

**Zoning Ordinance
Perry Township
Muskingum County, Ohio**

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**ZONING ORDINANCE
ZONED AREA
PERRY TOWNSHIP
MUSKINGUM COUNTY**

SECTION 1. PURPOSE

For the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provisions of public improvements, all in accordance with a comprehensive plan, the voters of the zoned area find it necessary and advisable to regulate sanitary drainage, the location, height, bulk, number of stories and sizes of buildings and other structures, including tents, cabins and trailer coaches, percentages of lot areas which may be occupied, set-back building lines, sizes of yards, courts and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins and trailer coaches and the uses of land for trade, industry, residence, and recreation.

SECTION 2. DISTRICTS

The zoned area of the township is hereby divided into the following districts.

1. Residential, which shall be designated as "R" districts.
2. Business and commercial, which shall be designated as "B" districts.
3. Agricultural which shall be designated as "A" districts.

The districts as shown on the map hereto attached are hereby established and said map is made a part hereof.

No building or premises shall be used and no building shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

SECTION 3. AGRICULTURE

Land in any district may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings incident to the use for agricultural purposes of the land on which such building shall be located, but residential buildings shall conform to the regulations contained in this resolution.

SECTION 4. CLASSIFICATION OF USES

"A" DISTRICT: AGRICULTURAL:

"Agricultural" shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry.

"R" DISTRICT: RESIDENTIAL:

The following uses and no other shall be deemed Class "R" uses and permitted in all "R" Districts:

1. Single or two-family dwellings and building accessory thereto.
2. Tourists homes, rooming houses and boarding houses accepting not more than four (4) guests at any one time.
3. Church, school, college, university, children's home, public library, public museum, community center, fire station, township, publicly owned park, publicly-owned playground.
4. Any person may maintain an office or may carry on his customary home occupation in the dwelling house used by him as his private residence providing such use does not involve any

Resolution No. 9-721

The BOARD OF TOWNSHIP TRUSTEES OF PERRY TOWNSHIP, MUSKINGUM COUNTY, OHIO, met in regular session on SEPT. 7, 2021, at the office of the township, with the following members present:

GARY HURSEY
DAVE DANISON
DOUG WEST

Mr. DANISON moved the adoption of the following Resolution:

A RESOLUTION PROHIBITING MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, OR RETAIL DISPENSARIES WITHIN THE UNINCORPORATED AREAS OF PERRY TOWNSHIP, MUSKINGUM COUNTY, OHIO

WHEREAS, Section 3796.29 of the Revised Code of the State of Ohio grants the authority to a board of township trustees may adopt a resolution, to prohibit, or limit the number of medical marijuana cultivators, processors, or retail dispensaries licensed under Chapter 3796 of the Revised Code of the State of Ohio within the unincorporated territory of the township;

NOW, THEREFORE, BE IT RESOLVED by the BOARD OF TOWNSHIP TRUSTEES OF PERRY TOWNSHIP, MUSKINGUM COUNTY, OHIO, that:

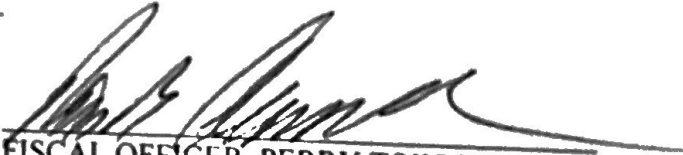
Pursuant to the authority granted in Section 3796.29 of the Revised Code of the State of Ohio, medical marijuana cultivators, processors, or retail dispensaries licensed under Chapter 3796 of the Revised Code of the State of Ohio shall be prohibited within the unincorporated areas of Perry Township, Muskingum County, Ohio.

It is found and determined that all formal actions of this board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Mr. WEST seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

<u>GARY HURSEY</u>	<u>AYE</u>
<u>DAVE DANISON</u>	<u>AYE</u>
<u>DOUG WEST</u>	<u>AYE</u>

ADOPTED the 7th day of SEPT., 2021.


FISCAL OFFICER, PERRY TOWNSHIP
MUSKINGUM COUNTY, OHIO

CC: Township Zoning Officer
Township Board of Zoning Appeals

extension or modification of said dwelling which will alter its outward appearance as a dwelling and providing such use does not involve an outward evidence of such use other than a sign as authorized in other sections thereof

5. Not more than one trailer coach may be temporarily used as a residence by a visitor on occupied property owned, leased or rented by a Zoned Area Resident for a period of thirty (30) days, provided that:

"A" Joint Application is filed with the Zoning Inspector by the aforesaid property resident and the trailer coach owner within seventy two hours after arrival on the property.

"B" Verification that provisions of the Muskingum County Health Board are complied with.

"C" A fee of \$10.00 has been paid to the Zoning Inspector who may issue a "Temporary Visitors Zoning Certificate" for a period of thirty (30) days, subject to renewal by the Zoning Commission.

6. To provide emergency housing for members of or family who have been residing in a dwelling onsite which has been destroyed or damaged by fire, flood, storm, or any similar act of God, the Zoning Administrator is authorized to approve temporary housing exempt from the housing standards herein set forth for up to 180 days while the residential dwelling is being repaired or rebuilt.

7. No tent shall be used as a temporary or permanent residence.

The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame or vibration.

"B" DISTRICT: BUSINESS AND COMMERCIAL DISTRICT

The following uses and no other shall be deemed Class "B" uses and permitted in all "B" districts:

1. Any use permitted in an "R" district shall be permitted in a "B" district.
2. Apartment house, rooming house, hotel, motel, living quarters over business establishment, restaurant, lunchroom, and garage.
3. Hospital or rest home other than for contagious diseases, insane, mental cases, and drug or liquor addicts.
4. Lodge hall.
5. Gasoline filling and serving station providing storage tanks are underground.
6. Job printing and newspaper printing plant.
7. Acceptable commercial and light industrial businesses.

Business Offices:	Professional, clerical, accounting, drafting, administrative charitable, offices;
Business Service:	Provides service to commercial-industrial enterprises, repairs or services equipment;
Business Wholesale:	Sales to retailers, jobbers, manufacturers, educational;
Clinics:	Place for diagnosis and treatment of sick, aiding injured persons requiring medical-dental surgical attention (but no overnight provisions);
Veterinary:	Place for care, grooming, diagnosis, treatment of sick, ailing or injured animals including overnight accommodations;

Food Processing:	Preparation, storage or processing of food products (bakery, ice cream, dairy, candy, pharmaceutical, cannery, meat packing);
Light Manufacturing:	Manufacturing or other industrial uses which are usually controlled operations, relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures and generating little industrial traffic and no nuisances;
Nursery:	Land and building for storage, cultivation, transplanting of live trees, shrubs, plants offered for retail sale on the premises including products used for gardening or landscaping;
Research Activities:	Research, development and testing materials related to fields such as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All activity shall be carried on within enclosed buildings;
Funeral - Mortuaries:	
Entertainment Facilities:	Drive-in Theater, golf driving ranges, miniature golf, skating rinks;
Bottling - Canning Works:	Bottling or canning of soft drinks, milk, etc.;
Warehouses:	For storage of merchandise and materials:
Fabrication:	Assembly of toys, novelties, electrical appliances, signs (electrical, neon, plastic), cabinet work, heating - ventilating equipment;
Laboratories:	Processing of film, testing laboratories;
Dry Cleaners:	Clothes, rugs, rags, including dyeing, bleaching operations;
Ice - Bottled Water:	Manufacturing of ice, distilled water;
Candles:	Manufacturing, warehousing, wholesale sales;
Manufacturing:	Matches, plastic items, carpeting, soap;
Self-Service Laundry:	
Trucking Terminals:	(Not less than 10 Acres)

The above uses shall be permitted only providing such use is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas, noise, fumes, flames or vibration.

SECTION 5. PROHIBITED USES

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any "R" or "B" or "A" districts:

1. Metallic Powder works.
2. Chemical Plant.
3. Crematory.

4. Distilling of bones, fat or glue, glue or gelatin manufacturing.
5. Manufacture or storage of explosives, gun powder or fireworks.
6. Manufacture of fertilizer.
7. Dumping, storing, buying, reducing, disposing of or burning garbage, refuse scrap metal, rubbish, offal of dead animals, except such as result from normal use of premises, unless such dumping is done at a place provided by the township trustees for such specific purpose.
8. Junk yards, automobile graveyards, or places for the collection of scrap metal, wood, paper, rags, glass or junk for salvage or storage purposes.
9. Hospitals and sanitariums for contagious diseases, insane, mental cases, drug or liquor addicts.
10. Commercial aviation fields.
11. Race tracks, except a race track that is part of a county fairgrounds.
12. Trailer parks, tourists camps.
13. Outside toilets.
14. Buying and selling or selling of any construction material, wood or steel, or the storing of any dismantled building or part thereof.
15. No sawmills for custom sawing.

SECTION 6: NON-CONFORMING USES

- a. A nonconforming use existing at the time the zoning resolution takes effect may be continued, except that if it is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.
- b. Any building arranged, intended or designed for a nonconforming use, the construction of which has been started at the time of the passage of the zoning resolution, but not completed, may be completed and put to such nonconforming use, providing it is done within one (1) year after the zoning takes effect.
- c. Any building or structure, existing as a nonconforming use at the time the zoning resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within two (2) years from the date of said destruction.
- d. A building or structure devoted to a nonconforming use at the time the zoning resolution takes effect may not be altered or enlarged so as to extend said nonconforming use.
- e. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or nonconforming use.

SECTION 7: OUTDOOR ADVERTISING

1. A sign not larger than fifteen (15) square feet in area is permitted (in any district) when the use is in direct relation to the use of the premises.
2. An outdoor advertising sign, billboard, or high rise sign other than those mentioned in paragraph 1 of this section, shall be deemed a structure and shall require a zoning certificate before

being erected, constructed or replaced. They must also meet State of Ohio and Federal Standards.

3. Any sign shall be so constructed as not to interfere with the vision of persons on the highway.

4. A Zoning Certificate shall be required for any sign larger than fifteen (15) square feet.

SECTION 8: PUBLIC UTILITIES AND RAILROADS

The regulations shall not apply to public utilities or railroads.

SECTION 9: MINIMUM DWELLING SIZES

APPROVAL STANDARDS FOR SINGLE FAMILY AND TWO-FAMILY DWELLINGS

- a. No single-family dwelling shall be erected with less than seven hundred (700) square feet of gross ground floor area, exclusive of breezeways, porches, terraces and garages, if with basement: if without basement - eight hundred (800) square feet, and shall be not less than twenty-four (24) feet in width or depth, whichever is the smaller dimension.
- b. No two-family dwelling, with a basement, shall be erected with less than seven hundred (700) square feet of gross ground floor area and a gross floor area of seven hundred (700) square feet per family, exclusive of breezeways, porches, terraces and garages. Without a basement, no two-family dwelling shall be erected, with less than eight hundred (800) square feet of gross ground floor area and a gross floor area of eight hundred (800) square feet per family, exclusive of breezeways, porches, terraces and garages. No two-family dwelling shall be less than twenty-four (24) feet width or depth, which ever is the smaller dimension.
- c. Foundation: The dwelling shall be set on a permanent masonry foundation that shall form a complete enclosure under the exterior walls.

SECTION 10: METHOD OF SEWAGE DISPOSAL

1. Wherever available, connection shall be made to public sewage system.
2. Where a public system is not available, connection to an approved community system will be acceptable.
 - a. To be acceptable a community system shall comply with all State and Local laws and regulations.
 - b. Evidence shall be submitted showing that the system and the method of disposal are considered satisfactory by the State Department of Health.
3. Where neither a public nor acceptable community system is available, and individual sewage-disposal system is acceptable provided compliance is obtained with the following:
 - a. All individual sewage-disposal systems shall comply with the Muskingum County Health Department regulations and have septic tanks.
 - b. Evidence shall be presented showing that the installation of each individual sewage-disposal system is satisfactory to the health authority having jurisdiction.

SECTION 11: MINIMUM LOT AREA

- a. With individual sanitary sewer and/or water facilities.
- b. With community sanitary sewer facilities as acceptable to the County and/or State Health Department. The water system to be community or individual as acceptable to the County and/or State Health Departments.

1. No single family dwelling shall be erected or building altered to accommodate one family as a

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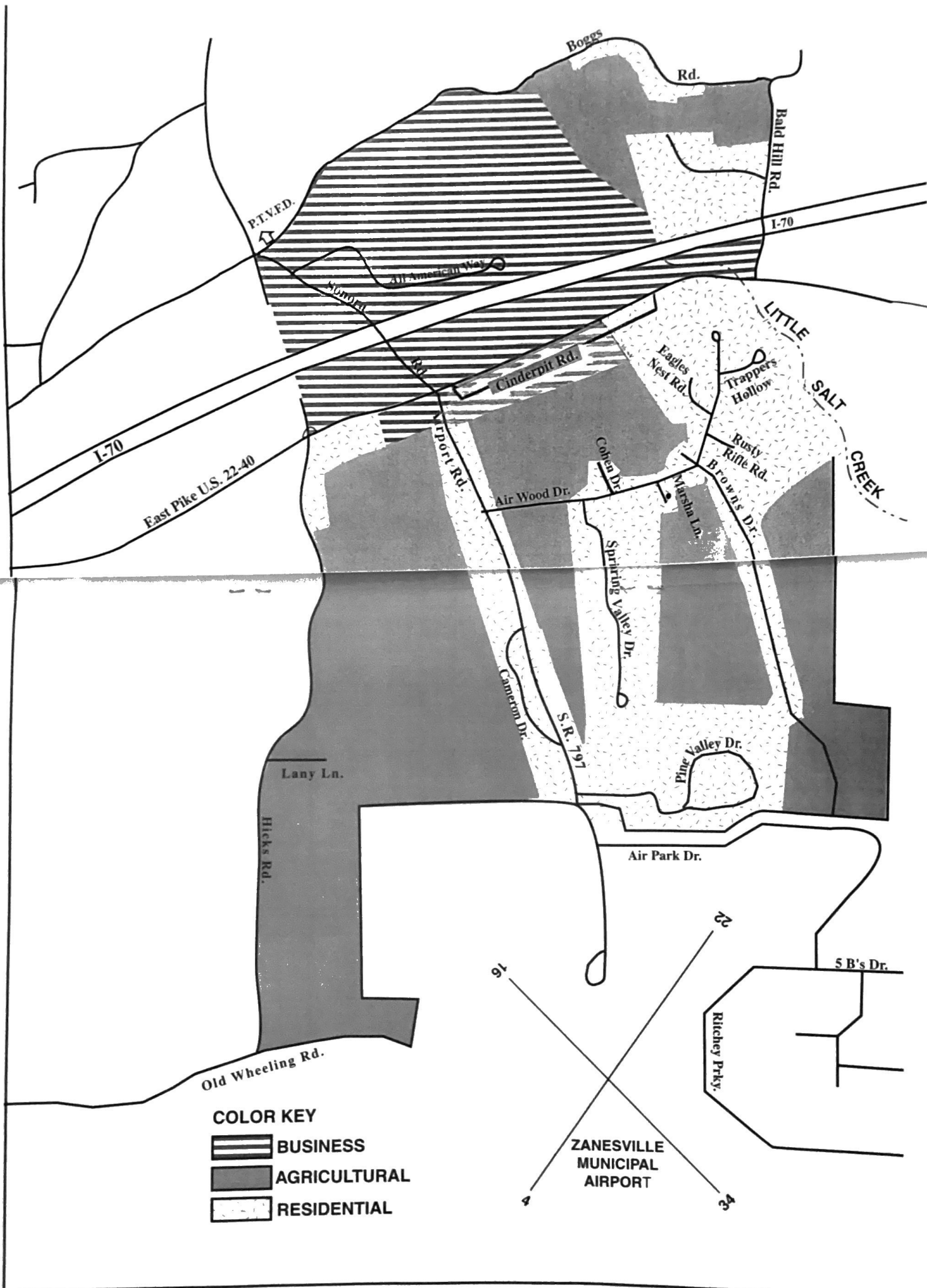
WASHINGTON TWP.

WAYNE TWP.

SALT CREEK TWP.

COLOR KEY

-  BUSINESS
-  AGRICULTURAL
-  RESIDENTIAL



16

22

4

42

resident in "11a" on less than twenty thousand (20,000) square feet unless such lot was designated on a recorded plat or separately owned at the time the zoning resolution takes effect and cannot practically be enlarged to conform with this requirement; in "11b" on less than a lot area of twelve thousand (12,000) square feet of lot area.

2. No two-family or multiple dwelling shall be erected or building altered for dwelling purposes to accommodate more than one family on less than twenty thousand (20,000) square feet of lot area per family in "11a". In "11b" on less than six thousand, two hundred (6,200) square feet of lot area per family.
3. No apartment house or living quarters over a business establishment shall be erected or a building altered into apartments to accommodate more than one family for each five thousand (5,000) square feet of lot area in both "11a" and "11b".
4. Lot area computations shall start thirty (30) feet from the center of the right-of-way unless the right-of-way is now or is contemplated to be of more than sixty (60) feet wide, in which case, start the computation at the edge of the right-of-way.

SECTION 12: MINIMUM LOT WIDTH

No dwelling shall be erected in any district on a lot having a width at the building setback line of less than one hundred (100) feet in Section 9-a and two hundred (200) feet in 9-b unless such lot was designated on a recorded plat or separately owned at the time the zoning resolution takes effect and cannot be practicably enlarged to comply with this requirement. No minimum lot width shall be required in a "B" district for use other than dwellings except such as is necessary to comply with the requirements for yard and lot areas or parking facilities.

SECTION 13: SETBACK LINES

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, shall be erected within forty (40) feet of the right-of-way side line of any road or street. This applied to 11b. Forty (40) feet shall be required for 11a. If there is no established right-of-way side line for any road or street, said side line shall be deemed to be forty (40) feet from the center of the road, for 11b and 11a.

SECTION 14: SIDEYARDS

For every building erected in an "R" district, there shall be a minimum side lot clearance on each side of said building. This shall be not less than ten (10) feet on Section 11a and ten (10) feet on 11b which space shall remain open and unoccupied by any building or structure. Attached garages, carports or accessory building connected with the main building by a breezeway or other permanently constructed connection shall be construed to be a part of the main building and shall be not less than ten (10) feet from the side line in both section 11a and 11b. All other accessory buildings shall be at least twenty (20) feet from any dwelling, provided however, that an accessory building located not less than twenty (20) feet to the rear of the main building may be erected not less than ten (10) feet from a side lot, except on corner lots, provided that it will be not less than twenty (20) feet distance from existing residence in Section 11a and ten (10) feet from existing residence in Section 11b. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building.

SECTION 15: CORNER LOTS

The setback building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. If possible, the side yard clearance on the side street should conform to the setback line for an inside lot on said road or street, but in no event shall be less than twenty (20) feet.

SECTION 16: REAR YARDS

For every building erected in a "R" district and for every dwelling erected in any district, there shall be a minimum rear lot clearance at the rear of said building of at least fifteen (15) feet, which space shall remain open and unoccupied by any building or structure, and to be used for any utility purpose or sewage disposal.

SECTION 17: REAR HOUSES

No dwelling or apartment house shall be erected or altered or used unless the same shall have access to a public street and, if located in the rear of another building and has no immediate street frontage, then a permanent easement for access shall be provided over an unoccupied strip of land at twenty (20) feet in width and such reserved strip may not form a part of any lot width or lot yard or lot area required by the zoning resolution, and if more than one dwelling is located in the rear of another building and has no immediate street frontage, then said easement for access shall be not less than forty (40) feet in width and each additional said rear house shall be subject to the same requirements for frontage on the easement for access and other requirements for lot and yard areas as though said dwelling was located on a public street. Said easements shall be executed with the requirements provided by law for deeds and shall be filed with the Recorder of this county for record.

SECTION 18: PARKING FACILITIES

1. All dwellings and apartment houses shall provide parking space off the road or street and outside of the public right-of-way, together with means of ingress and egress thereto, for not less than one motor vehicle per dwelling unit or apartment. Not less than two hundred (200) square feet of area shall be deemed necessary for each such vehicle.
2. All Class "B" uses shall provide parking space off the road or street, outside of the public right-of-way and not more than three hundred (300) feet distance from an entrance to said establishment of an area of not less than two hundred (200) square feet for each one hundred (100) square feet of area of the first floor of said establishment which it serves.
3. All Class "B" uses shall provide adequate parking space off the street or road and outside of the public right-of-way for vehicles delivering to, unloading, loading or taking away from said user goods, materials, supplies, or waste in connection with said business or use.

SECTION 19: ZONING CERTIFICATE

The position of Area Zoning Inspector is hereby created. He shall be appointed by and serve at the pleasure of the Board of Township Trustees and shall receive such compensation as the Board of Township Trustees may provide. He shall keep records of all applications for Zoning Certificates and the action taken thereon.

Before constructing any building (excluding buildings incident to agriculture purposes) application shall be made to the Township Zoning Inspector for a Zoning Certificate. The applicant shall submit detailed plans indicating the layout of the proposed construction and submit a plot plan, showing the exact location, dimensions and the proposed use.

A fee of \$10.00 will be charged by the Zoning Inspector to issue a "Temporary Visitors Zoning Certificate", for a visiting house trailer. Refer to Section 4 Paragraph 5.

The Township Zoning Inspector shall collect a fee of \$50.00 for a permit for construction of any building.

A fee of \$25.00 will be collected by the Zoning Inspector for each sign erected.

Before remodeling or altering any building (excluding building incident to agriculture purposes) in

which the existing gross ground floor area is to be enlarged, application shall be made to the Township Zoning Inspector for a permit. A plot plan showing the location of the building, the proposed gross ground floor area and proposed use, shall be submitted to the Zoning Inspector.

The fee charge for permits on alterations or remodeling shall be the same charges as are required for new construction.

No permit shall be required for minor alterations, remodeling or repairs on any building, providing that the gross ground floor area is not enlarged.

All expenses incurred by the township for review of subdivision plats and commercial facilities for zoning compliances shall be paid by applicant.

All expenses incurred by the township through the appeals process shall be paid by the applicant

All expenses incurred by the township by any change in zoning districts shall be paid by the applicant.

SECTION 20: ZONING COMMISSION

There is hereby created an Area Zoning Commission of five members, who shall be residents of the unincorporated area of the township included in the zoned area. The terms of each member shall be five years beginning January 1st except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term. The members of the Zoning Commission shall serve without compensation.

The Area Zoning Commission shall meet semiannually and may initiate amendments to the zoning resolution from time to time. Amendments may also be initiated by the Township Trustees or by petition. Before submitting a recommendation of any amendment the Zoning Commission shall hold not less than one public hearing thereon, notice of which shall be given by one publication in one or more newspapers of general circulation in the township at least thirty days before the date of such hearing. When the Area Zoning Commission has completed its recommendations for an amendment, it shall certify the same to the Board of Township Trustees.

After receiving the certification of a proposed amendment to the Zoning Resolution from the Area Zoning Commission and before adoption of such zoning amendment, the Board of Township Trustees shall hold a public hearing thereon, at least thirty days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the township. Such hearing may be continued from time to time if in the public interest to do so.

No change in or departure from the text or maps of the amendment as certified by the Area Zoning Commission shall be made unless the same be first submitted to the Area Zoning Commission for its approval, disapproval or suggestions. If such changes are disapproved by the Area Zoning Commission, provisions so disapproved must receive the favorable vote of the entire membership of the Board of Township Trustees in order to be adopted.

All amendments and hearings provided for herein must follow the procedures set forth in Section 519 of the Ohio Revised Code.

After receiving a recommended amendment to the zoning plan from the Area Zoning Commission and holding the public hearing provided for, the Board of Township Trustees shall consider such recommendation and vote upon the recommended amendment to the zoning resolution. If the amendment to the zoning resolution is adopted by the Board of Township Trustees, it shall take effect thirty days thereafter, unless within said period there is presented to the Board of Township Trustees a petition signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the amendment to the zoning resolution and affected by the amendment, equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last general election in which a Governor was elected, requesting the Board of Township Trustees to submit the amend-

ment to the electors of such area for approval or rejection at the next primary or general election, in which event the amendment shall not take effect unless a majority of the electors shall approve the same.

The Area Zoning Commission shall organize, and adopt rules in accordance with the provisions of the zoning resolution. Meetings of the Zoning Commission shall be held at the call of the President, and at such other times as the Commission may determine. The President, or in his absence the Vice President, may administer oaths and the Area Zoning Commission may compel the attendance of witnesses. All meetings of the Zoning Commission shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.

SECTION 21: BOARD OF ZONING APPEALS

There is hereby created an Area Board of Zoning Appeals of five members, who shall be residents of the unincorporated area of the township included in the zoned area. The terms of each member shall be five years beginning January 1st except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term. The members of the Board of Zoning Appeals shall serve without compensation.

The Area Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning laws or any amendments thereto.
2. To authorize, upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the zoning resolution of any amendments thereto will result in unnecessary hardship, and so that the spirit of the zoning resolution shall be observed and substantial justice done.

In exercising the above-mentioned powers, such board may, in conformity with the provisions of the law and the zoning resolution and amendments thereto, reverse or affirm wholly or partly, or may modify the order, requirement, decisions or determination as ought to be made, and to that and shall have all power of the officer from whom the appeal is taken.

The Area Board of Zoning Appeals shall organize, and adopt rules in accordance with the provisions of the zoning resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. The Chairman, or in his absence the acting chairman, may administer oaths and the Area Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by an officer of the township affected by any decision of the administrative officer. Such appeal shall be taken within twenty days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the ground thereof. The officer from whom the appeal is taken shall forthwith transmit to the Area Board of Zoning Appeals all the papers constituting the record upon which the action of appeals was taken.

The Area Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten days notice to the parties in interest, and decide the same within thirty days after it is submitted. Upon the hearing, any party may appear in person or by attorney. Any person adversely affected by a decision of an Area Board of Zoning Appeals may appeal to the Court of Common Pleas of this county on the ground that such decision was unreasonable or unlawful.

SECTION 22: ENFORCEMENT

- a. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of the zoning resolution or any amendment thereto. Any person, firm or corporation violating the zoning resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars (\$100.00) each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues. Each violation may be deemed a separate offense.
- b. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of law or of the zoning resolution or any amendment thereto, the Board of Township Trustees, the prosecuting attorney of the county, the Area Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

SECTION 23: INTERPRETATION

In interpretation and application, the provisions of the zoning resolution shall be held to the minimum requirements adopted for the promotion of public health, safety, morals, comfort and general welfare.

Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules of regulation, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.

Where the zoning 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 herein 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 herein.

SECTION 24: VALIDITY

Each section, subsection, provision, requirement, regulation or restriction established herein or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause shall not effect nor render invalid the zoning resolution or amendments there to as a whole or any other part thereof except the particular part so declared to be invalid.