

ARTICLE I

GENERAL PROVISIONS

SECTIONS 100 - 106

## ARTICLE I

### GENERAL PROVISIONS

#### **100 Title**

This Resolution shall be known and may be cited to as the "Zoning Resolution of Township of Dover," except as referred to herein, where it shall be known as "this Resolution."

#### **101 Purpose.**

This Resolution is enacted for the general purpose of promoting the public health, safety, comfort, and welfare of the residents of the Township of Dover; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads, and highways; to provide for the administration and enforcement of this Resolution, including the provision of penalties for its violation; and for any other purpose provided in this Resolution, the Ohio Revised Code, or under common law rulings.

#### **102. Interpretation.**

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

#### **103 Uses Exempt from Regulations**

##### **A. Agricultural Uses**

Nothing contained in these regulations shall prohibit the use of any land for agricultural purpose or the construction or use of buildings or structures incident to the use of agricultural purposes of the land upon which said 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 the purpose of this Resolution "agriculture" shall be as defined in the Ohio Revised Code 519.21.

## **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 buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility railroad, for the operation of its business.

### **104 Separability**

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

### **105 Repeal of Conflicting Resolutions.**

All resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

### **106 Effective Date.**

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

# ARTICLE II

## DEFINITIONS

### SECTION 200

## ARTICLE 2

### DEFINITIONS

#### **200 Purpose**

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; the plural number shall include the singular; the word shall is mandatory and not discretionary. The word "building" shall include the word structure" and the word "used" shall include the words "arranged", "designed "constructed", "altered", "convened", or "intended to be used". 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. Any word or term not defined herein shall be given a meaning found in the Webster's Dictionary.

**Accessory Building:** A detached subordinate building customarily incident to and located upon the same lot occupied by the main building and shall include detached garages.

**Accessory Use:** A subordinate use of a building, other structure, tract of land, or a subordinate building or other structure, the use of which is located on the same lot and is clearly incidental to the use of the principal building or other structure or use of land, or is customary in connection with the principal building or other structures or use of land.

**Abutting:** Property adjacent adjoining, or contiguous, including property separated by an alley. Lots touching at corners only shall not be deemed abutting.

**Agriculture:** The use or land for agricultural purposes, including farming, dairying, pasturage; apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

**Alley:** A public or private right of-way less than forty (40) feet wide which affords a mean of vehicular access to the side or rear of street properties abutting a street or road.

**Alterations:** See Structural Alterations.

**Auto Graveyard or Wrecking Yards:** See Junk Yard

**Auto Wash or Laundry:** A building or a portion thereof containing facilities for washing more than two (2) automobiles using production-line methods including, but not limited to, a chain conveyer, blower, steam cleaning device, or other mechanical devices. It also may include, on the same site, the fueling of automobiles, when such fueling is ancillary and preliminary to the principal function of washing vehicles.

**Awning:** Any structure made of plastic, cloth or metal with a frame attached to a building and projecting over a sidewalk, when the same is so erected as to permit being raised to a position flat against the building when not in use.

**Billboard:** Same as Sign, Outdoor Advertising.

**Board:** The Dover Township Board of Appeals.

**Boarding House:** A building other than a hotel, motel, or group home where for compensation, meals, or lodging and meals are provided for at least three (3) but not more than twenty (20) persons, in contradiction to hotels, open to transients, and group homes.

**Borrow Pit:** Same as Quarry.

**Broadcast Tower:** A structure for the transmission or broadcast of radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located

**Buffer Strip:** The extra space required for the front yard depth, side yard width, or rear yard depth for an Industrial or Commercial use which abuts a Residential District

**Building, Enclosed:** A building enclosed on all sides.

**Building, Height:** The vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge of gable, hip or gambrel roof

**Building Line:** 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.

**Building, Principle:** The building on a lot used to accommodate the primary use to which the premises is devoted.

**Building Signs:** A sign which identifies the business or profession conducted the principal products sold upon the premises.

**Campsite:** Campsite or camp grounds shall mean a parcel of land intended for temporary occupancy by tent, tent trailer, or recreation vehicle.

**Canopy:** Any structure, other than an awning, made of cloth or metal, with frame attached to a building and projecting over a sidewalk.

**Car Port:** A covered automobile parking space not completely surrounded by walls or doors. A carport shall be subject to all the regulations prescribed in this Resolution for a private garage.

**Church:** A permanently located building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body to sustain public worship and church related uses.

**Clinic:** Any building or other structure devoted to the diagnosis, treatment, and care of human outpatients.

**Club:** A building or facility owned or operated by persons who are associated for a social, educational, or recreational purpose. Such a building or facility is not operated primarily for profit, not to render a service which is customarily carried on as a business, and which is generally restricted to members and their guests using the facility for the purpose for which they have associated. This shall not include a church building or to the occasional accessory use of a private residence as a meeting place.

**Commission:** The Dover Township Zoning Commission

**Conditional Zoning Certificate:** A certificate issued by the Zoning Inspector upon approval by the Board to allow a use other than a principally permitted use to be established within the district.

**Condominium:** Joint ownership of real estate, including land, structure, improvements.

**Contiguous:** In contact with.

**Convalescent Home:** A "rest home" or "boarding home" is any abode, building, institutional residence, or home that is used for the reception and care, for a consideration, of three (3) or more persons, by reason of age or mental or physical infirmities, who 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 State.

**County:** County of Tuscarawas, Ohio.

**Court:** An open, unoccupied space, other than a yard on the same lot with a building or group of buildings which is bounded on two (2) or more sides by such building or buildings, every part of which is clear and unobstructed from its lowest point to the sky.

**Day `Care Center:** The keeping of five or more children other than your own, with or without compensation, shall constitute a day care center.

**Density:** The number of families residing on, or dwelling units to be developed on, a gross acre of land.

**Detached Garage:** See Accessory Building.

**Discarded Motor Vehicles:** Any inoperable motor propelled vehicle or accessory to same, outside a building, which is in the process of being dismantled or stored and not used, or which does not have a license thereon which is valid during some part of the preceding thirty (30) day period.

**District:** A section or sections of unincorporated territory of Dover Township, Tuscarawas County, Ohio for which the regulators governing the use of buildings and premises or the height and area of buildings are uniform.

**Domestic Animal:** An animal which is commonly maintained in residence with people.

**Dumps:** Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose of garbage, sewage, trash, refuse, waste material of any kind, junk, discarded machinery, vehicles or parts thereof, offal, or dead animals, toxic chemicals and radioactive waste.

**Dwelling:** Any building residential or portion thereof; which is designed or used primarily for one-family residence, but not including hotels, motels, boarding houses, lodging houses, and tourist dwellings.

**Dwelling, Two Family:** A building, arranged, intended, or designed to be occupied as the residence of two families living independently of each other.

**Easement:** A right to use a portion or all land of another for another special purpose, such as public utilities, streets, highways, etc.

**Efficiency Unit:** A dwelling unit consisting of one (1) or more rooms, exclusive or bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

**Excavation or Cut:** The removal, stripping or disturbance of soil, earth, sand, rock, gravel or other similar substances from the ground.

**Family:** Any number of individuals living together who are interrelated by bonds of blood, marriage, or legal adoption, on a premise as a single housekeeping unit with a common and single set of culinary facilities. This is distinguished from a group occupying a boarding house, lodging house) hotel) tourist home) sorority, or fraternity. The persons thus constituting a family may also include temporary non-paying guests and domestic servants. The following persons shall be considered related for the purpose of this title:

1. A person residing with a family for the purpose of adoption.
2. Not more than six (6) persons under nineteen years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State or its delegate.
3. Any person who is living with a family at the direction of a court

**Fence:** A barrier constructed so as to contain or enclose an area as either a protective measure or screening device.

**Fence, Open:** A fence including gates) which has for each one foot wide segment extending over the entire length and height of the fence, fifty (50) percent or more of the surface area in open spaces which affords a direct view through the fence.

**Fence, Solid:** A fence, including gates, which has for each one foot wide segment extending over the entire length and height of the fence, five (5) percent or less of the surface area in open spaces which affords a direct view through the fence.

**Filling:** The depositing or dumping of any matter on or into the ground, except the deposits resulting from common household gardening or deposits on farm for agricultural use.

**Flood Plain:** Those lands which are subject to a one (1) percent or greater chance of flooding in any given year.

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

**Floor Area Ratio:** A mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located.

**Frontage:** Frontage shall mean the length of the property on one side of a street between two street intersections (crossing or terminating) measured along the property line at the street, or if the street is dead ended, the length of the property abutting on one side between an intersecting street and the dead end of the street

**Front Lot Line:** The dividing line between the road, street or highway and the lot.

**Garage, Auto Service:** See Service Station.

**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 motor vehicles owned and used by the occupants of the building to which it is an accessory. The garage shall be located on the same lot as the dwelling to which it is an accessory.

**Garage, 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 triad; with patrons for renting or leasing such space and accommodation and in which no repair work is carried on.

**Garden Center:** A building or premises used partially for the rental or sale of items useful in the culture, display, or decoration of lawns, gardens, or indoor plants, including books, appliances, and tools, but not including power tools or tractors.

**Gasoline Service Station:** See Service Station.

**Grade, Elevation:** Grade elevations are defined as follows:

1. For the building having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street
2. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.
3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building

4. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street and where no sidewalk exists, the sidewalk grade shall be established.

**Grade, Natural:** The elevation of the undisturbed natural surface of the ground prior to an excavation or fill

**Gross Acre:** Land area, assured on the horizontal plane, and occupied by all natural and man-made features of the landscape.

**Group Home:** A facility in which more than two (2) but less than ten (10) persons who are unrelated by blood, marriage, or adoption reside while receiving therapy or counseling, but not nursing care, for any of the purposes listed below. Such facility shall be licensed by the State.

1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
2. Adaptation to living with, or rehabilitation from the handicaps of emotional or mental disorder, or mental retardation.
3. Rehabilitation from the effects of drug or alcohol abuse.
4. Supervision while under a program of alternatives to imprisonment, including but not limited to pre-release, work-release, or probationary programs.

**Health Care Facilities:** A building, or structure, licensed by the State and used as a hospital; convalescent or nursing home; a facility in which ten (10) or more people reside while receiving therapy, counseling, or rehabilitation for physical, emotional or mental disease or disability; a facility for out-patient physical, occupation, or vocational therapy or rehabilitation; or public health clinics and facilities.

Health care facilities does not include doctors' or dentists' professional offices and private clinics.

**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.

**Hospital:** Any 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 or a lodging house.

**Institution:** A building occupied by a nonprofit corporation or a nonprofit-establishment for public use.

**Junk Yard:** The use of more than fifty (50) square feet of any land whether for private and/or commercial purposes, where waste, discarded or salvage materials, used lumber, used glass, discarded motor vehicles, paper; rags, rubber; cordage, barrels etc are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled. Two or more automobiles or trucks which are not in operating condition shall be deemed a junk yard Automobile dismantling shall not include the incidental storage of inoperable or disabled vehicles in connection with the legal operation of an auto repair garage and body and fender shop. No vehicles shall be stored on site more than sixty days.

**Kennel:** Any establishment at which dogs and cats, or other master animals are bred or raised for sale, or boarded, cared for commercially, exclusive of dental, medical, or surgical care.

**Kitchen.:** An enclosed place equipped with cooking facilities.

**Landscaping:** An area devoted to and maintained for the growing of trees, shrubbery, lawns, and other plant materials.

**Land Use and Thoroughfare Plan:** The long range plan for the development of the Township and its environs as officially adopted and amended by the Board of Trustees.

**Loading Space:** 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.

**Lodging Houses:** See Boarding Houses.

**Lot:** A piece, parcel, or plot of land occupied or intended to be occupied by a principal building or a 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 fifty (50) foot wide minimum public street, as required by these regulations.

**Lot, Area of;** The computed area contained within the lot line where the lot has been conveyed to the center of the street, the area of the lot lying within the established street right-of-way shall not be included as part of the lot area for the purpose of these regulations.

**Lot, Corner:** Any lot at the junction of and abutting on two (2) or more intersecting streets.

**Lot Coverage:** The portion of the lot area that is covered by any buildings.

**Lot, Depth of:** The mean horizontal distance from the right-of-way line of the street and the rear lot line.

**Lot, Double Frontage:** The portion of the lot area that is covered by an buildings, or a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

**Lot Line:** The lines defining the limits of a lot.

**Lot Line, Front:** The line separating a lot from the street on which the lot fronts.

**Lot Line, Interior:** A lot other than a corner lot.

**Lot Line, Rear:** The lot line opposite and most distant from the front lot line.

**Lot Line, Side:** 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.

**Lot, Record of:** A lot which is a part of a subdivision, a map of which has been recorded in the office of the Recorder of County of Tuscarawas, or a parcel of land, the deed to which was of record on or prior to the effective date of this Resolution

**Lot, Platted:** A lot which is a part of a subdivision the plat of which, or the appropriate permit for which, has been legally approved and recorded in the office of the Recorder of County of Tuscarawas.

**Lot, Width of:** The width measured along the building line.

**Magazine:** Any building or other structure used for the storage of explosives or materials used in the manufacture of fireworks.

**Major Thoroughfare:** A road defined as a major thoroughfare by the Commission or indicated as a major thoroughfare on the Land Use and Thoroughfare Plan of current adoption.

**Minimum Building Setback Line:** A line parallel to the street right-of-way line and at a distance therefrom 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 of the line of the existing roadway. Where a major thoroughfare or collector thoroughfare is designated the setback line shall be measured from the proposed right-of-way line.

**Minimum Living Floor Area:** Floor area for dwellings shall consist of areas such ~ living room, bedroom, bathroom, dining room, rooms for cooking, den, library, and family rooms, but shall not include areas such as porches, breezeways, terraces, recreation rooms, utility rooms, garages, and basements.

**Mobile Home:** A vehicle other than a motor vehicle used as a semi-permanent housing designed for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle and shall include a trailer coach.

**Mobile Home Park:** A tract or parcel of land open to the public upon which spaces for trailers or trailer coaches are provided for a consideration whether overnight, by the day, week, or month.

**Motor Vehicle:** Any vehicle which is self-propelled.

**Motor Vehicle, Commercial:** Vehicle classified by the Manufacturer's Ratings exceeding one and one-half (1-1/2) ton capacity and trailers, semi-tractors and trailers, busses and trucks, except motor vehicles used for strictly personal recreation purposes

**Multi-Family Dwelling:** A building or portion thereof, arranged, designed and intended to contain three (3) or more units independent of each other.

**Net Acre:** The land area of any lot or plot of ground after deducing that portion within the right-of-way of any street, alley, or road.

**Non-Conforming Use:** The use of any building, structure; or land which lawfully existed the effective date of this Resolution or any amendment or supplement thereto Which does not conform to the Use Regulations of the District in which it is located.

**Nursery:** See Day Care Center.

**Nursery, Plant:** An establishment devoted to the raising and care of trees, shrubs, or similar plant materials.

**Nursing:** Homes: See Convalescent Home.

**Office Building:** A building designed for or used as the office of professional, commercial, industrial, religious, institutional, public, or semi-public persons or organizations, provided no goods, wares, or merchandise shall be prepared or sold On any premises except that an office building may be occupied and used as a drugstore, barbershop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand, or newsstand when such uses are located entirely within the public building with no entrances from the street, are not visible from the exterior, and no sign or display is visible from the outside of the building indicating the existence of such use. Broadcast stations, offices, and studios shall be considered as office buildings.

**Open Burning:** The burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air; without passing through a stack or chimney from an enclosed chamber.

**Open Space:** An area of land which is in its natural state, or is developed only for the raising or agricultural crops, or for public outdoor recreation.

**Parking Lot:** An area consisting of six or more parking spaces for  
the storage

of automobiles, together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for an automobile, provided that there shall be no storage of automobiles for the purpose of sale or resale.

**Parking Space:** An off-street space or berth for the temporary  
parking of a

vehicle for a period longer than required to load and unload persons or goods and having an area not less than two hundred (200) square feet and a width of not less than nine (9) feet.

**Planned Unit Development:** A planned, integrated development where minimum lot size and building types may be modified somewhat to achieve particular design objectives and the economical provision of open space and utilities and while maintaining the same overall density limitations of the district in which the development is located and the other pertinent requirements of this Resolution and site design requirements of the Zoning Commission.

**Premises:** A tract of land, consisting of one platted lot or irregular tract, provided such lots or tracts are under common ownership and contiguous.

**Professional Office:** A building containing one (1) or more offices, where there is no display of stock or wares in trade, nor commodity sold, nor any commercial use conducted other than professional services as herein defined.

For the purpose of this title, "professional offices" include but are not limited to

the office of a doctor, dentist, optometrist, chiropractor, osteopath, lawyer, architect, engineer, minister of religion, insurance agent or a real estate agent

200-11

**Publicly Owned:** Owned and maintained at public expense.

**Public Utility:** Any person, firm, corporation, governmental agency or Board hereby authorized to furnish to the public, electricity, gas, steam, telephone, telegraphy, transportation, water, or any other similar utilities.

**Quarry:** Any use of land for the removal of any mineral or material, including open or strip mining and shaft mining

**Recreational Facilities:** Facilities used primarily for participation by the public

in athletic activities such as tennis, handball, racquet ball, basketball and other court games, jogging, track and field, baseball, football, soccer; and other field games, skating, swimming, or golf. Recreational facilities shall include country clubs and athletic clubs; it shall not include facilities accessory to a private residence used only by the owner and guests nor shall it include arenas or stadiums used primarily for spectators to watch athletic events.

**Recreational Vehicle:** A vehicle not exceeding forty (40) feet in overall length, eight (8) feet in width or twelve (12) feet in overall height primarily designed as temporary living quarters for recreational camping or travel use having either its own motive power or designed to be mounted on or drawn by an automotive vehicle. A recreational vehicle includes a motor home, truck camper, travel trailer; camping trailer, a fifth wheel. This definition shall include a boat mounted on a trailer; together not exceeding forty (40) feet in body length, eight (8) feet in width, nor twelve (12) feet in overall height.

**Residence:** A building designed as a one-family dwelling unit which either complies with or was erected before the effective date of this Resolution and any amendments thereto. A residence does not include a trailer, mobile home, or apartment house.

**Restaurant:** An establishment selling prepared food and drink for consumption on, the premises but not providing dancing or entertainment.

**Restaurant, Drive In:** A building or structure where prepared food and drink are sold for consumption on the premises by order from, and service to, vehicular passengers outside the structure.

**Retail:** The business of selling small quantities of personal property directly to the ultimate consumer for any purpose other than for resale.

**Right of Way, Road:** A dividing line between a lot tract or parcel of land and a contiguous road. Where the lot, tract, or parcel of land has been conveyed to the center of the road, the road line then becomes the inside line of land reserved for road purposes.

200-12

**Roadside Stands:** A removable structure used or intended to be used solely by the owner or tenant of a property on which it is located for the sale of seasonal agricultural products produced on the premises.

**School:** Public, private, or parochial schools offering a general education course of study.

**Service Station:** Service station shall mean any building which provides for the retail sale of gasoline, oil, tires, batteries, and accessories for motor vehicles and for certain motor vehicle services, including washing, tire changing, and repair service.

**Sign:** Any structure or natural object such as a tree, rock bush, 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, insignia, device, representation used as, or which is in the nature of an announcement direction, or advertisement. For the purpose of this Resolution, The word "sign" does not include the flag, pennant, badge, or insignia of any government, or governmental agency of any charitable, religious, educational or similar organization.

**Sign, Area of:** That area which is normally visible from any one direction, and is the length times width. Signs which require other signs to display full meaning, such as individually displayed letters of the name of an establishment or adjacent pictorial displays, shall be considered one sign. Sign supporting structures, which by size or ornate have been designed to attract attention shall be considered part of the sign square footage.

**Sign, Illuminated:** Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes.

**Sign, Portable:** A free-standing sign not permanently anchored or secured to either a building or the ground, such as, but not limited to, "A" frame, "T" shaped or inverted "T" shape sign structures, and truck trailer, or vehicle-mounted signs.

**Sign, Projecting:** Any sign which is attached to a building or other structure

which extends beyond the line of the said building or structure or beyond the surface of the portion of the building or structure to which it is attached.

**Sign, Temporary:** A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, other special events, political candidates or public issues to be voted upon at an official election, or on a temporary basis.

200-13

**Sign, Wall:** Any sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of said wall.

**Site Plan:** A plan prepared to scale showing all the uses proposed for a specific property. The plan shall show all buildings, structures, signs, off-street parking layout, loading spaces, points of ingress and egress, fences, walks, refine locations, and any additional information which may be necessary to clearly define the intended use of the property.

**Stable, Private:** A stable with a capacity of not more than two (2) animals owned by the occupants of the dwelling to which it is an accessory use.

**State:** State of Ohio.

**Story, Height Of:** The vertical distance from the top surface of the floor to

the surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joist.

**Street, Private:** A collector or local street which has not been dedicated or deeded to the public for public use and which affords principal access to abutting property.

**Street, Public:** A public collector or local street which has been dedicated or deeded to the public for public use and which affords principal access to abutting property.

**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including advertising signs, billboards, pergolas, but not including fences or walls used as fences.

**Structural Alterations:** 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.

**Swimming Pool, Commercial:** A body of water in an artificial receptacle or other 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. This applies whether or not any charge or fee is imposed upon adults or children, operated and maintained by any license, 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 operations and maintenance of a swimming pool. It also applies to all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, and community associations.

200-14

**Swimming Pool, Family:** A Swimming pool used or intended to be used solely by the owner or lessee thereof and his family, and by friends invited to use it without payment or any fee.

**Warehouse:** A place for the storage of merchandise or commodities.

**Warehouse, Mini:** A Storage facility designed to serve families and small businesses only.

**Wholesale:** The selling of goods or merchandise to retailers or jobbers for resale to the ultimate customer.

**Wild Animals:** Any wild, exotic, dangerous, or non-domestic animal including but not limited to mammals, fowl, fish, or reptiles.

**Yard, Rear-Side:** Side yard shall extend between front line and rear yard line. There shall be only one required side yard on a corner lot.

**Zone:** See district.

**Zoning Certificate:** A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures and the characteristics of the uses.

200-15

ARTICLE III

ADMINISTRATION

SECTION 300

ARTICLE III  
ADMINISTRATION

**300 Purpose.**

This article sets forth the powers and duties of the Zoning Commission, the Board of Zoning Appeals, Board of Township Trustees, and the Zoning Inspector with respect to the administration of the provisions of this Resolution.

**301 General Provisions.**

The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices and bodies within the Township of Dover government:

- I. Zoning Inspector
2. Zoning Commission
3. Board of Zoning Appeals
4. Township Trustees
5. County Prosecutor

**302 Zoning Inspector.**

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct

**303 Responsibilities on Zoning Inspector.**

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

1. Enforce the provisions of this Resolution and interpret the meaning and application of its provisions

2. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
3. Issue zoning permits and certificates of occupancy as provided by this Resolution, and keep a record of same with a notation of any special conditions involved.
4. Act on all applications upon which he is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of its refusal or disapproval of such application and the reasons therefor failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.
5. Conduct inspections of buildings and uses of land to determine compliance with this Resolution, and in the case of any violation, to notify in writing the person(s) responsible specifying the nature of the violation and ordering corrective action
6. Maintain in current status the Official Zoning District Map which shall be kept on Permanent display in the Township offices.
7. Maintain permanent and current records required by this Resolution, including but not limited to Zoning permits, zoning certificates, inspection documents, and records of all variances, amendments and special uses.
8. Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public.
9. Review and approve site plans Pursuant to this Resolution.
10. Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administration or legal action as needed, to address such violations.
11. Prepare and submit an annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the schedule of fees.

As is in Ohio Revised Code 519.04 to 519.12.

**305 Zoning Appeals.**

As is in Ohio Revised Code 519.13 to 519.15.

**306 Duties of zoning Inspector, Board of zoning Appeals, Legislative Authority and Courts on Matters of Appeal.**

It is the intent of this Resolution that all questions of interpretation and

enforcement shall be first presented to the Zoning Inspector; and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts. as provided by law. It is further the intent of this Resolution that the duties of the board of Township Trustees in connection with this Resolution shall not include hearing and deciding. questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Board of Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of and charges as stated in Section 308 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within (30) days of the Board's written decision.

**307 Board of Township Trustees.**

The powers and duties of the Township Trustees pertaining to the Zoning Resolution are as follows:

1. Approve the appointments of members to the Zoning Commission.
2. Approve the appointments of members to the Zoning Board of Appeals.
3. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.

**308 Schedule of Fees.**

The Board of Township Trustees shall by Resolution establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Resolution after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

ARTICLE IV

ESTABLISHMENT OF DISTRICTS

SECTION 400-406

ARTICLE 4

ESTABLISHMENT OF DISTRICTS

**400 Purpose.**

The purpose of this article is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Resolution, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

**401 Establishment of Districts.**

The following zoning districts are hereby established for the Township of Dover, Ohio:

RI Agricultural and Rural Residential  
R-2 Single-Family Residential  
C-N Commercial Neighborhood District  
C-O Commercial General District  
I-43 General Industrial District

Nothing in this Article shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Resolution to provide the flexibility in its administration to allow future expansion and emendation.

**402 Zoning District Map.**

The districts established in Section 401, as shown on the Official Zoning Map, which, together with all data, reference, explanatory material and notations thereon, are hereby officially adopted as part of this Resolution and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing

**403 Zoning Map Legend.**

There shall be provided on the Official Zoning Map a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend.

In addition to such legend, the Official Zoning Map shall provide sufficient space for compliance with Section 407.

**404 Identification of Official Zoning Map.**

The Official Zoning Map shall be properly identified by the signature of the Chairman of the Board of Township Trustees, as attested by the Township Clerk, and bearing the official seal. The map shall be maintained by the Zoning Inspector, and shall remain on file in the office of the Clerk. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the description(s) as found in the text of this Resolution or any other Resolution. The official Zoning Map shall be a reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by Resolution. Within 30 days of map amendments, the map shall be re-certified by the Chairman and the Clerk.

**405 Interpretation of District Boundaries.**

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map.

1. Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways) street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of the district follows a railroad line, such boundary shall be deemed to be located in the middle of the main racks of said railroad line;

5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated;
6. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits;
7. Whenever any street, alley, or other public way is vacated by official Board of Township Trustees action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

#### **406 Zoning Map Amendments.**

Within fifteen (15) days of the effective date of any change of a zoning district classification or boundary, the Zoning inspector shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the Resolution authorizing such change. The official Zoning Map shall then be signed by the Chairman and attested to by the Clerk.

# ARTICLE 5

## DISTRICT REGULATIONS

### SECTION 500-505

## DISTRICT REGULATIONS

### 500 Compliance with Regulations

The regulations for each district set forth by this Resolution shall be minimum regulations and shall apply uniformly to each class of kind of structure or land, except as hereinafter provided:

1. No buildings, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;
2. No building or other structure shall be erected or altered:
  - a. to provide for greater height or bulk;
  - b. to accommodate or house a greater number of families;
  - c. to occupy a greater percentage of lot area;
  - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;than herein required, or in any other manner be contrary to the provisions of this Resolution;
3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.
4. No building permit shall be issued for any residence structure unless it has first been established to the satisfaction of the Zoning Inspector, that the structure will not alter substantially the esthetic appearance of the immediate neighborhood.

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this Resolution and in Article 6 of this Resolution, "Supplementary District Regulations."

**502 Identification of the Official Schedule of District Regulations.**

The Official Schedule of District Regulations shall be identified by the signature of the Chairman of the Board of Township Trustees.

**503 Districts.**

1) Definitions:

- a. Thoroughfare - A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- b. Collector - A street that primarily carries traffic from local streets to thoroughfares, including the principal entrance and circulation routes within residential subdivisions.
- c. Local Street - A street primarily for providing access to residential or other abutting property.

2) Regulations:

- a. R-1 - Agricultural and Rural Residential

Purpose: The purpose of this District is to accommodate a single family residential development of low density that will promote the continuation of the predominately rural residential character of this zone.

Setbacks: From Right of Way

- 1. Thoroughfare 75 ft.
- 2. Collector 75 ft.
- 3. Local Street 50 ft.
- 4. Sideyard/backyard 30 ft.

Frontage: 130 ft. Lot size: 40,000 sq. ft. minimum.

Minimum floor area: 1,200 sq. ft.

Maximum height limit: 35 ft.

Garage maximum height: 20 ft.

Accessory building maximum height: 20 ft.

- b. R-2 Single family residential

Purpose: The purpose of this district is to accommodate residential development at three single family dwellings per acre with group Sewer and/or water

- Setbacks: From Right of Way
- 1) Thoroughfare 75 ft.
  - 2) Collector 50 ft.
  - 3) Local Street 30 ft.
  - 4) Side yard/backyard 10 ft.
- Frontage:
- 1) Group water and sewer 80 ft. (13,500 sq. ft. min. lot Size)
  - 2) Group sewer only 80 ft. (20,000 sq. ft. min. lot size)
- Minimum floor area: 1,200 sq. ft.  
 Maximum height limit: 35 ft.  
 Garage maximum height: 20 ft.  
 Accessory building: 20 ft.

c. C-N Commercial Neighborhood District

Purpose: This district is established for uses to accommodate the sale of retail goods and personal services purchased for daily or weekly needs.

- Setbacks: From Right of Way
- 1) Thoroughfare N/A
  - 2) Collector 75 ft.
  - 3) Local Street 50 ft.
  - 4) Side yard/backyard 30 ft.

Frontage: 130 ft.

Lot size - To be determined by building size - setbacks - water and sewer regulations.

Maximum height limit: 35 ft.

d. C-G Commercial General District

Purpose: Areas along major highways or thoroughfares which provide sales and services oriented to highway users and residents of more than one neighborhood.

- Setbacks: From Right of Way
- 1) Thoroughfare 75 ft.
  - 2) Collector- 75 ft.
  - 3) Local Street, N/A
  - 4) Side yard/backyard 30 ft.

Frontage: 130 ft.

Lot size: To be determined by building size - setbacks - water and sewer regulations.

Maximum height limit: 35 ft.

e. I-G Industrial General District

Purpose: This District is established to provide for industrial uses such as manufacturing, storage, warehousing and disposal.

Setbacks: From Right of Way

- |                       |        |
|-----------------------|--------|
| 1) Thoroughfare       | 75 ft. |
| 2) Collector          | 75 ft. |
| 3) Local Street       | 75 ft. |
| 4) Side yard/backyard | 75 ft. |

Frontage: 200 ft.

Lot Size: To be determined by building size - setbacks - water and sewer regulations.

R-2, C-N, C-c, 1-0- Any lot in any district not having group sewer must meet R-1 lot sizes.

504 Site Plans Required.

All permitted uses proposed to be developed, expanded, modified, or otherwise established in any existing or to be zoned R-1, R-2, C-G, C-N and I-C Districts shall be permitted and zoning certificates issued only after site plans, as specified herein have been submitted for review and approval by the Zoning Inspector. All conditionally permitted uses proposed to be developed, expanded, modified or otherwise established in any existing or to be zoned districts shall be permitted only after site plans, as specified in Article 9, have been submitted for review and approval by the Board.

505 Site Plan Requirements.

All applications for Zoning Certificates shall be accompanied by a plan in duplicate, drawn to scale showing the actual dimensions of each lot the size and location of each building erected or to be erected upon each lot, exterior building plans, and such other information as may be necessary to enable the Township Zoning Inspector to determine that the structure or proposed structure and use of land will confirm to the provisions of this Resolution. Additionally, a physical site plan is strongly recommended to be developed by the Tuscarawas County Soil & Water Conservation District. A record of such applications and plans shall be kept in the office of the Township Trustees.

## DISTRICT REGULATION CHART

	Res. 1	Res. 2	C-N		
Frontage	130 ft.	80 ft.	130 ft	130 ft.	200 ft.
Setback	1. = 75ft	L 7sft	1. = N/A		
	2. =75ft	2. = Soft.	2. =7sft	2.= 75ft	2. = 75ft
	3. = 50ff	3. = 30ff.	3. = s. oft.	3. = N/A	3. = 75fl
	4. = 30 ft.	4. = loft.	4. = 30 ft.	4. = 30 ft.	4. = 75 ft.
Floor Area	1,200 sq. ft	1,200 sq. ft	N/A	N/A	N/A
Lot Size	40,000 sq. ft	I = 13,500 sq. ft 2. = 20,000 sq. ft	N/A	N/A	N/A
Max Height	35 ft.	35 ft	35ft.	35ft.	N/A
Garage fit.	20ff.	20ff.	N/A	N/A	N/A
Acc Bid Ht	20ff.	20ft.	N/A		

## LEGEND

### Setback

1 Thoroughfare A general term denoting a highway primary for through traffic, carrying heavy loads

and large volume of traffic, usually on a continuous route.

2 Collector A street which primarily carries traffic from local streets to thoroughfres, including the

principal entrance and cfrulation routes within residential subdivisrors.

3. L&~a[h&t~ - A street primarily for providing access to residential or other abutting pmperty.

### Lot Size:

For R-2 "1." is for group water and sewer.

"2." is for group sewer only.

# ARTICLE VI

## SUPPLEMENTARY DISTRICT REGULATIONS

### SECTIONS 600 - 613

**ARTICLE VI  
SUPPLEMENTARY DISTRICT REGULATIONS**

**600 General.**

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

**601 Off Street Parking Requirements**

Definition: Parking Space, Off Street - For the purpose of this Resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

**602 Off-Street Parking Design Standards.**

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications.

1. Parking Space Dimensions: Each off-street parking space shall have an area of not less than 200 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
2. Access: There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided with a dedicated easement of access, as follows:
  - a. For one residential dwelling, the access drive shall be a minimum of nine (9) feet in width.
  - b. For all other residential uses and all other uses, the access drive shall be a minimum of eighteen (18) feet in width.

600-1

- : c All parking spaces, except those required for one residential dwelling,

shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

3. Setbacks:

The location of an off-street parking facility shall be located at least fifteen (15) feet from the road edge and/or property line.

The fifteen (15) ft. strip of land shall be landscaped and appropriately maintained.

4. Paving:

Any off-street parking area of more than 2000 sq. ft. shall be graded for proper drainage and Surfaced with acceptable material to provide a durable and dust free surface.

All conditional use permit parking lots will be paved.

5. Maintenance:

Any Owner of property used for parking areas shall maintain such areas in good condition without holes and free of dust, trash, or other debris.

**603 Determination Of Required Spaces.**

There shall be sufficient parking facilities outside the street right-of-way to meet all the parking needs.

**604 Lighting.**

All lighting shall be arranged as to direct light away from adjoining premises or streets and no open light sources such as the stringing of light bulbs shall be permitted. Direct rays of light from the light source shall be shielded to prevent light from entering adjacent properties or streets

**605 Fences.**

R-1 and R-2 need a building permit

Fences shall be permitted in R-1 and R-2 districts; however, the material used in any fence shall not contain any sharp Points or any other hazardous material. Fences shall not exceed thirty-six (36) inches in height along any side street or around the front of the property facing the street. No fence exceeding six (6) feet shall be erected on any portion of a lot height shall be figured from the ground level up

**606 Ponds or Lakes.**

Public or private ponds or lakes containing over one and one-half(1-1/2) feet of water depth shall conform to all required yard and set back lines. A Building Permit shall be required before construction is started. Ponds or lakes shall meet standards and specifications of the Tuscarawas Soil and Water Conservation District.

**607 Pools.**

Public or private in-ground or above-ground swimming, wading or other pools containing more than four (4) feet of water depth shall be considered a structure for the purpose of this Resolution. A Building Permit will be required and shall conform to all required yard and set back lines.

**608 Parking Disabled Vehicles.**

No person shall park, store or leave, or permit the parking or storing of any unlicensed motor vehicles or any vehicle in a rusted, wrecked, junk, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any property within the Township unless the same is completely enclosed within a building.

**609 Signs.**

General.

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign and advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right-of-way, provide more open space, curb the deterioration of signs which are compatible with their surroundings;

Governmental Signs Excluded.

A. For the Purpose of this Resolution "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, resolution, or governmental regulation.

B. General Requirements for All Signs and Districts.

The regulation contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
2. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (1) and (2) of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotation or similar service.
3. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any.
4. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater; hotel, or motel marquee.
5. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
6. No Portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section G herein.

7. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
8. All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm, or corporation responsible for maintaining the sign;
9. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.
10. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
11. All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with the local building code in effect.
12. All signs shall be secured in such a manner as to prevent significant movement due to wind.
13. No advertising signs shall be attached to or supported by a tree or utility pole.
14. No sign shall contain words, images, or graphic illustrations of any obscene or indecent nature.
15. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing.
16. No sign shall be located nearer than eight (8) feet vertically, or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires;
17. No vehicle or trailer may be parked on a business premises, or a lot for the purpose of advertising a business, product, service, event object, location, organization, or the like.

### **C. Permit Required.**

1. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Article have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted in this Article.
2. A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.
3. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

### **D. Signs Permitted in All Districts Not Requiring a Permit**

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet; --
2. Professional name plates not to exceed four (4) square feet in area;
3. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.

### **E. Signs Permitted in Any District Requiring a Permit**

1. Signs or bulletin boards customarily incidental to places of worship libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution;
2. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the name of the owners, trade names, products sold and or the business or activity conducted on the premises where such sign is located.

## **F. Signs Permitted in Commercial and Manufacturing Districts Requiring a Permit**

The regulations set forth in this section shall apply to signs in all commercial and manufacturing districts and such signs shall require a permit.

1. In a commercial or manufacturing district each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may be an area equivalent to one and one-half (1-1/2) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.
2. In a commercial or manufacturing district two off-premises signs with a total area not exceeding six hundred (600) square feet may be permitted at a single location. No single off-premises sign shall exceed one thousand two hundred (1200) square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall not be more than twenty (20) feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.

## **G. Temporary Signs. No Permit required.**

Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 13. The setback requirements in Sections K-M and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 609.

## **H. Free Standing Signs**

Free-standing on-premises signs not over thirty (30) feet in height having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line may be

erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

**I. Wall Signs Pertaining to Non-Conforming Uses.**

On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

**J. Political Signs. No permit required.**

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following election day.

**K. Sign Setback Requirements.**

Except as modified in Sections L-O on premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

**L. Increased Setback**

For every square foot by which any on-premises sign exceeds fifty (50) square feet the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.

**M. Setbacks for Off-Premises Signs.**

If a setback line is not established for the appropriate zoning district off-premises signs shall be set back a minimum of twenty (20) feet from the right-of-way line.

**N. Setbacks for Public and Quasipublic Signs.**

Real Estate signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or

visibility at street or highway intersections.

**O. Special Yard Provisions.**

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district on premises signs shall not be erected or placed within twelve (12) feet of g side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

**P. Limitation.**

For the purposes of this Article, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

**Q. Maintenance.**

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Inspector shall remove any off-premises advertising signs or structure found to be unsafe or structurally unsound within thirty (30) days of issuing a notification. The Zoning Inspector shall remove any on-premises sign, which is determined to be unsafe or structurally unsound within (10) days of issuance of notification.

**R. Non-Conforming Signs and Structures.**

Advertising signs and structures in existence prior to the effective date of this Resolution, which violate or are otherwise not in conformance with the provisions of this Article, shall be deemed non-conforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal non-conforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

**S. Loss of Legal Non-Conforming Status.**

A legal non-conforming sign shall immediately lose its legal non-conforming status, and therefore must be brought into conformance with this Article or be removed, if the sign is altered in copy (except for

changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; or if it is part of an establishment which discontinues; operation for ninety (90) consecutive days; or if it is structurally damaged to an extent greater than one-half of its estimated replacement value similarly, any legal non-conforming advertising structure so damaged must be brought into compliance or be removed.

#### **T. Violations.**

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 11 of this Resolution. Political signs posted in violation of Sections J of this Resolution are subject to removal by the Zoning Inspector five (5) days after written notice of violation of Section J. has been given.

#### **610 Off-Street Loading Space Requirements.**

In any district, except for the Central Business District, in connection with every building or part thereof hereafter erected and having a gross floor area of one thousand (1000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one off-street loading space, and one additional loading space for each ten thousand (10,000) square feet.

#### **611 Objectionable, Noxious, or Dangerous Uses, Practices, or Conditions.**

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Resolution if one or more of the following conditions is found to exist at any time:

1. The use or storage of flammable or explosive materials if 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 and 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 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 contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.

**612 Regulation or Factory Built Housing: Design and Appearance Standards.**

1. Definitions.

"Factory-built housing" means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution "factory-built housing" shall include the following:

A. **Manufactured Home:** Any oneself-propelled vehicle transportable in one or more sections which) in the traveling mode, is eight (8) body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a

permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electric systems contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.

B. Modular Home: Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site built homes.

C. Mobile Home: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it.

## 2. Siting Requirements:

Any factory-built housing proposed to be located in any district shall comply with the following requirements:

A. The structure shall be installed upon and property attached to the foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.

B. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.

C. The structure shall be so oriented on the site that its long axis is parallel with the street, and it shall have an entranceway facing the street, except where diagonal placement and the addition of a garage, carport, or other accessory structure may be permitted by subdivision regulation and yard requirement.

D. The site shall be suitably landscaped, with adequate screening devices as elsewhere required.

E. The siting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.

F. The siting of the structure shall comply with all parking requirements

in effect for the district for which it is proposed.

G. The site shall be serviced by utilities in such manner as required by Ohio Administrative Code.

3. Zoning of Factory-Built Housing:

A. Mobile homes shall not be permitted in Dover Township.

B. Manufactured homes shall be permitted only in approved manufactured home parks, unless otherwise authorized in this Resolution.

C. Modular homes which meet the design and appearance standards contained in Section 613, shall be permitted accordingly.

**613 Single Family Design and Appearance Standards.**

Single family residential homes, whether of modular or on-site construction, shall comply with the following design and appearance standards:

A. The structure shall be in conformance with the siting requirements contained in Section 612, #2.

B. The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.

# ARTICLE 7

## NON-CONFORMING USES

### SECTION 700 - 704

## ARTICLE 7

### NON-CORFORMING USES

#### **700 Purpose.**

Within the districts established by this Resolution or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendment it is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

#### **701 Non-Conforming Structures.**

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Any non-conforming building which has been destroyed by fire, explosion, Act of God, or by public enemy to the extent of seventy-five percent (75%) or more of its assessed valuation, exclusive of the foundation at the time such damage occurred, shall thereafter be made to conform with the provisions of this Resolution. If such damage is less than seventy-five percent (75%) of its assessed valuation before said damage occurred, exclusive of the foundation, then such structure may be restored to the same non-conforming use as existed before such damage, provided that such restoration shall be subject to the approval of the Board of Appeals. Said restoration shall be completed within one (1) year of the date of such partial destruction

3. Should such structure be moved for any reason for any distance whatever,

it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**702 Non-Conforming Uses of Land.**

Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution;
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution;
3. If any such non-conforming uses of land are discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located;
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land

**703 Change of Tenancy or Ownership.**

There may be a change in tenancy, ownership, or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

**704 Termination of Use Through Discontinuance.**

When any non-conforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the non-conforming use may not thereafter be resumed. The intent to continue a non-conforming use shall not be evidence of its continuance.

ARTICLE VIII

PROCEDURES AND  
REQUIREMENTS FOR  
APPEALS AND VARIANCES

SECTION 800 - 811

## **ARTICLE 8**

### **PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES**

#### **800 General.**

Appeals and variances shall conform to the procedures and requirements of Sections 801 to 811 inclusive of this Resolution. As specified in Article 3, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

#### **801 Appeals.**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

#### **802 Stay of Proceedings.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

#### **803 Variances.**

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement

non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship. For area variances, the Board of Zoning Appeals shall use the standard of practical difficulties.

#### **804 Application and Standards for Variances.**

Except as otherwise permitted in this Resolution, no variance in the strict application of the provisions of this Resolution shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

1. Name, address, and phone number of applicant(s);
2. Legal description of property;
3. Description or nature of variance requested;
4. A fee as established by Resolution;
5. Narrative statements establishing and substantiating that the variance conforms to the following standards:
  - a. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Resolution on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
  - b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
  - c. There must exist special circumstances or conditions, fully described in the findings applicable to the land or buildings for which the variance is sought which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of; the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
  - d. There must be proof of hardship created by the strict application of

this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on the basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.

- e. The granting of the variance is necessary for the reasonable use of the land or building; and the variance as granted is the minimum variance that will accomplish this purpose.
- f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
- g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
- h. The variance must include conditions and safeguards as established by the Zoning Board of Appeals.

#### **805 Additional Conditions and Safeguards.**

The Board may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Resolution.

#### **806 Public Hearing by the Board of Zoning Appeals.**

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from The Zoning Inspector or an applicant.

**807 Notice of Public Hearing in Newspaper.**

Before conducting the public hearing required in Section 806, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

**808 Notice to Parties in Interest.**

Before conducting the public hearing required in Section 806, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all contiguous property owners as in Section 1010. The notice shall contain the same information as required of notices published in newspapers as specified in Section 807.

**809 Action by Board of Zoning Appeals.**

Within thirty (30) days after the public hearing required in Section 866, the Board of zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 805, or disapprove the request for appeals or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decision shall be made in the manner specified in Section 306.

**810 Term of Variance.**

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

**811 Authorized Variances.**

Variances from the regulations of this Resolution shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and

conditions imposed in Section 809, and Section. 805 if applicable, have been met by the applicant. Variances may be granted as guided by the following;

1. To permit any yard or setback less than the yard. or setback required by the applicable regulations.
2. To permit the use of a lot or lots for a use otherwise prohibited, solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width.
3. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
4. To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.
5. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.
6. A showing of practical difficulties will suffice to support the grant of a variance which relates solely to area requirements.

# ARTICLE IX

## CONDITIONAL ZONING REQUIREMENTS

### SECTION 900-907

## ARTICLE 9

### CONDITIONAL ZONING REQUIREMENTS

#### **900 Purpose.**

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 maintain adequate provision for the security of the health, safety, convenience and general welfare of the Township's inhabitants. These uses are permitted through the issuance of a conditional Zoning Certificate.

#### **901 Procedures:**

##### A Submission

Any application shall be submitted through the Zoning Inspector to the Zoning Board of Appeals on a special form for that purpose each application shall be accompanied by the payment fee as indicated in Article 3, Section 308.

##### B. Data required with conditional use.

- 1 Form supplied by Zoning Inspector and completed by applicant.
2. Site plan, plot plan and/or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, proposed structures, type of buildings and their uses, size of area involved, including that for parking and loading, and the proposed planting and landscaped areas.
3. All development features, including the principal buildings, open spaces, service road, driveways, and parking areas to encourage pedestrian and vehicular traffic safety on both public and private lands.
4. The architectural design outbuildings shall be developed with consideration given to the relationship of adjacent developments in terms of building mass, height, texture, materials, line and pattern character

5. Maximum visual and auditory privacy for surrounding properties and occupants shall be provided through the design of the relationship among the buildings, fences and walls, landscaping dividers, islands, and walkways.
6. Refuse storage and pickup facilities shall be indicated on the site plan and shall be fenced, screened, or landscaped to prevent the blowing or scattering refuse and to provide an adequate visual barrier from locations both on and off site.
7. Grading and surface drainage provisions shall be designated to minimize adverse effects on abutting properties, streams, and public streets and to minimize the possibility of erosion
8. At such times as the site plan is submitted for approval, the contiguous and adjacent property owners shall be notified.
9. Complete plans and specifications for all proposed development and construction where appropriate, i.e. reclamation.
10. A statement supported by the substantiation evidence regarding the requirements enumerated in Section 903.

#### C. Site Plan Review.

The Zoning Inspector shall review the proposed development of the submitted plans and specifications in terms of the standards established in this resolution and shall make recommendations to the Board within 10 days. Inspector may recommend denial without the public hearing to any applicants for a Conditional Use Certificate if said application does not contain the information as required in this Article.

1. Prior to the issuance of a zoning certificate, the Zoning Inspector and/or Board may seek expert advice or special studies to be made for input to its review of any plans or proposals submitted. Likewise, the applicant may be requested to provide additional information or restudy all or part of the proposal, or to have additional studies done. The cost of securing expert advice or studies shall be borne by the developer/applicant. Funds for such advice or studies shall be placed on deposit with the Trustees upon the request of the Board
2. The Zoning Inspector and/or Board may submit any or all site plans and proposals to the County Planning Commission, and/or any

advisory or other committee of the Township for review and recommendations prior to action on any such plan. The Board shall consider all such recommendations if received within thirty (30) days of referral to said Board.

3. The Zoning Inspector and/or Board shall act on any site plan submitted under this section within sixty (60) days of the time of official submission to the Zoning Inspector or the Zoning Board of Appeals, or if requested, the person submitting a site plan may agree to a longer period of review.
4. In order to promote the orderly and appropriate development of the site plan consistent with the goals and objectives of the Township, the Zoning Inspector may encourage informal discussion by and with the applicant prior to formal submission of the site plan and application for a Zoning or Conditional Zoning Certificate.

#### D. Hearing

1. After adequate review and study of an application, the Board shall hold a public hearing within thirty (30) days after it receives an application for a conditional use permit submitted by an applicant through the Zoning Inspector. The Board shall hold public hearings after notification as in Section 1010 and 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 the hearing. Such notice shall indicate the place, time and subject of the hearing.
2. Upon conclusion of the hearing procedures relative to the application and adequate review and study, the Board may issue a "Conditional Zoning Certificate".
3. The Board shall deny the application when information submitted by the applicant and/or presented at a public hearing fails to substantiate such findings to the satisfaction of the Board.

#### E. Revocation of Conditional Zoning Permit.

The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate granted. Such violation shall be punishable as per Article 11, Section 1140.

F. No Application for a "Conditional Zoning Certificate" which has been denied wholly or in part by the Board shall be resubmitted until the expiration of two (2) years or more after such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Board. Each reapplication shall be accompanied by a fee as specified in Article 3, Section 308.

G. The Conditional Zoning Certificate shall become void at the expiration of one (1) year after date of issuance unless construction is started or use changed.

**902 Basis of Determination.**

In addition to the information required on the application form supplied by the Zoning Inspector, the Applicant shall be required to establish by clear and convincing evidence that the general standards of this Article and of this Resolution and the specific standards pertinent to each proposed use shall be met throughout the period of the proposed use. The Zoning Inspector and Board shall determine compliance or non-compliance and shall insure that the general standards and the specific standards and other terms of this Resolution pertinent to the proposed use shall be satisfied by the completion and operation of the proposed development.

**903 General Standards and Regulations Pertaining to Conditionally Permitted Uses.**

The Zoning Inspector and Board shall review the particular facts of the proposed use in terms of the following standards and the application shall substantiate to the satisfaction of the Board that the proposed development and use will meet the following general standards and regulations.

- A. Will 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 or development will not:
1. Adversely effect the health, peace, comfort, or welfare of persons residing or working in the surrounding area.
  2. Be materially detrimental to the use, enjoyment, or valuation of the property or other persons located in the vicinity of the site or the

ARTICLE X

AMENDMENT

SECTION 1000-1014

ARTICLE 10

AMENDMENT

1000 Procedure for Amendments or District Changes.

This Resolution may be amended by utilizing the procedures specified in Section 1001-1014, inclusive, of this Resolution.

1001 General

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by Resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

**1002 Initiation of Zoning Amendments.**

Amendments of 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 Board of Township Trustees.
3. By the 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.

1003 Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted as part of this Resolution by Article 4 shall contain at least the following information:

1. The names, address, and telephone number of applicant;
2. The proposed amending Resolution, approved as to form by the County Prosecutor;
3. A statement of the reason(s) for the proposed amendment;

4. Present use;
5. Present zoning district;
6. Proposed use;
7. Proposed zoning district;
8. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other lines 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 may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
10. A statement on the ways in which proposed amendment relates to the comprehensive plan;
11. A fee as established by Resolution of the Board of Township Trustees.

#### 1004 Contents of Application for Zoning Text Amendment

Application for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Resolution, other than the Official Zoning Map, shall contain at least the following information:

- I. The name, address, and phone number of the applicant;
2. The proposed amending Resolution, approved as to form by the County Prosecutor;
3. A statement of the reason(s) for the proposed amendment;
4. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan;
5. A fee as established by Resolution of the Board of Township Trustees.

**1005 Transmittal to Zoning Commission.**

Immediately after the adopting of a Resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said Resolution or application shall be transmitted to the Commission

**1006 Submission to County or Regional Planning Commission.**

Within five (5) days after the adoption of a motion by the Commission, transmittal of a Resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and map pertaining to the case in question, to the County or Regional Planning Commission. The County or Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

**1007 Submission to Director of Transportation.**

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Zoning Commission may proceed as required by law; however, the Board of Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire the land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

**1008 Public Hearing by Zoning Commission.**

The Zoning commission shall schedule a public hearing after the adoption of their motion, the transmittal of a Resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said bearing 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.

**1009 Notice of Public Hearing in Newspaper.**

Before holding the public hearings as required in Section 1008, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) 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, and a statement that after the conclusion of such public bearing the matter will be referred to the Board of Township Trustees for further determination.

**1010 Notice to Property Owners by Zoning Commission.**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment The notice shall contain the same information as required of notices published in newspapers as specified in Section 1009.

**1011 Recommendation by Zoning Commission.**

Within thirty (30) days after the public hearing required by Section 1008, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

**1012 Public Hearing by Board or Township Trustees.**

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees as specified in Section 1009...

**1013. Action by Board of Township Trustees.**

Within twenty (20) days after the public hearing required by Section 1012, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof in the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.

**1014 Effective Date and Referendum.**

Such amendment adopted by the Board of Township Trustees shall become effective 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 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 zoning plan equal to not less than eight (8).percent of the total vote 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 Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.

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. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect