finished grade and the tower shall be the minimum height necessary to accommodate the antenna.
5. All towers shall be painted a non-contrasting gray or similar color, minimizing their visibility, unless otherwise required by the Federal Communication Commission (FCC) or Federal Aviation Administration. (FAA)
6. Except as required by law, an antenna or tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by the FAA regulations, white strobe lights shall not be permitted at night unless FAA permits no other alternative. No lighting shall be constructed, placed or maintained in a manner that will constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
7. No advertising is permitted anywhere on the facility, with the exception of identification signage.
8. The entire site must be appropriately landscaped to be harmonious with surrounding properties and to minimize visual impacts.
 - a. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
 - b. Buffer plantings shall be located and maintained around the perimeter of security fencing consisting of an evergreen screen, comprised of either a hedge, planted 3 feet on center maximum, or a row of evergreen trees planted five feet on center maximum.
9. All facilities shall be kept in an orderly and safe condition so as to prevent injury to any single property, individual or the Township in general.
10. Access drives to any facility shall be maintained in a dust free condition.
11. Loud speakers shall not be permitted to be located on the facility.
12. "No Trespassing" signs shall be posted around the facility with a current and accurate telephone number of the responsible party to contact in the event of an emergency.
13. Transmission and receiving equipment shall be stored inside a building constructed for that purpose.
14. Equipment shelters or any other buildings or structures shall be located at least fifteen (15) feet from the base of the tower.
15. The maximum size of the equipment shelter shall be 300 square feet for a single user shelter, or if there is more than one USER, 750 square feet.

16. If an antenna for a wireless telecommunication facility is to be attached to an existing structure or building the following conditions apply:
 - a. The maximum height shall be TWENTY (20) feet or 20% of the building height above the existing structure, whichever is greater
 - b. If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the building) the shelter shall comply with the following:
 - 1) The minimum setback requirements for the subject zoning district.
 - 2) A buffer yard may be planted in accordance with 2.4.1.5.8 of this section.
 - 3) Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.
- E. Removal of Facilities: All towers, structures and equipment shall be removed by the owner of the tower or facility, and the site restored to its original state within SIX (6) months following the date that the tower is no longer operational.
- F. Decision by the Board of Zoning Appeals: Any decision to deny a request to place, construct, or modify a wireless telecommunication antenna or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Board of Zoning Appeals.

Article VI - Non-Conforming Uses

SECTION 6.1: Purpose:

The purpose of this Section is to recognize the existence of uses of land, buildings, lots, structures, uses of structures, and uses of structures and land in combination which lawfully existed at the time of this Zoning Resolution enactment, or amendments thereto, but which would be prohibited, or would not conform with one or more of the regulations contained in this Resolution. Any nonconforming status shall only be continued in compliance with this section. Nonconformities may be continued until removed or abandoned. No nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the zoning district in which it is located without approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this resolution.

- A. **Non-Conforming Use of Land:** A non-conforming use of land which involves no building or structure may be extended, but not to exceed twenty-five (25) percent of the total area occupied by the non-conforming use at the effective date of the Resolution, provided such extension be made on the same parcel of land on which the non-conforming use originated. The extension will be permitted only once after the effective date of this Resolution.
- B. **Non-Conforming Structures and Non-Conforming Use of Structures:** A non-conforming building or structure or a non-conforming use of a building or structure may be altered, improved, enlarged or extended provided such work does not exceed twenty-five (25) percent of the total area occupied. This change will be permitted only once after the effective date of this Resolution.
- C. **Construction Approved Prior to Resolution:** Nothing in this Resolution shall prohibit the completion or construction and use of a non-conforming building for which a building permit has been issued prior to the effective date of this Resolution, provided that construction is commenced within ninety (90) days after the issuance of such permit; that construction is carried on without interruption for a continuous period in excess of thirty (30) days; and that the entire building shall have been completed within two (2) year after the issuance of said building permit.
- D. **Displacement:** No non-conforming use shall displace a conforming use.
- E. **Discontinuance or Abandonment:** Whenever a non-conforming use has been discontinued for a period of two (2) years or more, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the non-conforming use, and IT shall not be reestablished, and any further use shall be in conformity with the provisions of this Resolution.

- F. Restoration: Nothing in this Resolution shall prevent the reconstruction, repairing or rebuilding and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or Acts of God, subsequent to the date of this Resolution, and the structure may be rebuilt or restored provided the area is not increased or extended.

Article VII - Administrative and Enforcement

SECTION 7.1: Administration:

The purpose of Article VII is to document the procedures to be followed in obtaining certificates and other legal administrative approvals under this Resolution.

- A. **Submission of Application:** All applications for a Zoning Certificate, a Conditional Zoning Certificate, an Appeal, a Variance or an Amendment to these Resolutions shall be submitted to the Zoning Inspector. The Zoning Inspector will only accept and act upon an application that is complete and includes the proper application fee as established by the Township Trustees.
- B. **Data Required with ALL Applications:**
 - 1. Form supplied by the Zoning Inspector, completed by applicant.
 - 2. Site plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, and proposed structures, the type of buildings and their uses.
 - 3. Complete plans and specifications for all proposed development and construction.
 - 4. A statement supported by substantiating evidence regarding the requirements enumerated in this Article.
- C. **Hearing:** After adequate review and study of any application, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of hearing. Such notice shall indicate the place, time, and subject of the hearing.
- D. **Issuance and Revocation of Conditional Zoning Certificate:** Only upon conclusion of hearing procedures relative to a particular application, the Board of Zoning Appeals may revoke a "Conditional Zoning Certificate" when a violation of the zoning has occurred.
- E. **Reapplication:** No application for a "Conditional Zoning Certificate" which has been denied, wholly or in part, by the Board of Zoning Appeals of the Township shall be resubmitted until the expiration of one (1) year or more after such denial, unless newly discovered evidence or proof of changed conditions which would be sufficient to justify the reconsideration by the Board of Zoning Appeals.

F. Basis for Determination: The board of Zoning Appeals shall review the preponderance of evidence to ensure that the completion and operation of the proposed development or use shall satisfy the general standards and the specific standards pertinent to each proposed development or use. The Board of Zoning Appeals may also impose such additional written conditions, and safeguards deemed necessary to insure that the intent or objectives of the general standards are and will be observed.

G. Special Studies/Costs: When the Zoning Board or Board of Zoning Appeals finds it necessary to obtain special studies, the applicant shall bear all reasonable direct and related costs. Reasonable refers to standard fees for the type of expertise and studies for the region.

H. Zoning Certificates Required:

1. No land or building may be "changed in use" without a zoning certificate issued by the Zoning Inspector. No building or other structure shall be erected, moved, added to, demolished, altered, or established without a zoning certificate issued by the Zoning Inspector. The Township has two types of zoning certificates with applications and review procedures for each.
 - a. A Zoning Certificate is required if the proposal is for a permitted use/structure. The Zoning Inspector shall conduct the application and plan review as described in this Resolution.
 - b. A Conditional Zoning Certificate is required if the proposal is for a conditionally permitted use/structure. The Board of Zoning Appeals shall conduct the application and plan review as detailed in this Resolution.
2. All Zoning certificates shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding approval for an appeal, variance, or conditional use. Whenever the Zoning Inspector issues a zoning certificate a placard shall also be issued. The placard is to be posted in a conspicuous place on the subject property, attesting to the fact the planned activity is in conformance with the provisions of this Resolution.

I. Change in Use Determination:

1. For the purpose of interpreting the term "change in use" for determination of whether a zoning certificate is required as specified in this Resolution shall be identified in the following manner:
 - a. Residential Uses – The residential use categories are as follows:
 - 1) Single Family
 - 2) Two-Family
 - 3) Rooming/boarding house

- b. A change in residential use status will exist if:
 - 1) A residential structure is converted from one use category to another.
 - 2) Such conversion shall not be made in conformance with all applicable sections of this Resolution.
- c. A change in non-residential use status will exist when:
 - 1) The previous use of a structure, building, land or portion thereof has ceased and the new or converted use is not the same as that previous use; or
 - 2) The previous use of a structure, building, land or portion thereof is proposed to be converted to a different use.
 - 3) Such conversions shall be made in conformance with all applicable section of the Resolution.

J. Expiration of Any Zoning Certificate:

- 1. If work described in any zoning certificate, including change of use, has not begun within six (6) months from the date of issuance, the zoning certificate shall expire. Expiration dates shall be noted on the zoning certificates. For projects requiring construction, construction shall be considered begun when excavation and piers or footers of the structure included in the application have been complete.
- 2. If the work described in the zoning certificate has not been substantially completed within 2 years of the date of issuance the certificate shall expire. Substantially completed requires that, at a minimum, the following items are completed: finished roof, windows installed, the siding or other exterior finish materials of the principal and accessory buildings/structures is complete and the final grade of the site is completed.
- 3. The Zoning Inspector and the applicant may agree to an extension of time based on reasonable circumstances that precluded the applicant from beginning or substantially completing construction. The circumstances and facts must be submitted to the Zoning Inspector in writing. A schedule for completion or work shall be submitted. If such extension is granted, the Zoning Inspector shall notify the affected person(s) in writing of such extension and the time frame for completion of work.
- 4. All proposed construction must be completed with 2 years of issuance of any zoning certificate. Any construction not complete, as defined in these Resolutions, shall be considered abandoned and may be declared a nuisance and subject to resubmission to the permit review process.

K. Submission to the Director of Transportation:

- 1. As required by Ohio Revised Code, Section 5511.01, before any type of zoning certificate can be issued or any administrative review can be approved that affects any land within three hundred (300) feet of the center line of a proposed

new highway or highway for which changes are proposed, as described in the certification by the Director of the Ohio department of Transportation (O.D.O.T.), or within a radius of five hundred (500) feet from the point of intersection of that center line with any public road or highway, the Zoning Inspector shall give written notice to the Director of O.D.O.T. by certified mail.

2. The Township Zoning Inspector, Zoning Board or Board of Zoning Appeals, shall not proceed to review such a request for one hundred twenty (120) days from the date notice is received by the Director or during any extension of time that may be agreed to between the Director and the property owner.
3. If the Director notifies the Township that he shall proceed to acquire the land, then the responsible zoning authority shall refuse to review the zoning request. However, if the Director notifies the Township that the acquisition is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension of time agreed upon by the Director, then the zoning authority shall proceed with the zoning request in accordance with the provisions of this Resolution.

SECTION 7.2: Zoning Inspector:

A Zoning Inspector designated by the Township Board of Trustees shall administer and enforce this Resolution. The Inspector may be provided with such assistants and secretaries as the Township Board of Trustees deems necessary. The terms, conditions of employment and rate of compensation shall be set by the Township Board of Trustees.

SECTION 7.3: Responsibilities of the Zoning Inspector

The Zoning Inspector shall have the following duties:

- A. Apply and enforce the provisions of this Resolution.
- B. Respond to questions concerning applications for amendments to the Zoning Resolution text and the official zoning district map.
- C. Issue Zoning Certificates as provided by this Resolution, and keep a record of same with a notation of any conditions attached thereto.
- D. Act on all applications upon which he/she is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of his/her refusal or disapproval of such application and the reasons for such refusal/disapproval.
- E. Determine the existence of any violations of this Resolution and cause notifications or initiate any such other administrative or legal remedies as needed to address such

violation. In the case of any violation, the Zoning Inspector is to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action necessary to correct the violation, citing the section of this Resolution the violation pertains to. Such legal remedies may require the assistance of the Portage County Prosecutor.

- F. Maintain in current status the official zoning district map that shall be kept on permanent display in the township offices.
- G. Maintain permanent and current records required by this Resolution, including but not limited to: zoning certificates, inspection documents, records of variances, appeals, amendments, and conditional uses.
- H. Make such records available for the use of the Township Board of Trustees, the Zoning Commission, the Board of Zoning Appeals and make available for public inspection, and copying, upon request (at cost) and within a reasonable time from the time of the request¹, any records, and shall make available copies of this Resolution, any amendments, and current zoning district map for sale to the public at cost.
- I. Cooperate with the County Prosecutor in the investigation and prosecution of all zoning violations not addressed by the responsible party in the time provided for them to do so, including, but not limited to attending all court proceedings as directed.
- J. Maintain a list of nonconforming uses and structures with the location and exact nature of the existing nonconformity, and date it became nonconforming if that can be ascertained.
- K. Prepare and submit an annual report to the Township Board of Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing the purpose of this Resolution.
- L. Attend public hearings of the Board of Zoning Appeals to report and give testimony as directed by such Board.
- M. Report any recommended amendments to this Zoning Resolution to the Zoning Commission in a timely manner.
- N. Such other duties and responsibilities as described in this Resolution and as directed in

¹ Reasonable shall be deemed to be 5-7 working days from date of request.

writing by the Township Board of Trustees.

SECTION 7.4: Review for Zoning Certificates:

The purpose of this section is to establish the review criteria and procedures for the Zoning Inspector to determine compliance with the provisions of this Resolution for any permitted land use and/or building and structure. The review is intended to benefit both the applicant and the community by ensuring that:

- A. All of the elements required in this Resolution are presented in the application materials.
- B. The design, location and relationship of the proposed land and/or building and structure will not cause any negative impacts to one another, the site, the surrounding properties, and the community.

SECTION 7.5: Procedures for Filing an Application:

For a zoning certificate: Any application for a Zoning Certificate shall be submitted in accordance with the provisions of this section of the Resolution.

SECTION: 7.6: Application Requirements:

- A. Applications for a zoning certificate shall be submitted on Township Zoning Certificate Application forms.
- B. The application shall include the following items at a minimum:
 - 1. Name, address and phone number of the applicant and owner
 - 2. The application shall be signed by the owner
 - 3. The proposed number of bedrooms, dwelling units, occupants, employees, and other uses.
 - 4. Copies of any approvals granted for uses and structures involved with required prior reviews and approval by the Board of Zoning Appeals.
 - 5. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution, such as:
 - a. Sewage disposal permit issued by either the County Health Department, County Water Resources Department or EPA for improvements that require or may increase the volume of sewage disposal.
 - b. Driveway/road culvert permit from the agency or department, such as O.D.O.T., County Engineer, or Township, with the authority to allow access onto the roadway for any proposed driveway.

- c. Wetlands impact Permit from the agency or department, such as the Army Corps of Engineers or the State of Ohio, with the authority to review and permit the disturbance of any wetland area.
 - d. Proof of compliance with the County's Flood Damage Prevention Regulations if any site improvements are to be located within a Flood Hazard Area.
 - e. Water well permit from the County Health Department for wells, or permit from the County Water Resources department indicating a connection with a central water system.
6. One (1) copy of a plan of the lot/parcel, that does not need to be professionally drawn providing the plans are legible, drawn or sketched to A consistent scale, with dimensions indicated, accurately depicting the area of the lot/parcel to be built upon or utilized by the proposed structures(s)/land use. The plan shall include the following items at a minimum:
- a. The location, dimensions, height, and the bulk of all structures to be erected/alterd, and land area to be utilized.
 - b. The intended use of all lands and structures.
 - c. The location of all existing structures and uses on the lot/parcel.
 - d. The location of yards, open space, and parking spaces with the number of parking and loading spaces and dimensions as required. All Handicapped spaces shall be clearly identified.
 - e. Location and design of entrance and exit drives.
 - f. Locations, names and existing widths of adjoined streets or highways.
 - g. Exact dimensions and locations of any proposed signage.
 - h. Exact dimensions and locations of any proposed illuminated signage or area lighting along with a description of the appropriate methods (e.g. shielding, luminance) that will be used to eliminate glare or not to impair the visibility of neighbors and/or the safe movement of traffic on any street or highway.
 - i. Submission of a plan, approved by the Portage County Soil and Water Conservation district, as necessary, showing how storm water and erosion will be managed and controlled onsite.

SECTION 7.7: Review Procedures:

- A. The Zoning Inspector shall review the submitted application to determine compliance with all pertinent requirements of this Resolution.
- B. The Zoning Inspector may consult with the Zoning Board, and any other department, agency, public body, and official company, and/or individual whether the application complies with the requirements of this Resolution.

- C. Within THIRTY (30) days after receipt of a completed application, the Zoning Inspector shall issue a Zoning Certificate if such application is in compliance with this Resolution. If the application does not comply with the requirements of this Resolution, the Zoning Inspector shall give notice of denial, stating the reasons in writing for such denial and cite the sections of this Zoning Resolution that the application would violate.
- D. The Zoning Inspector shall return a signed and dated copy of the plans to the applicant indicating either "approval" or "disapproval". The Zoning Inspector shall retain a copy of the plans similarly marked for the official Township record.
- E. Upon approval, the Zoning Inspector shall issue a placard to be posted in a conspicuous place on the subject property, attesting to the fact the activity is in conformance with the provisions of this Resolution.

SECTION 7.8: Board of Zoning Appeals, Establishment of Terms and Compensation

The Board of Zoning Appeals as established by the Township Board of Trustees, shall consist of five (5) regular members who shall each serve a term of five (5) years except that the initial appointments shall be one member each for one, two, three, four and five year terms. The Township Board of Trustees may appoint two (2) alternate members to the Township Board of Zoning Appeals, for terms to be determined by the Township Board of Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals according to procedures prescribed by resolution by the Township Board of Trustees. Members shall be a resident of the unincorporated area of the Township. Each member shall serve until his or her successor is appointed and qualified.

Members may be compensated and/or may have their expenses reimbursed as the Township Board of Trustees may approve and provide for. The Board of Zoning Appeals may, within the limits of the moneys appropriated by the Township Board of Trustees and for the purpose of performing its duties under this Resolution, employ personnel and any number of assistants as it deems necessary.

SECTION 7.9: Procedure for Removal of Board of Zoning Appeals Member

Members or alternates shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Township Board of Trustees. Written charges must be filed with the Township Board of Trustees and the Board of Zoning Appeals member cannot be removed until after a public hearing has been held regarding such charges and after a written copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either by registered mail or by leaving a copy at the member's place of residence. The member shall be given an opportunity to be heard and answer such charges.

Vacancies shall be filled for the un-expired term of the member affected.

SECTION 7.10: Proceedings of the Board of Zoning Appeals

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its meetings, hearings and business in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairperson and such other times as the Board of Zoning Appeals may determine. The chairperson, or in his/her absence, the vice chairperson or the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its official actions, all of which shall be a public record and immediately filed in the Office of the Township Board of Trustees. The Board of Zoning Appeals shall adopt the resolution required under Ohio Revised Code Section 121.22 to govern public notice of its meetings. All official actions shall require the vote of three (3) Board of Zoning Appeals members who shall constitute a quorum.

All hearings shall be held in accordance with the Ohio Revised Code, Chapter 519 and this Resolution. All of the powers listed in Section 7.XI may be exercised only within a hearing open to the public as provided in this section unless otherwise provided in this Resolution. At all such hearings, the chairperson, or in his or her absence, the acting chairperson, shall administer an oath or affirmation to all witnesses giving testimony, and give the applicant or appellant, and those in opposition to the application or appeal, the opportunity to:

- A. Appear and be heard in person, or by an attorney, in support or opposition to the application or notice of appeal and:
 - 1. Present his or her position, arguments and contentions;
 - 2. Offer and examine witnesses and present evidence in support;
 - 3. Cross examine witnesses purporting to refute his or her position, arguments and contentions;
 - 4. Offer evidence to refute evidence and testimony offered in opposition to his or her position, arguments and contentions;
 - 5. Proffer any such evidence into the record, if the admission of it is denied by the Board of Zoning Appeals.
- B. Subpoena material witnesses, through the authority of the Board of Zoning Appeals and under its discretion and control, after a timely request to the Board of Zoning Appeals.

SECTION 7.11: Powers and Responsibilities of the Board of Zoning Appeals:

The Board of Zoning Appeals shall have all the powers and responsibilities prescribed by the *Ohio Revised Code*, subsequent amendments thereto as well as other responsibilities, which will aid in carrying out its duties and at a minimum includes the following:

- A. To hear and decide appeals where it is alleged there is an error in any order,

requirement, decision, or determination made by any administrative official such as the zoning inspector, in the enforcement of this Resolution.

- B. To authorize upon appeal, in specific cases, variances from the terms of this Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship and so the spirit of this Resolution shall be observed and substantial justice done.
- C. To grant conditional zoning certificates for the use of land, buildings or structures under the conditions specified in this Article, and the in the district regulations.
- D. To revoke an authorized variance for the extraction of minerals if any condition of the variance is violated. (ORC 519.14)
- E. The Board of Zoning Appeals shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under Item D of this section, of his/her right to a hearing before the Board of Zoning Appeals, within thirty (30) days of the mailing of the notice, if he/she so requests. If the holder requests a hearing, the Board of Zoning Appeals shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he/she may present his position in writing. He/she may present evidence and examine witnesses appearing for or against him/her. If no hearing is requested, the Board of Zoning Appeals may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above powers, the Board of Zoning Appeals may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end has all powers of the officer from whom the appeal is taken.

SECTION 7.12: Reviews for Conditional Zoning Certificates, Appeals and Variances

- A. The purpose of this section is to establish the review criteria and procedures for the Board of Zoning Appeals to evaluate conditionally permitted uses, appeals and variances. The review processes are intended to assess these uses in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community by ensuring that:
 - 1. All of the elements required in the Resolution are presented in the application materials.

2. The design, location and relationship of the proposed land use and/or building and structure will not cause any negative impacts to one another, the site, the surrounding properties, and the community.

B. Procedures for Filing an Application For a Conditional Zoning Certificate, Appeal or Variance

1. An application for a Conditional Zoning Certificate shall be submitted in accordance with the provisions of this Resolution.
2. An application for an Appeal or Variance shall be filed within twenty (20) days of a decision by the Zoning Inspector or administrative official.
3. Upon receipt of the application, the Zoning Inspector shall transmit it to the Board of Zoning Appeals along with all documents constituting the full record.

C. Application Requirements:

Conditional Zoning Certificates: Applications shall be submitted on Township Zoning Certificate Application Forms.

D. Conditional Zoning Certificates.

The review process is intended to assess conditionally permitted uses and activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, convenience, comfort, prosperity and general welfare of the community. The design, location and relationship of the proposed land use and/or activity, building and structure will not cause any negative impacts to one another, the site, the surrounding properties, and the community. Design Guidelines are listed in Chapter 10 to benefit and assist both the developer and the community to ensure that significant design elements are considered within the development.

1. Applications shall be submitted on Township Conditional Zoning Certificate Application Forms.
2. The application shall include the following items at a minimum:
 - a. A statement supported by substantiating evidence regarding the requirements listed in ARTICLE V.
 - b. Name and address of the owner(s) of record.
 - c. The application shall be signed by the owner(s).
 - d. A list of property owners adjoining and within 500 feet of the property lines of the subject property, as they appear on the County Auditor's current tax list.
 - e. Name and address of person and/or firm that prepared the plan(s) for the application.
 - f. Proposed density of units (for residential development).

- g. A schedule for the proposed improvements of the site and buildings, including all proposed phases.
- h. Any proposed deed restrictions, protective covenants, and other legal instruments or devices to be used to control the use, development and maintenance of the land, and the improvements thereon.
- i. One (1) copy of current tax map(s) of the subject property and surrounding area.
- j. Zoning District of the subject property.
- k. Description of existing use(s).
- l. Description of the proposed use(s), including the proposed hours of operation and the expected day and night volume of patrons/deliveries (e.g. traffic volume).
- m. Any other information required by the Board of Zoning Appeals to determine full compliance with this Resolution.

3. Required Plans with the Application FOR A CONDITIONAL ZONING CERTIFICATE:

PLANS shall be professionally prepared by an engineer or architect, OR SURVEYOR, including the professional's seal, and submitted on one or more sheets of paper that are 24 x 36 inches or no less than letter size paper showing the following information:

- a. All plans shall include the name and address of the property owners and the professional creating the plans.
- b. Three (3) copies of architectural plans drawn to a scale for the development or modification to existing structures showing the following items:
 - 1) Exterior elevations.
 - 2) Building floor plans.
 - 3) Proposed exterior materials.
- c. Three (3) copies of the site plan which shall be drawn to a scale of no less than one hundred (100) feet to the inch for the development showing the following items:
 - 1) General vicinity map at a scale of 1" = 1,000 feet or 1" = 2000 feet showing proposed development in relation to existing streets, subdivisions, landmarks and community facilities.
 - 2) Date, north arrow, scale, legend, boundaries and gross acreage of original tract, and adjacent streets with dimensions.
 - 3) Existing elevation contours at 2'-foot intervals shall be required.
 - 4) Delineate traffic flow (vehicle and pedestrian) and circulation plan of the site and adjacent streets with directional arrows and indicate the location of directional signs. Clearly indicate location of ingress and egress to the site.

- 5) Parking and loading areas including dimensions, locations and numbers of all parking and loading spaces.
 - 6) Proposed signage locations, height, dimensions and materials, including signs proposed to be painted on structures.
 - 7) All existing structures and uses.
 - 8) Existing wetlands, ponds, streams, springs, lakes, drainage channels and the directional flow of all watercourses.
 - 9) Flood Hazard Areas
 - 10) Wooded areas, areas in agriculture, and any other special natural features.
 - 11) Open spaces proposed, clearly delineated.
 - 12) Type and screening details for all waste disposal containers shall be shown.
 - 13) All existing and proposed public and private sidewalks, driveways, and paths.
- d. Three (3) copies of the following plans, which shall be drawn to a scale of no less than one hundred (100) feet to the inch for the development showing the following items:
- 1) Landscaping plan of the site and parking area, if applicable, including existing and proposed fences, screens, walls or other landscaping features and the design and materials to be used.
 - 2) Utilities plan and location of existing utilities and easements.
 - 3) Lighting Plan showing the exact dimensions and locations of any proposed illuminated signage or area lighting (e.g. parking lot) along with a description of the appropriate methods (e.g. shielding, luminance) that will be used to eliminate glare or not to impair the visibility of neighbors and/or the safe movement of traffic on any street or highway, in compliance with the requirements of ARTICLE IV.
- e. Three (3) copies of the Final Grading Plan, if present elevation of the site is to be altered.
- F. Three (3) copies of the Storm Water Management and Erosion Control Plans. The applicant shall utilize "Best Management Practices" in the design and management of storm water and erosion/sediment control systems, include locations of surface drainage and storm water retention and/or detention basins.
- G. A description of the project phasing, IF APPLICABLE, including the phased construction of infrastructure.

H. Appeals and Variances:

1. Applications shall be submitted on Township Zoning Appeal/Variance Application Forms.
2. The application shall include the following items at a minimum.
 - a. Name, address and phone number of applicant.
 - b. The application shall be signed by the owner.
 - c. Description or nature of the appeal or variance.
 - d. Legal description of the property accompanied by a copy of the most current Portage County Tax map showing the subject property, if applicable.
 - e. Narrative statements, maps and/or drawings establishing and substantiating the rationale for the appeal or variance.
 - f. A list of property owners adjoining and within 200 feet of the property lines of the subject property, as they appear on the County Auditor's current tax list.
3. Before an appeal or variance may be granted, the Board of Zoning Appeals shall find by a preponderance of reliable, probative, and substantial evidence submitted at the hearing(s), and only from such evidence, that the applicable standards of this Resolution are or will be satisfied by the proposed use.
 - a. With respect to variance requests, the Zoning Board of Appeals may impose such additional, written conditions on the proposed use as it deems necessary to insure that the intent and objectives of this Resolution are and will be observed. The evaluation to grant a variance shall be based on the following standards:
 - 1) Use Variance:
 - a) Is the variance necessary due to special conditions?
 - b) Will a literal enforcement of this Resolution result in an actual unnecessary hardship to the applicant in the reasonable use of his/her property?
 - c) If the use variance is granted, will the spirit and intent of this Resolution be observed and substantial justice done?
 - d) Will the approval of the variance have an adverse impact on the immediate neighborhood, community land use, or be contrary to the Township Comprehensive or land use plan?
 - e) Is the hardship self-created?
 - f) Did the property owner purchase the property with the knowledge of the zoning restrictions on the use of the property?
 - g) No use variance shall be granted where the proposed use would be contrary to a use prohibited.
 - b. Area Variance:

- a) Will the property yield a reasonable return or can there be a beneficial use of the property without the variance?
- b) Is the variance substantial?
- c) Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer a substantial detriment as a result of the variance?
- d) Would the variance adversely affect the delivery of governmental services?
- e) Did the property owner purchase the property with the knowledge of the zoning restrictions?
- f) Can the problem be resolved by some manner other than the granting of a variance?
- g) Does the variance preserve the spirit and intent of the Zoning Resolution and would substantial justice be done by the granting of the variance?

SECTION 7.13: Review Procedures:

- A. The Zoning Board of Appeals shall hold a public hearing or hearings within thirty (30) days after the receipt of a complete application. A notice shall be publicized in at least one (1) newspaper of general circulation in the Township, at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing.
- B. A written notice of such hearing shall be mailed by first class mail to the parties of interest, at least ten (10) days before the date of the hearing. The notices shall contain the same information as required of notices published in newspapers as specified in this Resolution.
- C. The Zoning Board of Appeals may consult with the Zoning Board, and any other department, agency, public body, official, company, and/or individual to determine whether the application complies with the requirements of this Resolution.
- D. The Zoning Board of Appeals shall take action within a reasonable time, but generally not more than thirty (30) days from the date of the initial public hearing. The Board of Zoning Appeals may continue any hearing. If the time and place of a continued hearing is publicly announced at the public meeting then no further notice of the hearing shall be required.

E. The decision of the Board of Zoning Appeals shall be announced at the public hearing. A certified copy of the Board of Zoning Appeals' decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding on the Zoning Inspector. The decision of the Board of Zoning Appeals shall include one of the following:

- 1) Approve
- 2) Approve with conditions
- 3) Disapprove
- 4) A written agreement with the applicant to extend the review periods. This agreement shall include the date the Board of Zoning Appeals must again take action on the issue.
- 5) No application which had been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence ~~of~~ OR proof of changed conditions which would be sufficient to justify reconsideration by the Zoning Board of Appeals.
- 6) Any final decision of the Board of Zoning Appeals may be appealed to the Common Pleas Court of Portage County pursuant to *Ohio Revised Code*, Chapter 2506. Such appeal shall not stay any enforcement action or proceeding on such decision appealed from, unless and until otherwise ordered by the Common Pleas Court.

Section 7.14: Township Zoning Commission, Establishment of Terms and Compensation:

The Windham Township Zoning Commission as established by the Windham Township Board of Trustees under *Ohio Revised Code* Section 519.04 shall consist of five (5) members who reside within the unincorporated area of the Township. The terms of the regular members shall be arranged so that the term of one member shall expire each year. The Township Board of Trustees may also appoint two (2) alternate members to the Zoning Commission who shall reside in the unincorporated territory of the Township, for terms as determined by the Board of Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission, according to procedures prescribed by Resolution by the Township Board of Trustees.

Each regular or alternate member shall serve until his/her successor is appointed and qualified. Vacancies on the Zoning Commission shall be filled by the Township Board of Trustees. Members may be compensated and/or may have their expenses reimbursed as the Township Board of Trustees may approve and provide for. In addition, the Zoning Commission may, within the limits of the moneys appropriated by the Township Board of Trustees, for the purpose of performing its duties under this Resolution, employ personnel and assistants as it deems necessary.

The Zoning Commission shall organize, adopt rules for transacting business and ~~to~~ keep records of its actions and determinations.

Section 7.15: Procedure for Removal of Zoning Commission Member:

Regular and alternate members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board of Trustees. Written charges must be filed with the Township Board of Trustees and the Zoning Commission member cannot be removed until after a public hearing has been held regarding such charges and after a written copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either by registered mail or by leaving a copy at the member's place of residence. The member shall be given an opportunity to be heard and answer such charges.

Vacancies shall be filled for the un-expired term of the member affected.

Section 7.16: Authority and Responsibility of the Zoning Commission:

The Windham Township Zoning Commission shall have all of the responsibilities conferred upon it by the *Ohio Revised Code* and subsequent amendments thereto, and such other duties as will aid in best carrying out the *Ohio Revised Code* requirements and which at a minimum include:

- A. Keep current the plan for Zoning Districts and regulations for such districts. Periodic review of the Zoning plan and district regulations in light of changing conditions, comprehensive land use plan consistency and amendments, community needs and best available planning practices, shall be undertaken by the Zoning Commission to meet this requirement.
- B. Initiate amendments to the Zoning Resolution text and/or district map to accomplish Item A of this Section or where such amendment could result in a better Resolution.
- C. Review Zoning Resolution amendments initiated by Township Board of Trustees or property owners and provide recommendations to the Township Board of Trustees on said amendments for their consideration and action at their public hearing.
- D. Employ or contract with planning consultants, public or private, as necessary to assist the Zoning Commission in carrying out their responsibilities, within the limits of monies appropriated by the Township Board of Trustees for that purpose.
- E. Utilize information and counsel available from appropriate public officials, departments, and agencies, which have information, maps and data pertinent to the Townships needs.
- F. All official actions shall require the vote of three (3) Zoning Commission members who shall constitute a quorum.

SECTION 7.17: Amendments:

- A. The purpose of this section is to provide the Township Trustees and the Zoning Board with the procedures to amend, supplement, or repeal these regulations, change the boundaries of any zoning district or reclassify the zoning of any property.

B. Initiation of Zoning Amendment

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

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

C. Contents of Application for Zoning Map Amendment initiated by a Property Owner or Lessee

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

1. The name, address and phone number of the applicant
2. The nature of the proposed amendment
3. A statement of the reason for the proposed amendment
4. The present land use(s) on properties being affected
5. The present Zoning District Classification
6. The proposed use(s) on properties being affected
7. The proposed Zoning District Classification
8. A map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning district boundary lines and such other items as the Zoning Inspector may require.
9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where ten (10) or more parcels are to be rezoned.
10. A statement on the ways in which the proposed amendment relates to the Township Comprehensive OR Land Use Plan.

- D. Zoning District Amendment Initiated by the Zoning Commission shall include applicable items of SECTION 7.17C.

- E. Zoning Text Amendments: Amendments to modify or repeal any portion(s) of this Resolution, other than the Official Zoning Map, shall include at least the following information:
1. The proposed amending resolution
 2. A statement of the reason(s) for the proposed amendment
 3. A statement explaining the ways in which the proposed amendment relates to the Township
 4. Comprehensive or Land Use Plan.
 5. A statement explaining how the proposed text results in an improved Zoning Resolution.
- F. Transmittal to the Zoning Commission: Immediately after the adoption of a Trustee resolution or the filing of an application for an amendment, it shall be transmitted to the Zoning Commission together with all documents relative to the amendment proposed.
- G. Submission to The Regional Planning Commission: Within 5 days after the adoption of a motion, transmittal of a resolution, or the filing of an application, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and any maps pertaining to the amendment to the Portage County Regional Planning Commission for review and recommendations.
- H. The Regional Planning Commission shall recommend approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the Zoning Commission. The recommendation shall be considered at a public hearing held by the Zoning Commission on the proposed amendment.
- I. Public Hearing by the Zoning Commission: The Zoning Commission shall schedule a public hearing after the adoption of their motion, the certification and transmittal of a resolution from the Board of Trustees, or the filing of an application for a zoning amendment. Said hearing shall be not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.
- J. Notice of Public Hearing in Newspaper: Before holding the public hearing as required, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment including the present and proposed zoning classification of the affected properties, a list of all the

addresses and owners of properties to be rezoned or re-districted, and a statement that after the conclusion of such hearing the matter will be referred to the Board of Trustees for further determination. The published notice must also include the time and place the proposed amendment will be available for examination for a period of at least ten (10) days prior to the hearing and the person responsible for giving notice by mail and publication of the proposed amendment.

- K. Notice of Property Owners by the Zoning Commission: If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplication, the Zoning Commission shall mail a written notice of the hearing. The notice shall be sent first class mail, at least ten (10) days before the date of the public hearing to the parties of interest for such area proposed to be rezoned or redistricted. The Zoning Commission shall use the address of such owners appearing on the County Auditors current tax list. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice contain the same information required of notices in the newspaper as specified in Section 7.17j.
- L. If the proposed amendment alters more than ten (10) parcels of land as listed on the County's Auditor's Current tax list, only the published notice in the newspaper and no mailed notices are required (Ohio Revised Code 519.12D). The published Notice is required to have the same information as listed in Section 7.17j, minus the list of owners and addresses of the properties affected by the rezoning or redistricting.
- M. Recommendation by the Zoning Commission
 - 1 Within thirty (30) days after the public hearing required by SECTION 7.17H, the Zoning Commission shall submit materials relevant to the amendment to the Board of Trustees with one of the following recommendations:
 - a. The amendment be granted as requested
 - b. The amendment be granted with modifications
 - c. The amendment be denied
 - 2 Written decision of the Zoning Commission shall indicate the specific reasons upon which the recommendation is based and to include the basis for their determination ~~and~~ that the proposed amendment is or is not consistent with ~~the~~ zoning or the township land use plan.
- N. Public Hearing by the Board of Township Trustees: Within thirty (30) days from the receipt of the recommendation from the Zoning Commission, the Board of Trustees shall hold a public hearing. Notice of such public hearings shall be given by the Trustees at least ten (10) days before the date of the hearing and shall depending on whether the number of parcels being affected is greater than ten (10), include the information listed in 7.17K or Section 7.17L.

O. Action by the Board of Trustees

1. Within twenty (20) days after the public hearing as required by Section 7.17M, the Board of Township Trustees shall either:
 - a. Adopt the recommendation of the Zoning Commission.
 - b. Adopt the recommendation of the Zoning Commission with modifications.
 - c. Deny the recommendations of the Zoning Commission.
2. In the event the Board of Trustees denies or modifies the recommendation of the Zoning Commission, the majority vote of the Board of Trustees is required.
3. Effective Date and Referendum
 - a. The proposed amendment adopted by the Board of Township Trustees shall become effective with thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment, there is presented to the Board of Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof including the Zoning Plan equal to no less than eight (8) percent of the total votes cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election that occurs at least ninety (90) days after the petition is filed. Such petition shall conform to the requirements of the Ohio Revised Code.
 - b. No amendment, for which such referendum vote has been requested, shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment.
 - c. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.
4. Filing Amendments with County Recorder and Regional Planning Commission
 - ~~5.~~ Within five (5) days after an amendment's effective date, the Board of Township Trustees shall file the text and maps of the amendment in the Office of the County Recorder and with the Regional Planning Commission. The failure to file any amendment, as required by this section, does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeals.

SECTION 7.18: Enforcement:

- A. Complaints regarding violations: The Zoning Inspector is responsible to investigate all violations or complaints of alleged violations of this Resolution. Any person may file a written complaint regarding a violation with the Zoning Inspector. The complaint shall

state fully the cause and basis of the violation. The Zoning Inspector shall record the complaint and conduct an investigation. If a violation exists, the Zoning Inspector shall take action to resolve the violation as provided in this Resolution.

- B. Entry and Inspections of property: The Zoning Inspector is authorized to make inspections of properties and structures at any reasonable hour, for the purposes of enforcing this Resolution. Prior to entry to any property or structure, the Zoning Inspector shall attempt to obtain the permission of the owner/occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor to secure a valid search warrant or other means prior to entry.

C. Notice of Violation:

Whenever the Zoning Inspector determines that there is a violation of any provisions of this Resolution, a warning shall be issued and shall serve as notice of a violation. Such notice shall:

1. Be in writing
2. Identify the violation
3. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Resolution that are being violated
4. State that the violation shall be corrected in a timely manner as specified by the Zoning Inspector. The party in violation has up to thirty (30) days to correct the violation, unless an extension of time is agreed upon by the Zoning Inspector and the party in violation.

- D. Service of Notice of a Violation: Service of a notice of a violation shall be sent by certified mail deposited in the U.S. Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with an endorsement that the envelope is unclaimed, then services shall be sent by ordinary mail. The service shall be deemed complete when the ordinary mail envelope is not returned by the postal authorities or the envelope is returned indicating delivery is unavailable.

E. Penalties/Fines:

1. No building or structure shall be located, erected, constructed, enlarged, changed, demolished, maintained or used and no land shall be used in violation of this Resolution. Each day of continuation of any violation of this Resolution shall be deemed a separate offense.
2. Whoever violates any provisions of this Resolution or the Ohio Revised Code, section 519.01 – 519.25, inclusive, shall be fined in an amount set by the Township Trustees.

3. If there are any violations of the Resolution, the Board of Township Trustees, with the assistance of the Zoning Inspector, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action to proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, alteration or use.

F. Schedule of Fees, charges, and expenses:

The Township Trustees shall, by Resolution, establish a schedule of fees, charges and expenses and a collection procedure for zoning certificates, amendments, appeals, variances, conditional zoning certificates, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of Clerk of the Township and of the Zoning Inspector and may be altered or amended only by the Township Trustees by Resolution. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application of OR appeal.

Article VIII - Repealer

All existing Resolution(S) of Windham Township, Portage County, Ohio, inconsistent herewith are hereby repealed.

Article IX - Effective Date

This Amended Resolution shall take effective and be in full force and effect from and after the earliest period allowed by law.

Recommended by the Township Zoning Commission

Date: 09.17.2015

/s/ Maya Poots

Chairman of the Township Zoning Commission

Adopted by the Windham Township Trustees, Portage County, Ohio

Date: 02.14.2016

/s/ Brian K. Gatto Trustee

/s/ Rh. Gatto

/s/ _____

Attest by the Clerk of Township:

/s/ Jaymes Liberti

Clerk

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DEFINITIONS

For the purpose of this Resolution, certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not discretionary; the word "building" shall include the word "structure"; the WORD "used" shall include the words "arranged", "designed", "constructed", "altered", "converted", or "intended to be used"; and a "person" shall mean, in addition to an individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings.

<u>Accessory Building or Use</u>	A subordinate building or use customarily incidental to, and located upon, the same lot occupied by the principle building and use. Automobiles, vehicles, trailers and mobile homes cannot be used as an accessory building or accessory use building.
<u>Accessory Building</u>	
<u>Attached</u>	An accessory building having a shared wall(s) and/or roof with the main building.
<u>Detached</u>	Any accessory building that does not share a common wall and/or roof with the main building.
<u>Acre, Gross</u>	The land area of any lot or plot of ground, measured on the horizontal plane, and including land occupied by all natural and man-made features of the landscape.
<u>Acre, Net</u>	The land area of any lot or plot of ground after deducting that portion within the right-of-way of any street, alley, road or thoroughfare or that land lying under a natural body of water.
<u>Agriculture</u>	"Agriculture" is defined as including the following: 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.
<u>Alley</u>	A public thoroughfare, which affords only a secondary means of access to an abutting property.

Alterations,
Structural

Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any increase in the area of cubical contents of the building.

Animal

Any live vertebrate creature, domestic or wild not to include birds.

Dangerous

A). Dangerous animal means and includes any mammal, amphibian, reptile or fowl which is wild by nature or a species which, due to size, vicious nature or other characteristics would constitute a danger to human life, physical well-being, or property, including but not limited to, lions, tigers, leopards, panthers, bears, wolves, apes, gorillas, monkeys of a species whose average adult weight is twenty (20) pounds or more, foxes, elephants, alligators, crocodiles, and snakes which are poisonous or otherwise present a risk of serious physical harm or death to human beings as a result of their nature or physical makeup, including all constrictors.

B). Any dog or cat having a disposition or propensity to attack or bite any person or animal without provocation is hereby defined as a "DANGEROUS ANIMAL." For the purposes of this resolution, where the official records of the Chief Animal Control Officer indicate a dog or cat has bitten any person or persons or animal on one occasion, it shall be prima facie/evidence that said dog or cat is a dangerous animal.

Domesticated

An animal that has been bred in captivity for more than three generations to live a life intimately associated with man in a tame or tamable condition.

Exotic

All species of animals not naturally occurring historically in any ecosystem in the United States.

Vicious

An animal that has killed or caused serious injury or has caused injury, other than killing or serious injury to any person, or has killed another domestic animal. Any animal declared vicious by a government agency. Vicious Animal does not include:

A). A police dog that has killed or caused serious injury, to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

B). An animal that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the animal.

Wild

All species of animals not traditionally considered domesticated. The term "wild" is used to refer to both indigenous and nonindigenous (exotic animals). Where nonindigenous animals are specifically referred to, the term "exotic" is used.

Apartment

SEE "DWELLING, MULTI-FAMILY."

Automobile Service Station

A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

Automobile Wrecking Yard

The use of more than twenty-five (25) square feet of any land, building or structure for the purposes of dismantling or wrecking motor vehicles, mobile homes, trailers, or storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts for private and/or commercial purposes.

Auto Wash

A building housing facilities such as chain conveyors, blowers and steam-cleaning and/or high pressure devices for the washing and/or waxing of automobiles.

Basement

A story having more than one-half (1/2) of its height below average grade. A basement shall not be counted as a story for the purposes of height regulations.

Billboard:

Same as "Outdoor Advertising Sign".

Board

The Windham Township Board of Zoning Appeals as created by this Resolution, being a continuation of such Board as created by prior Resolutions.

Boarding House

A building other than a hotel or motel where for compensation by the week or month, meals, or lodging and meals are provided for three (3) or more persons.

Building

Any structure having a roof supported by columns or by walls and intended for the shelter, housing, enclosure, or protection of persons, animals, chattels or property.

<u>Building Height</u>	The vertical distance from the average grade to the highest point of the roof, excluding the chimney.
<u>Building Lines</u>	The line defining the minimum front, side and rear yard requirements outside of which no building or structure may be located, except as otherwise provided herein.
<u>Building, Principal</u>	The building on a lot used to accommodate the primary use to which the premises are devoted
<u>Building Setback Line</u>	SEE SETBACK.
<u>Building Signs</u>	SEE SIGNS, BUILDING.
<u>Car Port</u>	A covered automobile parking space not completely enclosed by walls or doors. A car port shall be subjected to all the provisions prescribed in this Resolution for a private garage.
<u>Centralized Sewer System</u>	A system where individual lots are connected to a common sewerage system whether publicly or privately owned and operated.
<u>Certificate of Compliance</u>	A certificate of compliance is a document which is issued by the Zoning Inspector when he is satisfied that the offending condition has been corrected and the condition now meets zoning regulations, or complies with all applicable State and County regulations that pertain to the proposed use.
<u>Clinic</u>	Any building or other structure devoted to the medical diagnosis, treatment, and care of human outpatients.
<u>Commission</u>	The Windham Township Zoning Commission
<u>Condominium</u>	The land, together with all buildings, improvements, and structures thereon, all easements, rights, and appurtenances belonging thereto, and articles of personal property which have been submitted to the provisions of Chapter 5311 of the <i>Ohio Revised Code</i> .
<u>Convalescent Home</u>	A "rest home" or "boarding home" for the aged or mentally or physically infirmed conducted within any abode, building, institutional residence or home used for the reception and care, for a consideration of three (3) or more persons who, by reason of age or mental or physical infirmities, are not capable of properly caring for themselves or who are 65 years of age or older, and for

which a license has been issued by the Department of Public Welfare of the State of Ohio.

Court

An open unoccupied and unobstructed space other than a yard on the same lot with a building or group of buildings

Cul-De-Sac

A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround

Day Care, TYPE A

A permanent residence in which child care is provided for seven (7) to twelve (12) children at one time; or a permanent residence in which child care is provided for four(4) to twelve (12) children at one time are under two (2) years of age at one time (Ohio Revised Code Section 5104.01).

Day Care, TYPE B

A permanent residence in which child care is provided for one (1) to six (6) children at one time where no more than three (3) children are under two (2) years of age at one time (Ohio Revised Code Section 5104.01).

Density

The number dwelling units developed on; a gross acre of land.

Discarded Motor Vehicle

SEE MOTOR VEHICLE, DISCARDED.

District

A section or sections of the unincorporated territory of Windham Township for which the regulations governing the use of buildings and premises of the height and area of buildings are uniform.

Dwelling

Any building, or portion thereof, which is designed or used primarily for residence purposes, including one-family, two-family, and multi-family, but not including hotels, motels, boarding houses, lodging houses, and tourist dwellings. An attached garage, for purposes of determining the front, side and rear yards, shall be considered a part of the dwelling

Dwelling

Single-family

A dwelling designed for or used exclusively for residence purposes by one family.

Single-family Attached

A single-family dwelling unit of either one or two story construction having common or adjoining walls or floors with other such units, and located in a structure which has at least, but not more than, three such units. Every dwelling unit is individually owned, has a private entrance to the outdoors at ground level, and has individual heating and plumbing systems.

<u>Two-family</u>	A building designed and used exclusively by two families living independently of each other.
<u>Multi-family</u>	A dwelling designed for or occupied by three (3) or more families living independently of each other.
<u>Group</u>	A group of single-family, two-family, or multi-family dwellings, or their combinations located on one lot and around a common court or courts.
<u>Dwelling Unit</u>	One or more rooms are providing complete living facilities for one family, including equipment for cooking or provisions for the same and including room or rooms for living, sleeping, and eating.
<u>Essential Services</u>	The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.
<u>Family</u>	Any group of individuals living together as the functional equivalent of a family where the residents may share living expenses, chores, eat meals together and are a close group with social, economic and psychological commitments to each other. A family includes, for example, the residents of residential care facilities and group homes for people with disabilities. A family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries or nunneries.
<u>Flood Hazard Area</u>	Also known as "Areas of Special Flood Hazard." It is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A99 on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood

inundation areas, and flood prone soils associated with a watercourse.

Floor Area

The sum of the horizontal areas of the several floors of a building, measured from the interior faces of exterior walls or common walls separating two (2) buildings. Floor area, for the purposes of these regulations, shall not include basement, garage, elevator and stair bulkheads, unfinished attic space, terraces, breezeways, open and enclosed porches, and uncovered steps.

Frontage

The part of the property or lot immediately adjacent to and measured along the right-of-way of a street.

Garage, Auto Service Shop

A building, or portion of a building, in which repairs are made to motor vehicles and in which there is no painting of cars or body and fender work done.

Garage

Private

An accessory building or an accessory portion of the main building enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

Public

A building, or portion of a building, in which more than four (4) motor vehicles are, or are intended to be, housed under arrangements made with patrons for renting or leasing such space and accommodation and in which no repair work is carried on.

Grade

Finished

The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not level, the grade shall be determined by the averaging the elevation of the ground for each face of the building or structure being measured.

Natural

The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

Home Occupation

Any use or profession customarily conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

<u>Hospital</u>	Any building or other structure devoted to medical diagnosis and treatment or other care of sick or injured persons who are housed overnight, fed and provided nursing and related services.
<u>Hotel</u>	A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house, a tourist dwelling or a lodging house.
<u>Institution</u>	A building and land occupied by a non-profit corporation or a non-profit establishment for public use.
<u>Junk:</u>	Waste, discarded or salvaged materials, such as: scrap metals, used building material, used lumber, used glass, discarded motor vehicle(s), paper, rags, rubber, cordage, barrels and other similar type materials.
<u>Junk Motor Vehicle</u>	SEE MOTOR VEHICLE, JUNK.
<u>Junk Yard</u>	Any area of more than twenty-five (25) square feet of land, building or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc. are sold, stored for more than fifteen (15) days, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled.
<u>Land Use and Thoroughfare Plan</u>	The long-range plan for the development of the Township as officially adopted and amended by the Zoning Commission.
<u>Loading Space</u>	An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
<u>Lodging House</u>	A building where lodging is provided by the week or the month for compensation for three (3) or more, but not more than twenty (20) persons, not open to transient guests.

<u>Lot</u>	A piece, parcel, or plot of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces and access to, or frontage on, a public street, as required by these regulations.
<u>Lot Area or Size</u>	The computed area contained within the lot lines. Where the lot has been conveyed to the center of the street the area of the lot lying within the established right-of-way shall not be included as part of the minimum lot area for the purpose of these regulations.
<u>Lot, Corner</u>	A lot at the junction of and abutting upon two (2) intersecting streets.
<u>Lot Coverage</u>	The portion of the lot area that is covered by any buildings.
<u>Lot Depth</u>	The mean horizontal distance between the right-of-way line of the street and the rear lot line.
<u>Lot, Double Frontage</u>	A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
<u>Lot, Interior</u>	A lot other than a corner lot.
<u>Lot Lines</u>	The property lines defining the limits of a lot.
<u>Front</u>	The line separating a lot from the street on which the lot fronts.
<u>Rear</u>	The lot line opposite and most distant from the front lot line.
<u>Side</u>	Any lot line other than a front or rear lot line: a side lot line separating a lot from a street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.
<u>Lot, Substandard</u>	Any lot of record or lot as to which bona fide agreement of sale has been entered into prior to the effective date of this Resolution, where no adjoining land was under the same ownership or subject to the same or similar contract between the same parties on such date, may be used for single-family dwelling even if of lesser area, width or depth than required by the regulations for the district in which located. If, however, such lot abuts on either side or rear, one or more parcels or other lots in the same ownership on the effective date of this Resolution or acquired since such time and prior to application for Zoning Certificate, then such adjacent lot(s) or parcel(s) shall be

considered as combined into a lesser number of lots, each such combined lot or parcel having, as nearly as may be, a total area equal to the area required for a single lot for issuance of a Zoning Certificate in the district in which it is located. In cases in which said combined lots contain substantially the minimum area required, but the length or widths does not meet the standard of the district, and in any case in which the combining of lots will cause substantial hardship, the Board, upon appeal from denial of permit by the Zoning Inspector, may authorize AN appropriate variance.

Lot of Record

A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Portage County; or a parcel of land, the deed to which has been put to record.

Lot, Width of

The width measured along the minimum building setback line.

Maintain

- A). To sustain against opposition or danger: uphold and defend;
- B). To continue or persevere in: keep up;
- C). To support or provide for.

Manufactured Home

A non-self-propelled vehicle, transportable in one or more sections, which in the traveling mode, is twenty (20) body feet or more in width or forty (40) body feet or more in length or when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and safety standards.

Manufactured Home Park

Means any tract of land upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three (3) or more manufactured homes are parked thereon if the roadways are dedicated to the local government authority. "Manufactured Home Parks" does not include any tract of land used solely for the storage or display for sale of manufactured homes.

Minimum Building
Setback Line

SEE SETBACK, MINIMUM BUILDING.

Mobile Home

A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on-site, is three hundred (300) or more square feet, is built on a permanent chassis, is transportable in one or more sections and does not qualify as a manufactured home as defined by the Ohio Revised Code.

Monopole Structures

A single pole structure (for cell towers).

Motel

Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed as overnight sleeping quarters for automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges, and tourist courts.

Motor Vehicle
Discarded

Any inoperable motor-propelled vehicle or accessory to same, which is in the process of being wrecked, dismantled or stored and which does not have a valid license plate.

Junk

Any vehicle with Extensive damage meeting two or more, but not limited to the following: 1.) missing wheels, tires, motor, or transmission; 2.) Apparently inoperable; 3.) Unlicensed.

Nonconforming
Structure

SEE STRUCTURE, NONCONFORMING.

Nonconforming Use

Any building or land lawfully occupied by a use on the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Use Regulations of the District in which it is situated. SEE USE, NONCONFORMING.

Open space

An area or portion of land, either landscaped or essentially unimproved, used to meet human recreational or spatial needs or to protect water air or plant areas.

Open space, Usable

The portion of a lot, excluding the required front yard area, which is unoccupied by principal or accessory buildings and available to all occupants of the building for recreational use and other leisure activities normally carried on outdoors.

Outdoor Advertising Sign

. SEE SIGNS, OUTDOOR ADVERTISING.

<u>Parking Space</u>	An off-street space or berth for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods.
<u>Pet</u>	Means an animal kept primarily for pleasure rather than for utility.
<u>Plan</u>	
<u>Architectural</u>	A scaled drawing of a structure showing the floor plan, building measurement, exterior elevations and /or exterior finishes.
<u>Development</u>	A proposal including drawings and maps for a development, prepared in accordance with these regulations, illustrating the proposed design, layout and other features pertinent to improvement of the site.
<u>Site</u>	A drawing to scale, showing uses and structures proposed for a parcel of land as required by these regulations. Depending on the requirements, it may include boundaries, proposed streets, driveways, buildings, major landscape features, grading and the location of proposed utilities.
<u>Planned Unit or Planned Residential Development</u>	A planned, integrated residential development of at least thirty (30) acres, all of which is maintained intact with planned vacant areas not sublet or being built upon, where minimum lot size and dwelling type as otherwise fixed in these regulations may be modified to achieve particular design objectives and the economical provision of open space and utilities while maintaining the same overall density limitations of the district in which such development is located and complying with other pertinent requirements of this Resolution.
<u>Poisonous</u>	When applied to animals or reptiles - A). Having the properties or effects of poison: Venomous. B). Destructive, harmful
<u>Public Utility</u>	Any persons, firm, corporation, governmental agency or board fully authorized to furnish and furnishing to the public, electricity, gas, steam, telephone, telegraphy, transportation, water or any other similar public utilities.
<u>Recreational Vehicle</u>	A portable vehicle unit designed and constructed to be used as a temporary dwelling for travel, recreation, and vacation uses and being classed as follows:

Travel Trailer: A non-self-propelled recreational vehicle not exceeding an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and includes a tent-type fold out camping trailer as defined in division (S) of Section 4517.01 of the Ohio Revised Code.

Motor Home: A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming food, and for sleeping.

Truck Camper: A non-self-propelled recreational vehicle, with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.

Recreational Vehicle Park

Any tract of land used for parking five (5) or more self-contained recreational vehicles used as such, including any roadway, building, structure, or enclosure used or intended for use as part of the park facilities and any tract of land which is subdivided for lease or other contract of the individual lots for the express or implied purpose of occupancy by self-contained recreational vehicles. "Recreational Vehicle Park" does not include any tract of land used solely for the storage or display of self-contained recreational vehicles.

Residential Facility

A home or facility, including an ICF/IISD, in which an individual with mental retardation or a developmental disability resides, including an intermediate care facility for individuals with intellectual disabilities (ICF/IID, Section 5124, Ohio Revised Code). However the following are not residential facilities:

1. The home of a relative or legal guardian in which an individual with mental retardation or a developmental disability resides;
2. A respite home certified as such per the Ohio Revised Code, Section 5126.05;
3. A County of district home operated pursuant to Section 5155 of the Ohio Revised Cod;
4. A dwelling in which the only residents with mental retardation or developmental disabilities are in independent living arrangements or are being provided supported living. (Ohio Revised Code Section 5123.19)

Roadside Stands

A removable structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonal agriculture products produced on the premises and to be removed and stored back of the building line on the property at the conclusion of the seasonal sales.

School

Parochial

Non-public school approved by the State of Ohio.

Public

A school operated by a local school board.

Setback or Setback Line

A line designating the distance which building must be kept from existing proposed property lines.

Setback, Front,
Side or Rear

SEE YARD, FRONT, SIDE, REAR.

Setback Line,
Minimum Building

A line parallel to the street right-of-way line at a distance there from equal to the required depth of the front yard, and extending across the full width of the lot. Where the established right-of-way line, if any, cannot be ascertained it shall be deemed to be thirty (30) feet from the center line of the existing roadway. When new road is proposed, the setback line shall be measured from the proposed right-of-way.

Single-family
Attached Dwelling

SEE DWELLING, SINGLE FAMILY ATTACHED.

Sign

Any structure, or natural object such as a tree, rock, bush and the ground itself, or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place activity, person, institution, organization or business or which shall display or include any letter, word, banner, flag, pennant, badge, or insignia of any government, or governmental agency or of any charitable, religious, educational or similar organization.

Sign

Building

A sign which identifies the business or profession conducted or the principal products sold upon the premises.

Outdoor Advertising

A fixed or portable appliance, structure, or surface, including the supporting structure made necessary thereby, which is, or is to be erected upon the ground, or wall of a building or above the roof

of a building, and which is used, erected, intended and/or designed to be used for the public display of posters, painted displays, electrical displays, pictures or other pictorial or reading matter, for the benefit of a person, organization, business or cause not residing or located on the lot or in the building or on the lot adjoining the lot or building where said appliance, structure, or surface, ~~or~~ is to be located. The term "placed" as used in the definition of "Outdoor Advertising Sign" or referred to in connection with posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner.

Stable

Private

A stable with not more than four (4) animals, owned by the occupants of the dwelling to which it is an accessory use.

Commercial

An establishment providing for boarding, training, and/or riding animals, for a fee.

Story

The space in a building between the surface of any floor and the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling or roof above. However, where the floor level of the first floor is at least five (5) feet below the adjoining finished grade, the space shall be considered a basement and shall not count as a story.

Story, Half

A space under a sloping roof which has the line of intersection of ROOF decking and ~~will~~ EXTERIOR WALL face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

Street

Public

A thoroughfare dedicated to the public for public use or subject to public easements and maintained by a public agency, affording a principal means of access to abutting property.

Private

A thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public or is not subject to public easements.

Street Right-of-Way Line

A dividing line between a lot, tract or parcel of land and a contiguous street.

Structure

Anything constructed or erected, the use of which requires permanent location on the ground or attached to something

having permanent location on the ground, including advertising signs, billboards, pergolas, decks, swimming pools, but not including fences or walls used solely as fences.

Structure,
Nonconforming

A structure or portion thereof, lawfully erected and maintained that does not conform to the current regulations and requirements of the zone in which it is located.

Structural
Alterations

SEE ALTERATIONS, STRUCTURAL.

Swimming Pool
Family

A swimming pool used or intended to be used solely by the owner or lessee thereof and his family and by guests invited to use it without payment or fee.

Commercial

A body of water in an artificial or natural container, whether located indoors or outdoors, used or intended to be used for public, semi-public or private swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon adults or children, operated and maintained by any person as herein defined, whether he be an owner, lessee, operator, licensee, or concessionaire, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, and community associations.

Thoroughfare

A Street, highway, road or alley. SEE STREET, PRIVATE, PUBLIC.

Tourist Dwelling

An establishment used for dwelling purposes in which rooms, with or without meals, are offered for up to five (5) transient guests for compensation, including establishments known as bed and breakfasts.

Trailer Park
Mobile Home Park

A tract of land open to the public upon which spaces for trailers or mobile homes are provided for a consideration, whether for overnight, by the day, the week, the month, or longer.

Trustees

The Board of Trustees of Windham Township

<u>Unhoused</u>	To deprive of shelter.
<u>Use</u>	The purpose for which a building is or may be occupied. In the classification of uses, a "use" may be as commonly understood or the name of an occupation, business, activity or operation carried on, or intended or be carried on in a building or on the premises, or the name of a building, place or thing which name indicates the use or intended use.
<u>Use, Nonconforming</u>	Any building or land lawfully occupied by a use on the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Use Regulations of the District in which it is situated
<u>Usable Open Space</u>	SEE OPEN SPACE, USABLE.
<u>Variance</u>	An official permit to do something not permitted by regulations, especially by building in a way or for a purpose not permitted by a zoning law or a building code.
<u>Yard</u>	An open space, other than a court, between a structure and the adjoin lot lines, that is intended to be unoccupied and unobstructed from the ground to the sky, except for such encroachments as are specifically permitted by this document.
<u>Yard</u>	
<u>Front</u>	The required open space extending across the full width of a lot and for the perpendicular distance between the right-of-way line and the nearest portion of any building or structure existing or proposed for construction on said lot. Such perpendicular distance shall be deemed the front yard depth. Where the established right-of-way line, if any, cannot be ascertained, it shall be deemed to be thirty (30) feet from the center line of the existing roadway or from a proposed right-of-way line.
<u>Rear</u>	The require open space extending across the full width of a lot between the side lot lines and for the perpendicular distance between the rear lot line and the nearest portions of any building or structure existing or proposed to be constructed on said lot. Such perpendicular distance shall be deemed the rear yard depth. On both corner lots and the interior lots, the rear yard shall be in all cases at the opposite end of the lot from the front yard.
<u>Side</u>	The required open space between the nearest portion of any building or structure existing or proposed to be constructed on

said lot and the side lines of the lot and extending from the front yard to the rear yard. The perpendicular distance between the existing or proposed building or structure and the side lot line shall be deemed the side yard width.

Zoning Map

The "Zoning Districts Map, Windham Township, Portage County, Ohio".

Amendments

February 2019:

Added page numbers, separated by section, added index

July 2023:

Section 3.3: Home Renewable Energy Systems

A. Ground Mounted Solar Systems

1. Ground-mounted systems are subject to the setback requirements in Section 3.1.C. The required setbacks are measured from the lot/parcel/property line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.
2. No system shall be permitted to be located in the required front yard setback.
3. Ground mounted solar systems require a permit from the township. After a review and acceptance of site plan and required information, a permit authorizing construction shall be issued.

October 2023:

Section 2.12

G. Substandard Lot: Any lot that was platted prior to the enactment of this Resolution, that does not meet the requirements of this Resolution for yards, or other open space, may be utilized for single residence purposes, provided the necessary requirements for sanitary sewage facilities and water as established by the responsible health authority can be safely accommodated. The purpose of this provision is to permit utilization of recorded lots, which lack adequate width, depth, or area so long as reasonable living standards can be maintained.

In no case shall the side yard setback be less than 8 feet.

