

ORDINANCE NO. 2023-08

**AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING
ORDINANCE WITH RESPECT TO INDUSTRIAL UNITS,
MANUFACTURED HOMES AND MOBILE HOMES.**

Whereas, the Village Planning Commission has recommended to Council that it is appropriate to amend the Village of Windham Zoning Code with respect to Industrial Units, Manufactured Homes and Mobile Homes; and

Whereas, the Council has determined that the recommended amendment is appropriate, and the Village of Windham Zoning Code should be amended; and

Whereas, in accordance with Windham Codified Ordinance Section 1147.01 the Council on June 29, 2023, by resolution fixed the time, date and place of the public hearing on the proposed amendment and directed the Village Fiscal Officer to publish the notice described in Windham Codified Ordinance Section 1147.01; and

Whereas, the Council caused notice of the proposed amendment and the time and place of the public hearing to be published in the Record Courier, a paper of general circulation in the Village, once a week for three successive weeks; and

Whereas, on August 8, 2023 at least thirty days after the date of the first publication of the notice in the Record Courier, the Council held a public hearing on the proposed amendment; and

Whereas, the Council has decided to amend the Zoning Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Windham, Portage County, Ohio, the majority or more of its members thereto concurring:

SECTION 1: That the current version of Windham Codified Ordinance sections 1173.02(b)(4) and 1173.02(b)(5) are hereby repealed in their entirety.

SECTION 2: Windham Codified Ordinance sections 1135.01(17.1), 1135.01(29.1), 1135.01(29.2), 1149.05(k), 1149.05(l), 1169.02(b)(10), 1169.02(b)(11), 1171.02(b)(7), 1171.02(b)(8), 1173.02(b)(4), and 1173.02(b)(5), all as are set forth in the attached Exhibit A, which is incorporated herein by reference, are hereby enacted.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 4: That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

First Reading: July 11, 2023
Second Reading: July 25, 2023
Third Reading: August 8, 2023

ATTEST:

Katrina Washington, Fiscal Officer

APPROVED:

Scott Garrett, Mayor

I hereby certify that the above Ordinance was duly published by public posting at predesignated posting places.

Katrina Washington, Fiscal Officer

APPROVED AS TO FORM:

Thomas Reitz, Solicitor

Exhibit A

Amendments to Definitions

1135.01(17.1) “Industrialized Unit” means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use, all for residential use. “Industrialized Unit” includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. “Industrialized Unit” does not include a manufactured home, or a mobile home as defined in Windham Codified Ordinance 1135.01. (ORC 3781.06(C)(3)).

1135.01(29.1) “Manufactured Home” means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” [88 Stat. 700](#), 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. (ORC 3781.06(C)(4)).

1135.01(29.2) “Mobile home” means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty 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 or as a modular home as defined in Windham Codified Ordinance 1135.01. (ORC 4501.01(O)).

* * *

Conditions for Approval

1149.05(k). All Manufactured Homes shall be new (never installed at any location) and in compliance with the regulations of the Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 5401, 5403 of current effect, and shall bear a permanent label or tag affixed to it certifying such compliance, all as specified in 42 U.S.C.A. 5415.

1149.05(l). All Industrialized Units shall be new, and the construction drawings and the building shall bear the Seal of Ohio Board of Building Standards, meaning that it was built and inspected and approved as in compliance with the Residential Code of Ohio, and shall be subject to inspection by the Portage County Building Department.

* * *

R-1 Conditional Use Provisions

1169.02(b)(10) Manufacturing Homes conditioned upon and subject to compliance with Section 1149.05(k).

1169.02(b)(11) Industrialized Units conditioned upon and subject to compliance with Section 1149.05(l).

* * *

R-2 Conditional Use Provisions

1171.02(b)(7) Manufacturing Homes conditioned upon and subject to compliance with Section 1149.05(k).

1171.02(b)(8) Industrial Units conditioned upon and subject to compliance with Section 1149.05(l).

* * *

R-3 Conditional Use Provisions

Repeal current Section 1173.02(b)(4) and Section 1173.02(b)(5).

1173.02(b)(4) Manufacturing Homes conditioned upon and subject to compliance with Section 1149.05(k).

1173.02(b)(5) Industrial Units conditioned upon and subject to compliance with Section 1149.05(l).