

HOPEWELL TOWNSHIP
SENECA COUNTY
STATE OF OHIO

ZONING RESOLUTION
2019 REVISION



Be it understood that the requirement of zoning permits for construction within Hopewell Township is not to produce revenue, but to assure that all construction and proposed projects conform to the regulations established by the Hopewell Township Zoning Commission and approved by the Hopewell Township Trustees and do not infringe upon the rights of neighbors. The purpose is not to limit township property owner's rights as property owners, but to protect resident's property and assist to maintain the integrity of township

In addition to meeting the township's zoning regulations, property owners must also meet any applicable regulations established by the Seneca County Health Department, The Seneca County Soil and Water Conservation District, Seneca County Regional Planning and the Seneca County Airport Commission and all federal and state regulations.

While Hopewell Township makes every effort to maintain and distribute accurate zoning map information, no warranties or representations of any kind are made regarding this information. In no event shall Hopewell Township be liable in any way to the users of this data. To ensure the accuracy of current zoning designations, you must contact the Hopewell Township Zoning Inspector for verification.

Zoning Permits are required for the following:*

Residence, garage

Church

Mobile home

Residence additions, including covered patios, porches and/or deck

Accessory buildings/garages 100 sq ft or larger

Multi--family living complexes

Industrial and commercial buildings, hotels and motels

Signs: home occupation, commercial sign attached to building's wall

Commercial sign free-standing, mobile, billboard

Retention basins, ponds, inground swimming pools

Change in the ownership of a commercial or industrial property.

Zoning amendments, variance applications and conditional/special use applications have related fees.

Zoning manual with township map available at cost.

Permits are valid for one year. Actual construction must be started within one year and exterior construction completed within one year of the start of construction.

*The fee schedule is determined by the board of trustees and shall be posted in the township office.

CHAPTER 1

A resolution dividing the Township of Hopewell, Seneca County, State of Ohio, into districts; establishing limitations of height, bulk, and location of structures and uses of land; fixing setback lines and dimensions of yards and other spaces; and prescribing the permissible use for such buildings, structures and/or premises in each of such districts.

BE IT RESOLVED by the Board of Trustees of Hopewell Township, Seneca County, State of Ohio, to promote the public health, safety, morals, comfort, or general welfare, to conserve the most appropriate use of land and to facilitate adequate but economical provision of public improvements; all in accordance with a Comprehensive Plan, that:

1.1 Short Title. This resolution may be cited as the “Zoning Resolution of Hopewell Township, Seneca County, Ohio.”

1.2 Terminology. Terminology used in the resolution shall mean as defined in **Chapter 13**.

1.3 Authorization. This resolution is authorized by Chapter 519 of the Ohio Revised Code.

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

1.5 Conflict with Other Law/Regulations. It is not intended by this resolution to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law, or any rules, resolutions or regulations previously adopted or issued pursuant to law relating to the construction and use of buildings or premises; provided, however, where this resolution imposed a greater restriction upon the use of buildings or premises than are imposed or required by such existing provisions of law, resolutions, regulations, covenants, or agreements, the provisions of these regulations shall control, but nothing herein shall interfere with, abrogate, or annul any easements, covenants, deed restrictions, or agreements between parties which impose restrictions greater than those imposed by this resolution.

1.6 RESPONSIBILITY. Zoning permits are issued in accordance of the zoning resolution of Hopewell Township. Hopewell Township is not responsible for any false information in regards to property lines, or set backs or any other law/regulation pertaining to this property. The owner is responsible for septic sewer systems, drainage, driveway permits and flood zone compliance

CHAPTER 2 DISTRICTS

2.1 Types of Districts. The Township is hereby divided into the following districts:

- A. Conservation Districts (Flood) Districts,** designated as “FP,” are established for conserving natural resources and limiting development in areas subject to flooding.
- B. Agricultural-Residential Districts,** designated “A,” are intended to conserve predominantly agricultural areas for agricultural purposes and to permit rural residences and other appropriate uses where conflicts between uses are limited.
- C. Rural Residential Districts,** designated “R-1,” are established for low density single family residences in rural areas not served by central water and/or sewer systems.
- D. Suburban Residential Districts,** designated “R-2,” are established for medium density single family residences in existing built-up areas, or areas with central sewer systems.
- E. Multiple Family Residential Districts,** designated “R-3” are established for high density single, double and multiple family residences requiring community water and sewer facilities.
- F. Highway Commercial Districts,** designated “C-1,” are established to provide special locations for highway oriented businesses.
- G. General Commercial Districts,** designated “C-2,” are established to provide areas that are appropriate for businesses and services to the community.
- H. Commercial Recreation Districts,** designated “C-3,” are established for the purpose of providing for commercial outdoor recreation facilities.
- I. Industrial Districts,** designated “I,” are established for industrial and manufacturing uses including warehousing, machine shops, repair operations, small parts manufacture and assembly and similar uses. Also allowed in industrial districts are junk yards, mineral and natural resource development, refining and processing of natural resources, volatile chemicals storage and processing and uses of similar performance standards and impact on surrounding properties.
- J. Airport Zoning District,** designated “AP,” is intended as an overlay district indicating that the properties lying within the district may be subject to Seneca County Regulations related to height restrictions in the clear zones of an airport, in addition to regulations imposed by this resolution, intended to preserve the integrity of approach and safety zones surrounding airports located in the Township. Refer to **Section 3.32 B** of these regulations.

2.2 Boundaries. Boundaries for districts established by **Section 2.1** are as shown on the **Zoning Map** of Hopewell Township, 1973, as hereafter adopted or amended and are made a part hereof by reference, and shall be interpreted as follows:

- A.** Such boundaries as shown on the Zoning Map shall be changed only by amendment as provided in the **Ohio Revised Code**. After any such amendment has been made, the proper changes shall be

made on the **Zoning Map**, such changes being certified to the Commission within thirty (30) days after the taking effect of the said amendment.

B. When the exact boundaries are uncertain, they shall be determined by the Board of Zoning Appeals by use of the scale of the **Zoning Map**.

C. When a right-of-way is vacated, the districts adjoining each side of the said right-of-way are respectively extended to the center of the right-of-way so vacated.

D. Boundaries within ten feet of and apparently following lines of lots of record shall be assumed to be corresponding to the lot lines in question, unless otherwise indicated specifically on the **Zoning Map**.

E. All notes, dimensions, and other graphics appearing on the **Zoning Map** are hereby declared to be part of this resolution.

2.3 Effect of Annexation. When land is annexed by a municipality, the land shall be governed by these regulations for ninety (90) days, or until the legislative authority of the municipality officially adopts zoning regulations for said annexation, whichever occurs earliest.

CHAPTER 3 PERMITTED USES

3.1 PERMITTED Uses.

Primary uses are authorized in the districts established by **Section 2.1** as shown by a “**P**” in the following table.

Where the use is indicated by a “**C**”, the use is permitted only after the Zoning Board of appeals has heard and approved the change in a public hearing. **Conditional use** permits must meet the specifications provided in **Section 3.3** and other appropriate sections of this chapter. The conditional use does not transfer with property owners.

Uses shown below with a “**S**” are permitted without the conditional use procedure, provided the conditions are met as specified in **3.2. Special Conditions** must be approved by the zoning inspector.

	FP	A	R1	R2	R3	C1	C2	C3	I
Accessory Buildings	S	S	S	S	S	S	S	S	S
Accounting, Legal Services							P		P
Adm. & Sales Offices							P		P
Adult Entertainment						C	C	C	C
Air Freight Terminals									P
Airport	C	C				C	C	C	C
Antique, Novelty Shop						P	P	P	P
Association & Club Offices							P		P
Auto Repair and Open Storage						P	P		P
Automats, Self-operated car washes						P	P	P	P
Bakery, Dairy Store						P	P	P	P
Banks, S&L Offices, ATM's						P	P	P	P
Beauty and Barber Shops						P	P	P	P
Bed and Breakfast			S	S	S	S			
Business Consulting Services							P		P
Camera, Photo Studio						P	P	P	P
Cemeteries	C	C	C	C	C	C	C	C	C
Churches	C	C	C	C	C	C	C	C	C
Clothing, Shoe, Tailoring						P	P	P	P
Collection Agencies, Investment Services						P	P		P
Commercial Greenhouses			S			P	P		P
Commercial Fruit & Produce Stands			S			P	P		P
Commercial Garaging or Vehicles, Travel Trailers, Boats, Self-Storage			P			P	P	P	P
Commercial kennel			C			P	P	P	P
Commercial Laundry, Linen Supply						P	P		P
Commercial Racetracks						C	C	C	C
Continuing Care Center			C	C	C	C	C	C	
Contractors			S			P	P		P
Credit & Finance Services						P	P		P
Dance Halls, Private Lodges						P	P	P	P

Delicatessens						P	P	P	P
Detective Agencies						P	P		P
Doctors, Dentists, Medical						P	P		P
Draperies, Appliances						P	P		P
Drugs, Proprietary, Variety shops						P	P	P	P
Electric, Upholstery						P	P		P
Emergency & Charitable Institutions			C			P	P	P	P
Employment Offices						P	P		P
Engineers, Architects, other Professionals						P	P		P
Farm Equip. Repair and Sales			C			P	P		P
Fish Hatcheries		P	P					P	P
Flea Market						P	P	P	P
Fuel/Service Stations						P	P	C	P
General & Health Resorts						P	P	P	P
General Merchandise						P	P		P
Golf Course, Country Club, Driving Range		C	C	C	C	C	C	C	C
Government Offices						C	C	C	C
Grain Drying, Storage, Elevators			C						P
Grocery, Meats, Fruits, Carry Outs						P	P	P	P
Gypsum Processing									P
Hardware, Paint, Wallpaper						P	P		P
Hospitals		C	C	C	C	C	P	P	P
Household Goods Store						P	P		P
Indoor Recreation, YMCA, Music Hall, Theaters						P	P	P	P
Insurance, Real Estate, Title Offices						P	P		P
Jewelry						P	P		P
Junk Yard, Recycling Center, Landfill, Disposal Sites									C
Labor, Civic, Fraternal Offices						P	P		P
Laundry and Dry Cleaners						P	P		P
Lime Kiln									P
Liquid Petroleum Mfg and Storage									P
Livestock, Poultry, Crop Farms		P	P	P	P	P	P	P	P
Lumber Sales and Storage						p	P		P
Mailing Services						P	P	P	P
Marine Sales/Service		C				P	P	P	
Metal Fabricating & Assembly									P
Miniature Golf		C	C			p	P	P	P
Mobile Home Park			C			C	C	C	C
Mobile Home, Travel Trailer Sales and Service						P	P		P
Motels, Hotels, Tourist Camps						P	P	P	P
Multiple-Family Dwelling						P	P	P	

Natural Resource Mining, Gas	C	C							P
Non-Transient Residential; Boarding and Rooming Houses		C				P	P	P	P
Office Supply Store							P	P	P
Outdoor Movie Theaters	C	C					P		P
Parks and Recreation Facilities	C	C	C	C	C	C	P	P	P
Passenger Terminals, Freight Terminals (Public)									P
Petroleum Refining and Storage									P
Planned Unit Developments									(Permitted as provided in Chapter 6)
Plastics, Vinyl Products Mfg									P
Ponds	S	S	S	S	S	S	S	S	S
Pool Halls, Bowling Establishments							P	P	P
Printing & Publishing							P	P	P
Refining Natural Resources									P
Restaurants, Food Service							P	P	P
Riding Stables	S	S							P
Rural Home Occupation		S	S						
Schools, Libraries	C	C	C	C	C	C	P	P	P
Self Service Cleaners							P	P	P
Skating rinks							P	P	P
Small Parts Mfg									P
Sporting Goods Store							P	P	P
Stationery, Book,							P	P	P
Suburban House Occupation					S	S			
Swimming Pools	S	S	S	S	S	S	S	S	S
Taverns, Night Clubs, Liquor Stores							P	P	C
Tennis Courts	P	P	C	C	C	C	P	P	P
Travel & Ticket Offices							P	P	P
Travel Camps & Travel Trailer Parks and Campgrounds		C					P	P	P
Truck Stops							P		P
Two-Family Dwelling	S		S	P	P	P	P	P	P
Vehicle Body Repair	C						P	P	P
Veterinarians/Animal Hospitals	P						P	P	P
Volatile Chemical Storage & Mfg									P
Warehousing Related to Retail								P	P
Wholesale, Distributing Freight & Transfer Terminals								P	P
Wind Farms/Towers	C	C	C	C	C	C	C	C	C
Operations not included in this list	C	C	C	C	C	C	C	C	C

3.2 Special Conditions. Special conditions are indicated in the chart with an “S” and may be permitted when the following conditions are met.

When such is the case, the Zoning Inspector shall issue a zoning permit. All permits shall be revocable if the regulations herein are violated in the future.

A. Accessory Buildings Accessory structures such as the following are allowed in all districts: bird baths, bird houses, buildings, curbs, driveways, fences, hedges, lamp posts, mail boxes, name plates, parking spaces, public utility installations, retaining walls, trees, plants, shrubs, flowers, other landscaping, walks and the like. **All accessory buildings shall be subject to the following requirements:**

1. It shall be located in required minimum yards.
2. In a residential district it shall be no closer than five (5) feet from the main building. When attached to the main building, such structure shall be considered part of the principle building.
3. In all districts, accessory buildings shall be at least ten (10) feet from any alley or street right-of-way or ten (10) feet from the rear lot line, whichever is greater. In residential districts, accessory buildings shall be no closer than ten (10) feet from the side lot lines.
4. Such accessory building shall not project into the minimum yard of a double frontage lot.
5. On lots where the rear yard abuts a side yard of another lot, the accessory buildings may not project beyond the required front yard of said adjoining lot.
6. Lot coverage area for accessory buildings is addressed in **Section 4.3**
7. Height of accessory building is addressed in **Section 4.6.**
8. An accessory building, use, or animal shelter of less than one hundred (100) square feet shall not require a permit but must meet all setback requirements.
9. Temporary buildings or land uses for purposes incidental to construction work shall be permitted provided such buildings or uses shall not be continued as permanent structures or land uses. The period of original approval shall be twelve (12) months. Additional extensions of six (6) months may be granted at the discretion of the Zoning Inspector. A zoning permit shall not be required for temporary buildings or land uses.

B. Bed and Breakfast. Bed and Breakfast establishments are permitted under the following conditions in **A, R1, R2, R3:**

1. The inn must be owner-operated; it must be the principal residence of the owner, and occupied by the owner.
2. The equivalent of one full time individual not residing in the inn may be employed in the operation of the inn.
3. Each room that is rented must contain a minimum of one hundred (100) square feet.
4. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure, but may be located in a guest house on the same property and within two hundred (200) feet of the inn.

5. No cooking facilities may be permitted in any rented rooms.
6. A minimum of one off-street parking space shall be required for each rented room and an additional two (2) spaces for the owner, and one (1) space for the permitted additional employee.
7. The building shall be required to retain its outside residential appearance and only one (1) sign not exceeding twenty-four (24) square feet in area will be permitted for each street upon which the property may front.
8. All structures used in the operation shall be located at least fifty (50) feet from any residential district boundary or seventy (70) feet from any residence existing at the time of the beginning of the bed and breakfast.
9. Meals may be served only to renters of the rooms in the inn, and their guests, not to exceed the population of the inn at that particular time.

C. Commercial Greenhouses/Fruit and Produce Stands may be permitted as commercial operations in the **A** district provided they are located on a highway and no closer than seventy-five (75) feet from any adjoining property or street right-of-way. Greenhouses used solely for agricultural purposes are exempt from this provision. Parking may be no closer than fifty (50) feet to the adjacent lot.

D. Contractors. Contractors shall be permitted in the “**A**” District provided:

1. Structures, equipment and materials must meet setback, yard, height and other requirements of the “**C**” Districts.
2. They are not located closer than fifty (50) feet from any side lot line abutting a property zoned for or used for residential purposes, unless separated by an artificial natural buffer of at least twenty (20) feet in height, approved by the Zoning Inspector.
3. The owner’s residence is exempt from these setback requirements.

E. Migrant Housing shall be permitted only under the following conditions:

1. It is located on a parcel used for agricultural purposes and is not closer than one hundred (100) feet from any existing residences not belonging to the employer or owner, and shall not be any closer to the street than required of other residences, and must have sufficient parking area for autos of housing residents. Migrant housing must meet the current requirements established by the Ohio Revised Code.

F. Ponds require a special use permit when:

1. In **R-1**, **R-2** and **R-3** districts as part of the overall design of a subdivision which contains at least five (5) acres.
2. In commercial or industrial districts as part of the overall design of the plant or park that is at least three (3) acres of land.
3. Minimum lot size shall be one-half (1/2) acre. Maximum surface area of the pond shall not exceed more than twenty-five (25)% of the net acreage of the parcel
4. The side slope of a pond shall be horizontal to vertical at a maximum ratio of 2:1. The ratio shall be maintained to a minimum depth of 17 (seventeen) feet. Ponds that do not meet this ratio are required to be enclosed with a 6 (six) foot fence unless they are for agricultural purposes in an Agricultural district.

5. To prevent adverse affects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage from pond development, then diverted to a suitable outlet.

6. Setbacks: Fifty (50) feet minimum from any street right-of-way; on a five (5) acre or less parcel shall have a side yard setback of not less than ten (10) percent of the width of the parcel with a minimum side yard setback of twenty-five (25) feet.

7. Pond shall be located no closer than one hundred (one) feet to a septic tank or leach field.

G. Riding Stables shall have all permanent structures built above flood waters and shall be at least three hundred (300) feet away from adjoining residential districts or any residence, other than the owner's. **See also Section 4.1.3.**

H. Rural Home Occupations shall be permitted in **A** and **R1** under the same conditions as **D. Contractors** above except that the following shall apply:

1. Such use conducted within an accessory building may not exceed two-thousand (2,000) square feet in area, provided that lot area coverage requirements of **Chapter 4** are met. Buildings and structures used for such purposes shall be a minimum of thirty-five (35) feet from the right-of-way and a minimum of twenty (20) feet from any adjoining property line.

2. Outside uses may be permitted only for the storage of trucks and cars regularly in use and properly licensed, but shall not use more than twelve hundred (1,200) square feet of land area and must be counted as part of the required lot coverage provided for in **Chapter 4**.

3. A sign located on the wall of a building may be permitted up to twenty-four (24) square feet in area provided it is not projecting more than six (6) inches from the building.

I. Suburban Home Occupations shall be permitted in **R2 AND R3** under the following conditions only:

1. The use shall be secondary in importance to the use of the dwelling purpose.

2. The use shall be conducted solely by the occupants and/or the equivalent of one (1) employee who does not reside on the premises.

3. The use shall be carried on entirely within the dwelling or in an accessory building which shall not exceed six hundred square (600) feet of floor area or the equivalent of thirty (30) percent of the total floor area of the dwelling whether located within the dwelling or not, the more restrictive number to apply.

4. The use shall not constitute primary or incidental storage facilities for a business, industrial agricultural activity conducted elsewhere.

5. No activity, materials, goods or equipment indicative of the use shall be visible from any public way or adjacent property.

6. For purposes of identification, there shall be no more than one non-illuminated sign not to exceed twelve (12) square feet and no more than four (4) feet high and located ten (10) feet from the right-of-way.

7. The use shall not generate noise, odor, dust, smoke, electromagnetic interference, or vehicular or pedestrian traffic in an amount, which would tend to depreciate the residential character of the neighborhood in which the use is located.

J. Swimming Pools.

1. Inground swimming pools may be permitted when fenced with an approved childproof fence to protect small children in the neighborhood. Such fencing shall be maintained in sound condition as a condition to its continued use, shall have a gate which can be locked to enclose the pool area. The required fence shall be in place within thirty (30) days after the swimming pool is constructed. All safety barriers are to meet the current guidelines established by the U.S Consumer Safety Commission. Refer to www.cpsc.gov

2. Above ground pools shall have gates or other means of access, which can be locked when not in use. The required fence shall be in place within thirty (30) days after the swimming pool is constructed. Swimming pools are permitted only in the side and rear yards and a ten (10) foot setback from all lot lines must be maintained or in the front yard where frontage setback is met.

K. Two-Family Dwellings. A two-family dwelling shall be permitted when twice the lot area requirements of **Chapter 4** for single-family units are met, and yard and other requirements are met.

3.3.1 Conditional Uses-Procedures and Requirements. The Board of Zoning Appeals may grant conditional uses where **Section 3.1** indicates a conditional use is permitted. Such permission may be granted only after the requirements of this and following sections of this chapter have been met. In order to accomplish the dual objectives of meeting general health, safety, convenience and welfare, and of allowing flexibility for private enterprise, provision is made in the following subsections for more detailed consideration of each conditionally permitted use as it relates to location, design, size, method of operation, and intensity of land use, which in turn, effects the method of operation, and intensity of land use, which in turn, effects the volume of traffic generated and traffic movements, the concentration of population, and the kinds of public facilities and services it requires. Land and structures possessing these particularly unique characteristics are designated as Conditional Uses with conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

A. Procedure. Conditional uses may be granted in the same manner that a variance is approved, and the procedures therefore shall be the same as that prescribed in **Section 10.4**.

B. General Requirements. A conditional use shall be granted only after the following criteria have been met:

1. Such conditional use is deemed essential or desirable to the public convenience or welfare, and is shown as a conditional use in **Section 3.1**.

2. Such use is in harmony with existing structures and objectives of a Comprehensive Plan submitted by the applicant at the time of application as now or hereafter in effect.

3. All district regulations and other general regulations are met, except as otherwise permitted in **Section 3.3.2**.

4. The performance of the conditional use is similar to that of uses normally permitted in the district in which it is located; except that necessary public facilities shall be considered a necessity to the public welfare and safety.

5. Landscaping, buffering, or improvements as necessary to protect the public interest are provided.

6. A comprehensive plan which includes a site plan, plot plan or development plan of the parcel to be used shall be prepared showing a description of the property including the location of streets, property lines, and existing and proposed structures and uses.
7. Any permit issued for a conditional use may be revoked for violations of the conditions upon which such permit was issued.
8. The use shall be in compliance with all local development regulations such as subdivision, building codes, and health regulations.

3.3.2 Conditional Uses-Specific Requirements. In addition to the general requirements, the following requirements shall be met for the following conditional uses, where **Section 3.1** indicates with a “C” that such uses are permitted:

A. Adult Entertainment In order to promote the health, safety, morals and general welfare of the citizens of Hopewell Township and thereby reduce or eliminate the adverse secondary effects from such businesses the following restrictions are enacted. Adult entertainment business shall be defined as a business or enterprise that presents material or performances displaying or depicting sexual activity. Adult -oriented businesses include but are not limited to any adult-only entertainment businesses, adult bookstores, adult motion picture theaters or drive ins.

1. No adult entertainment establishment is permitted within one thousand (1000) feet of any single, two or multi-family dwelling, church, park, preschool, or within three thousand (3000) feet of another adult entertainment establishment.
2. This resolution is adopted pursuant to the authority of Sections **503.51** through **503.59**, **503.65** and **503.99** of the **Ohio Revised Code**.

B. Airports shall meet the following requirements:

There shall be a minimum site area of eighty (80) acres, and there shall not, at the time of application for permit, be any structure located which would violate air zone requirements of the Federal Aviation Administration or local authorities, unless the authority proposing to build the airport has eminent domain authority.

1. Access to the airport shall be from a road intersecting, within one (1) mile, an arterial highway as designated in **Appendix 1**, or if the highway in question is paved to a width of twenty (20) feet or more from the airport site to the arterial highway.
2. An airport used for the sole purpose of crop dusting, or other related agricultural purposes may be permitted if it meets only #1 above.
3. Reconstruction of aircraft may be permitted only at an airport, and only if: a) All such reconstruction is undertaken within an enclosed building; b) Reconstruction is not a primary use of the airport facilities, c) No more than two planes are reconstructed per calendar year; and d) No plane of larger passenger capacity than eight (8) persons or five thousand (5,000) pounds freight capacity, shall be reconstructed.
4. Aircraft Museums may be permitted when they are located on an arterial highway as designated in **Appendix I**, are located at or directly adjoining an airport, and one (1) parking

space is provided for each one thousand (1000) square feet of museum, in addition to those required by Chapter 5.

5. Parachuting shows may be permitted when the activity is conducted at an airport, the designated landing areas are on an airport site and at least four hundred (400) feet from any adjoining property line, and the owner posts a bond with the Township in the amount of \$50,000 to cover damages due to landing on adjoining or nearby properties.

6. Air shows may be permitted when the airport at which they are located is located on an arterial highway as designated by **Appendix I**, no more than two (2) air shows are conducted each calendar year, temporary parking for the event is satisfactory to the Township Trustees, and a bond is posted with the township for \$500,000 to cover damages to surrounding properties. Air shows shall not be construed to include concerts and other outside activities not directly part of the air show.

C. Auto Service/Fuel Stations may be permitted in **C3** as indicated when the following conditions are met:

1. The use shall be for the purpose of servicing recreational vehicles and motor vehicles under one and one-half (1 ½) tons rated capacity including the dispensing of fuel and lubricants, cooling system and ignition service, sale and installation of batteries, lamps, fan belts, spark plugs, tires and accessories, not requiring a change in chassis, body or engine of the vehicle.

2. All activities except those required to be performed at the fuel pumps, and car washing shall be carried on inside a building. If work is performed on a vehicle, such vehicle shall be entirely within a building.

3. No more than two (2) driveway approaches shall be permitted directly from any state highway, no more than one (1) driveway approach from any other highway, each of which shall not exceed thirty (30) feet in width at the property line.

4. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practical; and no less than sixty (60) feet from there under any circumstances.

5. At least a six (6) inch pedestrian safety curb shall be installed along all street lines except driveway approaches.

6. It shall be located along an arterial highway as indicated in **Appendix I**.

7. Right-of-ways for all streets shall be to county engineer's specifications.

D. Commercial Race Tracks may be permitted in **C1, C2, C3, and I** under the following conditions:

1. The site shall be no less than fifty (50) acres in size for commercial racetracks.

2. No parking, racing or other activities shall take place any closer than five hundred (500) feet from any adjoining property line and no closer than two hundred fifty (250) feet from any street right-of-way line.

3. The use shall be located on and have access to an arterial highway as indicated in **Appendix I**.

4. Hours of operation shall be limited from 12:00 noon to 11:00 p.m., and one traffic officer shall be employed during, one (1) hour before, and one (1) hour after the event for each five hundred (500) people attending.

5. The site shall not be permitted to exceed a gross capacity of one hundred (100) persons per acre, and the owner or lessee shall be required to install a sound buffer twelve (12) feet in height, such sound buffer to be a fence, tight hedge, tree planting, or other material suitable for keeping sound to less than ninety (90) decibels at the property line. The Township shall have the authority, at any time, to measure sound levels at the property and, if excessive, to revoke the conditional use permit. The owner or lessee shall be responsible for dust control.

E. Continuing Care/Assisted Care Communities may be permitted in the Agricultural district, **A**; in all Residential districts **R-1, R-2, R-3**; and the Commercial Districts **C-1, C-2** and **C-3** as a conditional use provided the following regulations are met. The current requirements established by the Ohio Revised Code must be met.

1. **Setbacks:** There shall be a front yard setback of fifty (50) feet, a side yard setback of forty (40) feet, and a rear yard setback of forty (40) feet.

2. **Parking:** One (1) parking space for each dwelling unit and for each three (3) beds in a nursing home facilities, and one (1) parking space for each eight hundred (800) square feet of floor area of buildings not containing dwelling units or not containing nursing home facilities.

3. **Density:** The maximum number of dwelling units for the complete development shall not exceed fifteen (15) per acre in the **C-1** district, nor more than fifty (50) percent of the allowed density in the Residential district in which located.

4. **Open Space:** Total area coverage of all buildings (including dwelling units and related service buildings) shall not exceed thirty-five (35) percent of the area of the total site, exclusive of any dedicated public right-of-way. In Residential districts, lot coverage specified for that district may exceed fifty (50) percent of the lot area.

5. **Design Characteristics:** The site shall consist of a minimum of five (5) acres and shall have buildings separated by a minimum of twenty (20) feet. Dwelling units shall consist of a minimum of three hundred fifty (350) square feet of living area for a studio type unit five hundred (500) square feet for a 1-bedroom unit and seven hundred (700) square feet for a 2-bedroom unit. Maximum building height shall be forty-five (45) feet, but shall be limited to thirty-five (35) feet within one hundred (100) feet of any adjoining **R-1** or **R-2** district or if included in one of these districts.

6. **Basis of Approval:** The applicant shall submit a comprehensive plan showing parking and traffic circulation in and around the development, the location of buildings, fences, drives, signs, landscaping, storm and sanitary sewer and water supply facilities, lighting, and all accessory uses.

F. Farm Equipment Sales and Service may be permitted in **A** district provided that:

1. They are located along an arterial highway as indicated in **Appendix I**, and meet all setback, yard, height and other requirements of the most restrictive “**C**” Districts.

2. They are not located closer than fifty (50) feet from any Residential district boundary or lot line of any adjoining parcel that contains a residence. The owner’s residence is exempt from these distance requirements.

G. Golf Courses and Country Clubs, Driving Ranges may be permitted in **ALL** districts

as long as the following conditions are met:

1. Street access and all buildings used in the maintenance operation of the golf course shall be located at least two hundred-fifty (250) feet from any adjoining side yard line.
2. The development shall be at least thirty (30) acres in size and shall not have any lights operating past 10:00 p.m. in conjunction with a driving range located on the premises.
3. Putting greens, cart storage facilities and other uses normally a part of golf courses and country clubs may be permitted, but miniature golf open to non-members shall not be permitted.
4. Club houses, pro shops and other permitted facilities shall be serviced by parking areas not located closer than one hundred (100) feet from any adjoining side lot line.
5. Country clubs in the meaning of these regulations shall be interpreted to mean golf related clubs exclusively, although social activities shall be interpreted to be a part of such club activities.
6. Golf play may be by membership only or may be open to the public.

H. Grain Drying, Storage, and Elevator Facilities may be permitted in **A** district providing they meet the following requirements:

1. They are located not less than one hundred feet (100) from any adjacent property lines and not less than seventy-five feet (75) from any street right-of-way line.
2. They are located on an arterial highway as designated in **Appendix I**. They are not located in a subdivision plot recorded in the county deed records. All facilities associated solely with storage and drying of agricultural products raised on the premises are exempt from this provision.

I. Junk Yards, Recycling Centers, Landfills and Disposal Sites may be permitted in **I** only when the following conditions are met:

1. It is not located closer than three hundred (300) feet from any property line or any street right-of-way line.
2. The property used for such purposes shall be fenced in sufficient height to block the view of any of the junk from any adjoining property and from the highway.
3. Plans shall be submitted showing areas to be used and the purposes therefore and showing the future use and rehabilitation of the property.
4. Posting a bond of sufficient amount to guarantee rehabilitation should the owner abandon the use of and fail to restore it to its original condition. The amount of such bond shall be determined by the Board of Zoning Appeals.

J. Marine Sales and Service may be permitted in the **FP District** when directly associated with and part of the operation of a marina facility, and when all permanent buildings and structures, other than docks, are flood proofed and meet the requirements of county flood regulations.

K. Mobile Home Parks. Mobile Home Parks are permitted in **A, R3, C1, C2, C3** shall be required to meet the following Requirements. All mobile home parks must meet the current requirements established by the Ohio Revised Code.

1. It shall meet all current licensing requirements of the State of Ohio and the Seneca County District Health Board, shall be a minimum of forty (40) acres in size and shall be located on an arterial highway as delineated in **Appendix I**.
2. It shall present a plan for buffering the park from adjoining uses with a natural planting strip or barrier of at least thirty-five (35) feet in width, free of any use by park facilities except the plantings or barriers required by the Board of Appeals.

L. Natural Resources Mining and Oil and Natural Gas Wells may be permitted in **FP** and **A** where indicated when:

1. A fence ten feet (10) in height encloses the operation where there is a safety hazard.
2. Plans are submitted indicating the proposed stages of operation and the future uses or rehabilitation to be carried out on the site. A bond or bonds may be required to be posted guaranteeing that the above plans will be carried out.
3. All facilities and equipment such as derricks, pumps, tanks, etc. shall be enclosed or fenced off where their operation creates a potential safety hazard.
4. All areas shall be rehabilitated progressively as they are worked out and left in a condition which is free of hazards, is inconspicuous, and blends with the general surrounding ground form so as to appear reasonably natural. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.
5. Routes for truck movement shall be established and followed in such a way that traffic and other hazards and damage to other properties shall be minimized, neat, orderly condition so as to prevent injury to any single property, individual, or to the community in general; a bond may be required to be posted to insure that this provision is met.
6. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, individual, or to the community in general; a bond may be required to be posted to insure that this provision is met. Essential structures shall be free from flooding and by-products must not enter floodwater.

M. Outdoor Theaters may be permitted **FP** and **A** only when located more than five hundred (500) feet from any adjoining property line, and only when located on an arterial highway as designated in **Appendix I**. When located in the Flood Plain, no structure shall be subject to flooding, nor should any underground electrical systems be located in floodable areas.

N. Recreation sites such as Parks, Playgrounds, Stadiums, Fairgrounds, Athletic Fields, Wildlife and Forest Preserves; resources for the good of the community such as Schools, Libraries, Museums, Historic Sites, Monuments, Government Buildings; health care facilities such as Hospitals, Clinics, Rest Homes, Sanitariums, Orphanages, and religious sites such as Churches and Cemeteries, may be permitted under the following conditions:

1. Loudspeakers which cause a hazard or annoyance shall not be permitted, nor shall lighting constitute a nuisance or impair safe movement of traffic on any street or highway.
2. The use shall not require costly or uneconomic extensions of utility services at the expense of the community, unless the benefits to the community outweigh the costs; and sites shall have room for natural buffers if such are necessary and access to streets capable of handling traffic generated by the use.

O. Travel Trailer Camps, Parks and Campgrounds may be permitted under the same conditions as mobile home parks in **FP, A, C1 C2, C3, I** and in addition, shall meet the following requirements: See also **Section 4.2.1**.

1. The maximum occupancy shall be two hundred (200) days during any calendar year, and no site shall be occupied as a permanent residence, except that of the owner or caretaker.
2. No structure or campsite located on the premises shall be closer than one hundred (100) feet from any adjoining side lot line. Any store shall be for the sales to campground residents only.
3. There shall be no more than an average of five (5) campsites per acre of total acreage.

P. Vehicle Body Repair is permitted in **A** and shall meet the same requirements that contractors must meet, and in addition, meet the following conditions:

1. They shall be located on an arterial highway as shown in **Appendix I**.
2. No unlicensed vehicles may be stored on the property and all vehicles on the property, other than vehicles titled to the property owner, must be vehicles that are being repaired on a consistent basis. No vehicle that is being repaired on a consistent basis shall remain on property for longer than 90 days.

Q. Wind Farms / Towers less than 5 Mega Watts may be permitted in all districts. Wind farms less than 5mw used solely for the purpose of generating electricity for residential usage shall fall under the following regulations:

1. Wind farms of 5mw or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.
2. Small wind farms less than 5mw and used solely for agriculture will be exempt from these zoning regulations as an agriculture use.
3. Maximum height of any turbine shall be one hundred twenty-five (125) feet by measuring the length of the prop at the maximum vertical rotation to the base of the tower.
4. Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower from established "clear fall zone" of all road right of ways and neighboring property lines.
5. Appropriate warning signs to address voltage shall be posted. Signs must meet regulations set in **5.6.A**
6. The wind energy system including the prop blades, turbine cowling and tower shall be painted or coated white, gray or sky blue. No advertisements other than the manufacturer name and logo are permitted.

CHAPTER 4

LOT DENSITY, COVERAGE, YARD, BULK, HEIGHT REGULATIONS

4.1. Minimum Lot Area

*MINIMUM LOT AREA PER DWELLING UNIT IN THOUSANDS OF SQUARE FEET
(Also refer to Chapter 7.5) (Not to include any part of right-of-way)*

Kind of Dwellings	Districts								
	FP	A	R1	R2	R3	C-1	C-2	C-3	I
Single Family	**	43.56	43.56	11.0	11.0	11.0	11.0	11.0	11.0
Two Family	**	60.0	60.0	20.0	20.0	20.0	20.0	20.0	20.0
Multiple Family	**				20.0*	20.0*	20.0*		

*An additional two thousand (2,000) square feet shall be required for each unit above three units.

**Not permitted in flood plain unless county flood regulations and required elevations are met. Otherwise setbacks shall conform to the regular district.

1. A lot on which a structure built prior to November 1973 is used, or intended to be used for residential purposes, shall meet the following minimum lot area, provided, however, that no lot used for such purposes shall have a total area of less than six thousand (6,000) square feet. All lots shall meet minimum lot requirements of the Seneca County Board of Health for sanitation purposes.

2. A multiple family use with single or two family structures shall meet the same requirements as multiple family structures.

3. A lot on which one of the following uses is located may not be less than the area prescribed as follows:

Use	Minimum Lot Area
Airport	80 acres
Heliport	1 acre
Overnight Camp & Travel Trailer Park	40 acres
Public or Employee Parking Lot	1,500 sq. ft.
Riding Stable	120,000 sq. ft. plus 5,000 sq. ft. per horse

4. No lot shall be reduced below the above lot size requirements.

4.2. Minimum Width and Depth

1. All flag lots used or intended to be used for dwelling purposes shall have the following minimum lot widths, except, however, that no lot shall be less than sixty (60) feet wide at the right-of-way line in **A** districts and thirty-five (35) feet in **R-1, R2**, and eighty (80) feet for uses with three (3) or more dwellings.

MINIMUM LOT WIDTH AT SETBACK LINE PER DWELLING UNIT IN FEET

Kind of Dwellings	Districts								
	FP	A	R1	R2	R3	C-1	C-2	C-3	I
Single Family	**	125	125	60	60	60	60	60	60
Two Family	**	125	125	60	50	50	50	50	50
Multiple Family	**				60*	40*	40*	40*	40*

* Additional ten (10) feet per dwelling units above three (3) shall be required.

**Not permitted in flood district unless county flood regulations and elevations are met. Otherwise regular district regulations shall apply.

2. No residential lot shall be less than one hundred twenty (120) feet in depth.

3. Excessive lot depth in relation to width should be avoided. A depth to width ratio of 3:1 shall be considered a maximum.

4.3. Lot Coverage

1. Residential buildings plus any accessory buildings on a lot may not exceed in coverage, the following percentage of total lot area:

District	FP	A	R1	R2	R3	C-1	C-2	C-3	I
Percentage of Coverage			20	20	20	30	40	40	40

2. Non-residential buildings, including accessory buildings, on a lot may not exceed in coverage the following percentage of total lot area:

District	FP	A	R1	R2	R3	C-1	C-2	C-3	I
Percentage of Coverage						60	60	60	75

3. Lot coverage requirements for non-residential buildings and lots in residential districts shall be the same as prescribed in 4.4.1.

4.4. Minimum Building Setback Open structures such as porches, canopies, platforms, carports, balconies, covered patios and similar architectural projections shall be considered part of the building to which attached and shall not project into required minimum yards. Eaves and gutters may project up to two (2) feet into the yards.

1. The minimum depth of front yards shall be as follows:

Use	District								
	FP	A	R1	R2	R3	C-1	C-2	C-3	I
Residential	**	35	35	35	35	35	35	35	35
Commercial	**	50	35	35	35	35	35	35	35
Industrial & Other	**	50	35	35	35	35	35	35	35

**Not permitted in flood plain unless county flood regulations and required elevations are met. Otherwise set-backs shall conform to the regular district.

2. The minimum width of the side yards shall be as follows:

Use	District								
	FP	A	R1	R2	R3	C-1	C-2	C-3	I
Residential	****	20	20	10	10****	5	5	5	5
Commercial*	****		20	20	25	0	0	0	0
Industrial**	****		50	50	50	15	15	15	0

*Side yards shown for "FP," "R1," "R2" and "R3" are for businesses in these districts or for businesses abutting these districts; otherwise no yard required.

Side shown for **FP, R1, R2, R3, C-1, C-3 and **I** districts are for industrial uses in these districts, or for industrial uses abutting these districts; otherwise no yard is required between industrial use.

***Side yard shall be ten (10) feet for single dwellings, twenty (20) feet for two family; and twenty-five (25) for three (3) or more family uses.

****Not permitted in flood plain unless county flood regulations and required elevations are met; otherwise setbacks shall conform to the regular districts.

3 . In all districts, buildings shall either be connected by a common firewall, or be at least five (5) feet apart.

4. The minimum depth of rear yards shall be fifty (50) feet in the Agricultural and Residential districts; twenty (20) feet in all industrial districts and the commercial districts **C1, C2, AND C3**.

5. At the intersection corner of each corner lot, the triangular space determined by the two lot lines at that corner and by a diagonal line connecting the two points on those lot lines that are fifteen (15) feet respectively from the corner shall be kept free of any obstruction to vision between the heights of two and one-half feet (2 1/2) and twelve (12) feet above the established grade of the street.

6. Accessory buildings shall meet the same setback requirements as main buildings, except that in residential districts, accessory buildings may be no closer than ten (10) feet from the side lot line and ten (10) feet from the rear lot line.

7. On lots of record where the lot does not meet minimum requirements of width, the minimum side yard may be five (5) feet for lots up to fifty (50) feet in width and ten (10) percent of the lot width for lots fifty (50) to one hundred (100) feet wide; or the setback prescribed by **Section 4.4** whichever is the least restrictive.

4.5 Dwelling Bulk

1. In the **R1** or **A** district, no dwelling shall have a total living area of less than nine hundred-eighty (980) square feet.

2. In the **R2** district, no dwelling shall have a total living area of less than nine hundred-eighty (**980**) square feet or floor area per dwelling unit, nor a ground floor area less than six hundred (600) square feet.

3. In all other districts, no multiple family dwelling shall have a total living area of less than four hundred -fifty (450) square feet of floor area per dwelling unit, nor a ground floor area of less than five hundred (500) square feet plus one hundred (100) square feet per unit.

4. Should the requirements of this section conflict with other provisions of this ordinance, this section shall take precedence.

4.6. Height Restrictions

1. No building shall be erected or changed to a height in the district in which it is located to exceed the following in feet; except as otherwise provided herein:

District	<i>MAXIMUM PERMITTED HEIGHT IN FEET</i>								
	FP	A	R1	R2	R3	C-1	C-2	C-3	I
Height*	*	35	35	35	35	35	35	35	45

* Not permitted in flood plain unless county flood regulations and required elevations are met; otherwise setbacks shall conform to the regular district.

4.7. General Lot Area Regulations

1. **General.** No parcel of land shall hereafter be so reduced or divided so as to provide less than the minimum lot size required in the district in which such land is situated.

2. **Lot Area Exemption for Certain Existing Sub-Standard Lots** Any lot or parcel of land under one ownership and of record at the time of the adoption of this resolution (November 1973) and where no adjoining land was under the same ownership on said date, may be used as a building site even when of less area or width than that required by the regulations for the district in which the land is located. No building or addition to a building shall be constructed within five (5) feet of any side property line or original plot or within twenty (20) feet of the front property line.

**CHAPTER 5
PARKING, LOADING, BUFFER, SIGN REQUIREMENTS**

5.1. General Requirements Off-street parking facilities and loading areas for storage or parking of self-propelled motor vehicles for use of occupants, employees, patrons and movement of goods shall be required for all uses erected, altered or extended after the effective date of this resolution, in accordance with the following provisions. An existing use which is non-conforming as to these requirements, shall be required to provide additional parking for any expansion, but shall not be required to compensate for prior non-conformity.

5.2. Location of Off-Street Parking and Loading Docks

1. A parking area or loading space for any of the following uses may not be located closer to a residential district than the distance, in feet, listed opposite it in the following table; or in the case of being located within a residential district, no closer to the lot line than herein provided.

MINIMUM DISTANCE FROM RESIDENTIAL DISTRICT IN FEET

Use	Parking Area	Loading Spaces
Airport	25	100
Clinic	10	
Commercial Greenhouse	50	
Golf Course or Country Club	10	
Hospital	25	
Industrial Park	25	100
Natural Resource Development	25	300
Mobile Home Park, Camp, or Trailer Park	25	
Outdoor Commercial Recreational	25	50
Private Recreational Development	25	
Sales Barn for Livestock Resale	50	100
Truck Freight Terminal	100	100
Wholesale Produce Terminals	100	100
Retail Sales	25	50

5.3. Off-Street Loading Docks

A. All non-residential uses as described herein shall have a minimum number of off-street or off-alley loading docks of dustproof surface as prescribed as follows:

B. All uses generally permitted in the **C** districts, whether or not located in a **C** or **I** district shall have a dock for 3,000 to 15,000 square feet of total gross floor area, and an additional dock for each addition of 25,000 square feet, or fraction thereof, of total gross floor area.

C. All uses generally permitted in the **I** districts, whether or not in those districts, shall require one loading berth for 15,000 square feet or less of total floor area, two (2) docks for 15,000 to 40,000 square feet of total gross floor area, three (3) docks for 40,000 to 100,000 square feet and one (1) additional dock for each 100,000 square feet of total gross floor area.

D. Each loading dock shall be at least twelve (12) feet by seventy (70) feet in size with a minimum of fourteen (14) feet height clearance.

5.4 Off-Street Parking To reduce traffic problems and hazards by eliminating on-street parking, every use of land hereafter started or changed must include on-premises parking sufficient for the needs normally generated by the use as provided herein. Parking spaces or bays contiguous to the street, required by subdivision or other ordinances, or voluntarily supplied, are in addition to and not in place of the spaces herein required.

A. Each parking space shall be at least ten (10) feet wide and seventeen (17) feet long for (60) degree parking, or seventeen (17) feet long for forty-five (45) degree parking; the length of non-parallel parking being measured at angles to the edge of the useable parking area formed by the angles exclusive of passageways.

B. The parking spaces required herein shall be located on the premises, or within three hundred (300) feet of the premises, and shall not be part of an alley, street or other roadway; except that off-street parking for residential uses must be located on the premises of the use.

C. Parking space may not be located in the required front yard except in commercial or industrial districts; except that parking is permitted in the driveways of a single or two-family residence.

D. Any parking space for a business use, if in the open, must be paved with a hard or dustproof surface.

E. A group of users may provide a joint parking area if the number of spaces in the area at least equals the aggregate of the spaces required for the several uses, and other regulations are met.

F. Public meeting buildings that requires parking area at times when nearby uses do not need their parking facilities may, by agreement, approved by the Commission, use those facilities instead of providing their own; except that such other facilities must be off-street, dust-free, and meet the total requirements for these public buildings.

G. Number of parking spaces required

No zoning permit shall be issued unless there is provided the following number of off-street parking spaces (including all additions or new construction commenced after the adoption of this resolution.)

Residential uses -two (2) spaces per dwelling unit

Commercial uses – one (1) space per 250 square feet of floor area

Industrial uses - one (1) space per three (3) employees

Churches, theaters, places of assembly - one (1) space for each six (6) seats

Golf courses – thirty (30) spaces per nine (9) holes

Motels, hotels, rooming houses – one (1) space per room, plus one (1) per employee

Mobile homes, RV parks, travel trailer parks /camps - two (2) per lot per site

Riding stables – one (1) space per 5,000 square feet of floor area

5.5 Fence, Hedge, Wall and Buffering Requirements

The following regulations shall govern the placement and/or construction of fences (and to include all hedges, walls and buffers):

A. Fences shall be permitted in all residential districts with only those lots of less than one (1) acre being subject to the regulations contained in this section. Lots of one (1) or more and/or enclosing agricultural uses, shall be exempt from these regulations, except for the regulations requirements for swimming pools, which shall apply to all lots in the township. Fences shall be

maintained in good condition without any advertising thereon, and shall be constructed so as not to obstruct visibility or cause an unsafe condition for motor vehicles, cyclists or pedestrians along any adjacent road right-of-way. Fences shall be split-rail, basketweave, picket, board or batten, baffle, stockade, estate rail or solid wood, chain link, woven, welded lawn, hinge-joint, stone and/or brick masonry and other comparable types.

B. On all sides, front or rear yard fences, the rough and/or unfinished supporting rails, posts and panels shall face the interior of the property.

C. No fence in any side or rear yard shall exceed six (6) feet in height in the following districts: agricultural **A**, residential **R-1, R-2, R-3**, or flood plain **FP** and ten (10) feet in commercial **C-1, C-2, C-3**. Where side yards adjoin public right-of-way, excluding controlled access highways, fences shall comply with regulations for fences in front yards.

D. No fence in any front yard, or in any yards adjacent to public rights-of-way excluding controlled access highways, shall exceed two and one-half (2 1/2) feet in height. No fence in any residential district shall be constructed in whole or in part of barbed wire, concertina wire, guardrail or be electrified. Barbed wire, concertina wire, guardrail or electrified fencing shall be allowable in agricultural districts only.

E. Corner lots in any district shall have nothing that impedes visibility between the height of two and one-half (2 1/2) feet and ten (10) feet above the centerline grades of the intersection streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said right-of-way lines fifty (50) feet from the point of intersection of the two streets. Fence height measurements shall begin at the ground/grade level.

F. Junk yards shall have solid, painted fence of sufficient height to block visibility. Race tracks shall have twelve (12) foot high fencing

G. Buffering is required in the **C1**, and **C2** and **Industrial** districts where they abut **Residential** districts. For the purposes of this section, a buffer includes solid fences, minimum of ten (10) feet barriers, screens or vegetative plantings that will upon maturity attain height of ten (10) feet and block visibility and light. Building plans shall be submitted along with the application for a zoning permit. This applies to all industrial uses, natural resource development if not fenced, outdoor commercial recreation enterprises, riding stables and wholesale, freight or distribution terminals when not fenced.

5.6 Sign Regulations

A. General Location and Safety Requirements All signs erected or located within Hopewell Township shall be in conformance with the following requirements or the regulations of the Ohio Department of Transportation. The more restrictive regulations shall apply in any cases of inconsistency.

1. Signs shall not prevent free ingress and egress to any door, window, or fire escape; nor obstruct free and clear visibility at any intersection. No sign of any kind, except directional signs of no more than three (3) square feet, shall be permitted within the triangle formed by points fifty (50) feet from the intersection of the right-of-way of two intersecting streets in the case of arterial highway as defined by the Arterial Map (**Appendix I**), and twenty (25) feet in the case of other streets and public ways.

2. Signs shall not interfere with or obstruct the view of, or be confused with any authorized traffic control sign, signal or device; nor shall a sign make use of colors, rotating lights, or words or devices which may mislead or confuse motorists.
3. Signs shall not be within public road rights-of-way, and non-directional signs shall be set back five (5) feet from the right-of-way for each ten (10) square feet of area, and shall meet the requirements of the provisions of **5.6.B** below.
4. All lighting, indirect or internal, shall consist of constant illumination, which is uniform in intensity except for time and temperature display. All lighting shall be properly directed so as to not create a nuisance to surrounding properties or to the motoring public.

B. Signs Requiring Permits The signs below described as billboards and identification signs shall require permits.

1. Billboards Billboards may be erected on free-standing structures and shall be subject to the following regulations and shall require permits:

- a. Billboards can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction.
- b. Billboards on the same street facing the same traffic flow shall not be placed closer together than one thousand (1,000) feet, shall be permitted in the agricultural, industrial and commercial districts, and shall be permitted only along arterial highways as shown on the map so designated in **Appendix I**.
- c. The maximum permitted area of a billboard shall not exceed three hundred (300) square feet in area.
- d. Structures for billboards shall be of vertical (cantilever) construction and where the back of the sign is visible it shall be suitably painted or otherwise covered to present a neat and clean appearance.
- e. All lighting used in the illumination of billboards shall be adequately shielded or shaded, and properly directed so as not to be objectionable to adjacent and surrounding properties, nor moving traffic.
- f. All billboards shall be set back from the right-of-way lines a minimum of one hundred (100) feet along all arterial highways designated as such on the **Official Zoning District Map**, and the required front yard setback along all other streets. Setback shall be to the extremities of the sign.
- g. No billboards shall be located closer than one hundred (100) feet to any residential district or one hundred-fifty (150) feet from any residence, whichever is the most restrictive.
- h. No flashing lights of any kind shall be permitted as part of a billboard.

2. Identification Signs Identification signs for non-residential uses in any district shall be considered permanent installations and shall be either freestanding or attached to the structure which houses the use or uses identified on the sign. Permit required.

B. Signs Not Requiring Permits Real Estate (for sale, rent or lease) signs, subdivision for sale signs, political signs, construction signs, agricultural product signs, and special event signs, as described below, shall not require permits, but must meet the regulations herein, or they can be

removed by the township. Painting and normal maintenance of a sign shall not require a zoning permit.

1. Registration of Temporary Signs Temporary signs are those displayed for no more than thirty (30) days. Anyone wishing to document the time and place of the locating of a sign not requiring a permit above, must send a letter to the zoning inspector listing the location and the time of the erection of the sign. Otherwise, if the sign is found in violation later, it shall be assumed that it had just been erected and may be ordered removed by the zoning inspector in the same manner as any other sign violation.

2. Real Estate Signs Signs identifying a property for sale, for rent, or for lease may be placed on-site until ten (10) days after the property has been closed, sold, rented, or leased. Real estate signs shall not exceed six (6) square feet in area per side within any residential district and shall not exceed twenty (20) square feet within any other district. All such signs shall be set back off the street. No zoning permit required.

3. Subdivision Sale Signs Signs providing information on the sale of lots within an approved and recorded subdivision may be placed upon the property until such time as seventy-five (75) percent of the lots within the subdivision are sold. Subdivision sale signs shall contain only the name of the subdivision, the name of the owner, the name of the developer, and information regarding the price, terms, location and phone number of the sales office. All such signs shall be set back off the street right-of-way. The maximum sign area shall be forty (40) square feet. No zoning permit required.

4. Political Signs Signs involving any issue or candidate for public elective office may be temporarily erected for a period not to exceed sixty (60) days before or seven (7) days after an election. Political signs shall be permitted as freestanding signs in all districts, and shall not be attached to any structures providing essential services or located in any manner destructive to public property. The maximum sign area shall be six (6) square feet within any residential district or public right-of-way and forty (40) square feet upon private property in any other district. No zoning permit required.

5. Construction Signs Signs identifying construction may be temporarily erected upon the same lot as the project. Such signs shall be permitted only for the length of the construction project or for one (1) year, whichever is shorter. Any extension past the one (1) year time shall be subject to approval by the Board of Zoning Appeals. Construction signs shall contain only the name of the construction project, the construction firm(s), the engineer, the architect, and /or the subcontractors involved in the project. Only one (1) construction sign shall be permitted per street frontage. Maximum sign area permitted shall be three (3) square feet for each dwelling unit for residential structures, up to a maximum of forty (40) square feet for all principal structures off the street right-of-way. No zoning permit required.

6. Agricultural Product Signs Signs identifying the sale of agricultural products such as vegetables, eggs, straw, hay, and seeds grown or produced upon the premises may be temporarily erected upon any lot during the season in which they are available. The maximum sign permitted for an agricultural product sign shall be forty (40) square feet. All signs shall be set back off the street right-of-way. No zoning permit required.

7. Special Event Signs Information signs advertising a grand opening, a seasonal event, a special sale, or any other similar special event may be temporarily erected for a period not to exceed twenty-one (21) days within any thirteen (13) week period. The maximum sign area

permitted for special event signs shall be forty (40) square feet. All signs shall be set back off the street right-of-way. No zoning permit required.

F. Towers: wind, wireless and utility Advertising shall not be permitted anywhere on the tower or sites with the exception of identification signs and no trespassing signs, which are required.

CHAPTER 6 PLANNED UNIT DEVELOPMENTS

6.1 Intent and Purpose. The intent and purpose of this section shall be to accommodate and encourage development of large tracts of land for residential, commercial, industrial, public, or compatible mixed uses, in accordance with and overall plan for the area, and according with the following procedures.

6.2 Procedures

A. The applicants shall apply in writing to the Zoning Commission for a Planned Unit Development Permit; said application to be accompanied by all necessary and detailed plans for determination. Such initial submission, although a general plan approval, shall show how the requirements of this chapter will be met, and shall show in detail: setbacks, lot coverages, acreage, densities and other criteria of approval. Approximate locations of roadways, buildings and areas of use shall be clearly shown. Such detail need not be finally engineered, but must be in sufficient detail to show how the mixture of uses and the arrangements of land and structures will meet the intended requirements.

B. The Commission shall treat the application in the same manner as an amendment, following the hearing procedure in the same manner. Upon acting on the application, the commission shall transmit its recommendations to the Board of Township Trustees.

C. The Board of Trustees shall act on the application in the same manner as it would on an amendment. However, the Trustees' action would not be subject to referendum as an amendment would be.

D. Approval of the initial general plan shall commit both the Township and the developer to the general plan as approved. Any final plans approved thereafter would have to meet the criteria approved in the general plan.

E. After approval of the general plan, the applicant shall then submit final plans to the Board of Trustees who shall then consider the final plans which may include all or part of the original general plan. It may then approve final plans if they are found to be in conformance with the general Planned Unit Development Plan.

F. After a final plan or phase of the Planned Unit Development is approved, permits may be issued in accordance with that plan. Any future changes in final plans shall require Trustee approval. Any changes required in the general plan would require changes pursuant to **6.2.A** and **6.2.B** and **6.2.C** above.

G. If after twenty-four (24) months, no final plan for any part or all of the development is submitted, the general plan shall be considered invalid. If one (1) year after the approval of a final plan for any part or all of the development, no construction has begun, the final plan shall be deemed invalid. If after five (5) years, all of the area covered by the general plan has not received final approval, the general plan will require an extension at one (1) year increments for up to an additional three (3) years by the Board of Trustees. Thereafter, an extension will have to proceed under the same procedure as the initial application.

6.3 Requirements

- A.** The plan must cover an area of at least twenty-five (25) acres and must demonstrate its conformance with land use plans in effect.
- B.** The plan cannot exceed minimum standards of lot coverage in the district in which it is located.
- C.** The plan cannot exceed by fifty (50) percent, residential densities of the district in which it is located, for those areas devoted to residential use.
- D.** Any plan exceeding residential density of the multiple family district by fifty (50) percent, or any plan that includes a commercial or industrial land use within it must be located on an arterial highway as defined in Chapter 13.
- E.** Any plan which contains an industrial use in any commercial or non industrial district shall:
 - 1.** Not have more than thirty (30) percent of the land of the development used for industrial purposes.
 - 2.** Have industrial uses buffered from adjoining residential uses within the development by a thirty (30) foot strip of land reserved and maintained with screen planting.
 - 3.** Have industrial uses abutting any adjoining property, or property directly across the street that is zoned a non-industrial or non-commercial classification, unless there is one hundred (100) foot buffer zone reserved and maintained with screen planting.
 - 4.** Require that the developer demonstrate to the satisfaction of township that the proposed industrial use will not be detrimental as part of the development or as part of the surrounding area. This should include all of the technical and other data needed to delineate the parameters within which the industrial use will operate. Such data may include, but need not be limited to, sound emissions, air emissions, access to and from the site, the limits of the manufacturing or industrial operations to be established for site and buildings included in the development.
 - 5.** The balance of the development shall make use of appropriate combinations of non-industrial uses around the fringe of the development to create desirable buffers between the industrial areas and adjoining non-industrial and non-commercial areas.
- F.** Any plan that includes a commercial use in a non-industrial or non-commercial district shall:
 - 1.** Not have more than fifty (50) percent of the land of the development used for commercial purposes.
 - 2.** Have commercial uses buffered from adjoining non-commercial and non-industrial uses by a thirty (30) foot strip of land reserved and maintained with screen planting.
 - 3.** Require that the developer demonstrate to the satisfaction of the township that the proposed commercial uses will not be detrimental as part of the development or the surrounding area.

This should include all of the technical and other data needed to delineate the parameters within which the commercial use will operate.

4. Assure that the balance of non-commercial uses are appropriate combinations of use in terms of the surrounding uses.

G. All planned unit developments may vary from the district requirement for lot sizes, setbacks and other yard and lot requirements, except at the periphery of the development, where setbacks and yard requirements shall be maintained.

CHAPTER 7 NON-CONFORMING USES

7.1 Non-Conforming Buildings

- A.** The lawful use of any building which does not conform to these regulations, whether by original adoption or by subsequent amendment, may be continued after such adoption or amendment, under the conditions herein specified.
- B.** The addition to, enlargement or expansion of, any such non-conforming building may be permitted provided such addition, enlargement or expansion complies with all height, area, parking setbacks, and other requirements of the district in which it is located, and that total aggregate floor area of such additions does not exceed twenty (20) percent of the floor area of such building at the time it became non-conforming.
- C.** A non-conforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity, or the public enemy, may be restored and the same use and occupancy continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently pursued to completion.
- D.** The use of a non-conforming building may be changed to a use of the same or more restricted classification but shall not thereafter be changed back to a less restrictive use.
- E.** A non-conforming building, or portion thereof, which is or hereafter remains vacant and unoccupied for a period of two (2) years or more, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

7.2 Non-Conforming Use of Land

- A.** A non-conforming use of open land, where no primary building is involved, may be continued for a period of five (5) years from the effective date of this resolution or any subsequent amendment; after which time, said use shall be discontinued.
- B.** A non-conforming use of land, referred to in **7.2.A** shall not be expanded or extended into any other part of the lot or adjoining property; nor shall the use be changed except to a conforming use.
- C.** A non-conforming use of land, where principal buildings are involved shall not be expanded or extended into any other portion of the lot or any adjacent lot; and use of such land that exists at the time of adoption of this resolution and any subsequent amendment may be changed only as specified for changes in use of non-conforming buildings as specified in **Section 7.1**; provided such change in use is due to a change in use of the principal building.

7.3 Non-Conforming Conditional Uses

- A.** Any use herein shown as a conditional use in the district use regulations shall be considered non-conforming uses in the same manner as other uses specified in **7.1** and **7.2** and shall be legal uses, and may be expanded only after approval of said expansion as a conditional use under the terms of this resolution.

7.4 Non-Conforming Standards of Existing Conforming or Non-Conforming Uses

A. Any uses, whether conforming as to use regulations or not, that do not conform to the regulations herein pertaining to yard requirements, lot requirements, off-street parking, height regulations, and other regulations shall be permitted to continue under such non-conforming conditions, except that any enlargement, change of use or addition shall not cause the aggregate use to violate the provisions of this resolution beyond such existing non-conformance which exists at the time of adoption of the resolution or any subsequent amendment.

7.5 Non-Conformance As To Lot Area, Width, and Depth

A. Any lot of record, existing at the time of adoption of this resolution, or any subsequent amendment, where the required lot area, width and depth do not meet the regulations herein, may be used for residential purposes; provided that yard, coverage and other requirements are met; and provided that any contiguous land in common ownership be required to be used to meet the district lot area, width and depth requirements and that no portion of such be transferred to other ownership, if such transfer reduces that lot below the minimum requirements set forth in this resolution.

CHAPTER 8 ENFORCEMENT

8.1 Administration. The provisions of this Resolution shall be administered by the Zoning Inspector.

The Zoning Inspector is only an administrative official. It is his/her primary responsibility to enforce the zoning resolution as it exists. It is not proper for the Zoning Inspector to make exceptions to the requirements of the zoning resolution or to approve variances. This is a function for only the Board of Zoning Appeals.

The Zoning Inspector may approve an application only if it conforms to all the requirements of the zoning resolution. For example, if an applicant applied for a permit to build a house in a district requiring a thirty-five (35) foot front setback, but has proposed to set his house back only thirty-three (33) feet, the Zoning Inspector must deny the application even though two (2) feet is a very small difference. Such a variation could only be approved by the Board of Zoning Appeals.

The Zoning Inspector has authority only to enforce the zoning resolution and apply to the letter of the law. He/She is not permitted to make discretionary judgments.

A. Zoning Inspector A Zoning Inspector shall be employed to enforce this zoning resolution. The terms of employment, rate of compensation, and other such conditions shall be set by the Township Trustees. The Ohio Revised Code 519.161 requires the Zoning Inspector to be bonded. There are no age or elector requirements. The Zoning Inspector serves at the pleasure of the board of trustees.

The duties of the Zoning Inspector are to:

- *Accept, review and process applications for zoning permits and issue permits when appropriate.
- *Monitor progress of construction progress with onsite visits to insure compliance with all regulations.
- *Conduct routine inspections of the township to identify zoning violations and to investigate zoning complaints and issue citations when violations are confirmed.
- *Maintain accurate and current records, report to the trustees periodically and make recommendations to the zoning commission on proposed zoning amendments.
- *Report to the county auditor all building activity in the township for tax purposes.
- *Perform other such responsibilities as may be required by law or the trustees.

The Zoning Inspector shall:

- *Carry proper identification, conduct inspections during reasonable, daylight hours.
- *Conduct inspections in plain view and from public property whenever possible.
- *If necessary to enter private property, obtain permission from the landowner.
- *If necessary, obtain a search warrant and have a law enforcement officer accompany him during the inspection.

8.2 Zoning Permit Required. Before constructing, changing the use of, or altering any building, including accessory buildings, or changing the use of any premises, the property owner must submit a completed application to the Zoning Inspector before the inspector makes the onsite inspection. The applications shall include the following information:

- A.** A plot plan drawn to scale showing the exact dimensions of the lot to be built upon
- B.** The location, dimensions, height, setbacks and bulk of structures to be erected

- C. The intended use
- D. The proposed number of sleeping rooms, dwelling units, occupants, employees, and other uses
- E. The yard, open area, and parking space dimension
- F. Any other pertinent data as may be necessary to determine and provide for the enforcement of this resolution

Within seven (7) working days after the receipt of completed application, the Zoning Inspector shall conduct an onsite inspection and issue a zoning permit if the application complies with the requirements of this resolution and the application is accompanied by the proper fee as established by the Township Trustees and posted in the township office.

The zoning permit shall become void at the expiration of one (1) year after date of issuance. The exterior of the structure must be completed within one (1) year of the start of construction. If no construction is started or the structure use changes within one (1) year of date of permit, a new application and permit are required.

If the application is for a conditional zoning permit, the application procedure defined in **Section 3.3.1** will be followed in lieu of the above regulations.

8.3 Schedule of Fees The Township Trustees shall establish a schedule of fees, charges and expenses, and a collection procedure for permits, appeals, requests for zoning amendments, conditional use permits, and other matters pertaining to this resolution. The schedule of fees shall be posted in the township office, and may be altered or amended only by the Board of Trustees at their organizational meeting in January.

Until all fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

8.4 Violations

A. Inspection and Correction of Violations It shall be the duty of the Zoning Inspector or the assistant to see that any building erected, altered, moved, razed, or converted or any use of land or premises carried on in violation of any provision of this resolution is inspected and the Zoning Inspector or assistant shall declare each violation a nuisance and, in writing, order correction. Any building or land use considered possible violations of the provisions of this resolution which are observed by any official or citizen shall be reported to the Zoning Inspector or assistant in writing.

B. Correction Period All violations shall be corrected within a period of thirty (30) days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector or assistant in written order. Any violations not corrected within the specified period of time shall be prosecuted.

C. Penalties Any person, firm, or corporation violating any provisions of this zoning resolution or supplements or amendments thereto shall be deemed guilty of a violation and, upon conviction thereof, shall be fined not more than one hundred (100) dollars. Each day's continuation of a violation of this resolution shall be deemed a separate offense.

CHAPTER 9 HOPEWELL TOWNSHIP ZONING COMMISSION

The main purpose of the Zoning Commission is advisory in nature. It is responsible for reviewing and recommending changes to the zoning resolution and map. Members are usually appointed and have some particular knowledge or expertise in zoning law, land-use, real estate, property development, building trade or other relevant interests. The Zoning Commission also behaves as a public body in that it deliberates and makes decisions in the open; announces meetings and their purpose; establishes rules requiring citizen participation and keeps records.

9.1 Commission Members The Zoning Commission is appointed by the Township Trustees. The commission shall be composed of five (5) residents of the unincorporated area of the township for township zoning. The members shall be appointed for five (5) year terms staggered amongst members. Staggering the terms of Zoning Commission members allows for a new member each year. This method of appointment is also desirable because it insures that there are always experienced Zoning Commission members.

A. The Zoning Commission shall elect a chairperson and a vice chairperson from its membership and shall appoint a recording secretary. The Zoning Commission shall meet at the call of the chairperson or two (2) other members, and at such other regular times as it may, by resolution, determine. All meetings of the Board shall be open to the public.

B. Two (2) alternates may be appointed and shall meet the same appointment criteria as a regular member. (ORC 519.04) Alternate members may take the place of an absent regular member according to procedures prescribed by the board of trustees.

9.2 Initiation of Amendments One of the major responsibilities of the Zoning Commission is to propose amendments to the zoning text and map as the need arises. It may be found that some of the requirements of the original zoning resolution were too strict and should be modified. On the other hand, some of the requirements that were originally adequate may have to be changed. It is also possible that new zoning districts will be required because of the construction of a new highway, reservoir, or other facility. Zoning must not be static, but must change with the times. The Zoning Commission should be ready to propose changes to the zoning resolution that, in the long run, will be of the greatest benefit to the residents. These changes should also be fair and responsive to the needs of the larger region of which the individual township is only a small part.

The Zoning Commission is charged with the responsibility of reviewing the current resolution in a timely manner; drafting appropriate new language if necessary; and conducting a public hearing before presenting it to the Board of Trustees for final approval.

9.3 Formal Recommendations of all Amendments For those amendments that are initiated by the Township Trustees or those that are requested by property owners, it is the responsibility of the zoning commission to make a formal recommendation to the Township Trustees. Although the Zoning Commission only makes a recommendation to the Township Trustees of what action to take, considerable weight should be attributable to the Commission's recommendation. If the Township Trustees wish to overrule or modify the recommendation, the unanimous agreement of the Township Trustees is necessary.

CHAPTER 10 BOARD OF ZONING APPEALS

A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and this resolution.

10.1 Composition, Appointment, and Organization The Board shall consist of five (5) members. Each member shall be appointed for a period of five (5) years and terms shall be so arranged that the terms of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. The Board of Zoning Appeals shall elect a chairman from its membership, shall appoint a Recording Secretary, and shall prescribe rules for the conduct of its affairs. The trustees may hire a secretary to record the business of this committee.

A. Members of the Board shall be removed for non-performance of duty, misconduct in office or other cause, by the Board of Township Trustees, after a public hearing has been held regarding such charges. A copy of the charges shall be served upon the members so charged at least ten (10) days prior to the hearing either personally or by registered mail or by leaving same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. In the event of a vacancy, the vacancy shall be filled by the Board of Township Trustees by appointment for the balance of the unexpired term.

B. Quorum The Board of Zoning Appeals shall require a quorum of three members at all its meetings, and a concurring vote of three members shall be necessary to affect an order.

C. Meetings The Board of Zoning Appeals shall meet at the call of its chairman or two (2) other members, and at such other regular times as it may, by resolution, determine. All meetings of the Board shall be open to the public. The Board of Appeals may recess to executive session for the purpose of discussion and then return to the public session in order to take the final vote.

10.2 Powers and Duties

A. To hear and decide appeals where it is alleged there is error in any order requirement, decision, or determination made by the Zoning Inspector in the enforcement of this resolution.

B. To authorize upon appeal, in specific cases, variances from the specific requirements of this resolution as will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship and so that the spirit of the resolution shall be observed and substantial justice done. In exercising the above-mentioned powers, the board may, in conformity with such sections, reverse or affirm, wholly or partially or may modify the order, requirement, decision or determination appealed from and may make such order requirement decision or determination as ought to be made and to that end has all powers of the officer from whom the appeal is taken. ORC 519.14

C. To grant conditional zoning permits for the use of land, buildings, or other structures as specifically provided for elsewhere in this resolution.

D. To revoke a variance or conditional use permit granted for the extraction of minerals.
ORC 519.14

10.3 Appeals Appeals to the Board of Zoning Appeals may be taken by any person, firm, or corporation, or by any officer, board or department deeming himself or itself to be adversely affected by the decision of the Zoning Inspector or the Zoning Commission. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The applicant shall post security as determined at the sole discretion of the Zoning Inspector for the cost of all action required for the hearing of the appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector, whose decision is being appealed, shall certify to the Board of Zoning Appeals after the notice of the appeal has been filed, that by reason of facts stated in the permit, a stay would, in his opinion, cause eminent peril to life or property. In such cases, proceedings shall not be stayed by other than restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction.

Within its powers, the Board of Zoning Appeals may reverse or affirm wholly or in part or modify the order, requirement, decision, or determination as in its opinion ought to be done, and to that end shall have all the power of the Zoning Inspector from whom the appeal is taken, and it may issue or direct the issuance of a permit or permit. The Board of Zoning Appeals shall decide all such appeals within a reasonable time. See ORC 519.15 (20 days to file appeal by filing notice with Zoning Inspector and the Board of Zoning Appeals and the Zoning Inspector provides the Board of Zoning Appeals with all the necessary documents.

10.4 Procedure The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this resolution. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on prescribed forms. Every appeal or application shall refer to the specified provision of the resolution involved, and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted as the case may be. Every decision of the Board of Zoning Appeals, shall be by resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals by case number under the heading of interpretation of variance, together with all documents pertaining thereto.

A. Notice of Hearing When notice of appeal has been filed in proper form with the Board of Zoning Appeals, the secretary shall immediately place the request appeal upon the calendar for hearing, and shall cause notices stating time, place and object of the hearing to be served personally or by regular US mail addressed to the parties making the request for appeal and notice by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. Following the same time schedule, a notice shall be posted on the property announcing the date and time of the hearing. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

B. Fee Any request for an interpretation, variance, or appeal to the Board of Zoning Appeals shall be accompanied by the fee established by the trustees. If the appeal is made to correct an administrative error, and if an error was found to exist by the Board of Appeals, the fee and expenses shall be returned to the applicant.

10.5. Guidelines for granting a variance or conditional use permit

The following are the responsibilities of the Board of Appeals. To follow guidelines set forth in **Section 3.1** and **3.2**

To complete a detailed and thorough investigation of the facts before making a decision

To determine whether there would be economic impact either increasing or decreasing the property value. However, changing property value alone may not justify a variance.

To determine if the variance would set-precedent or be a unique situation

To determine if the applicant was recently denied a zoning change or is trying to avoid a recent rezoning of the property

To not be swayed by emotional appeals; and

To grant the minimum variance necessary

10.6 Requirements for those seeking an area variance or use variance

Burden of proof is on the applicant to establish either: “practical difficulty” or “unnecessary hardship”

To prove that the zoning resolution for setbacks, lot size, development standards and use limitations are met

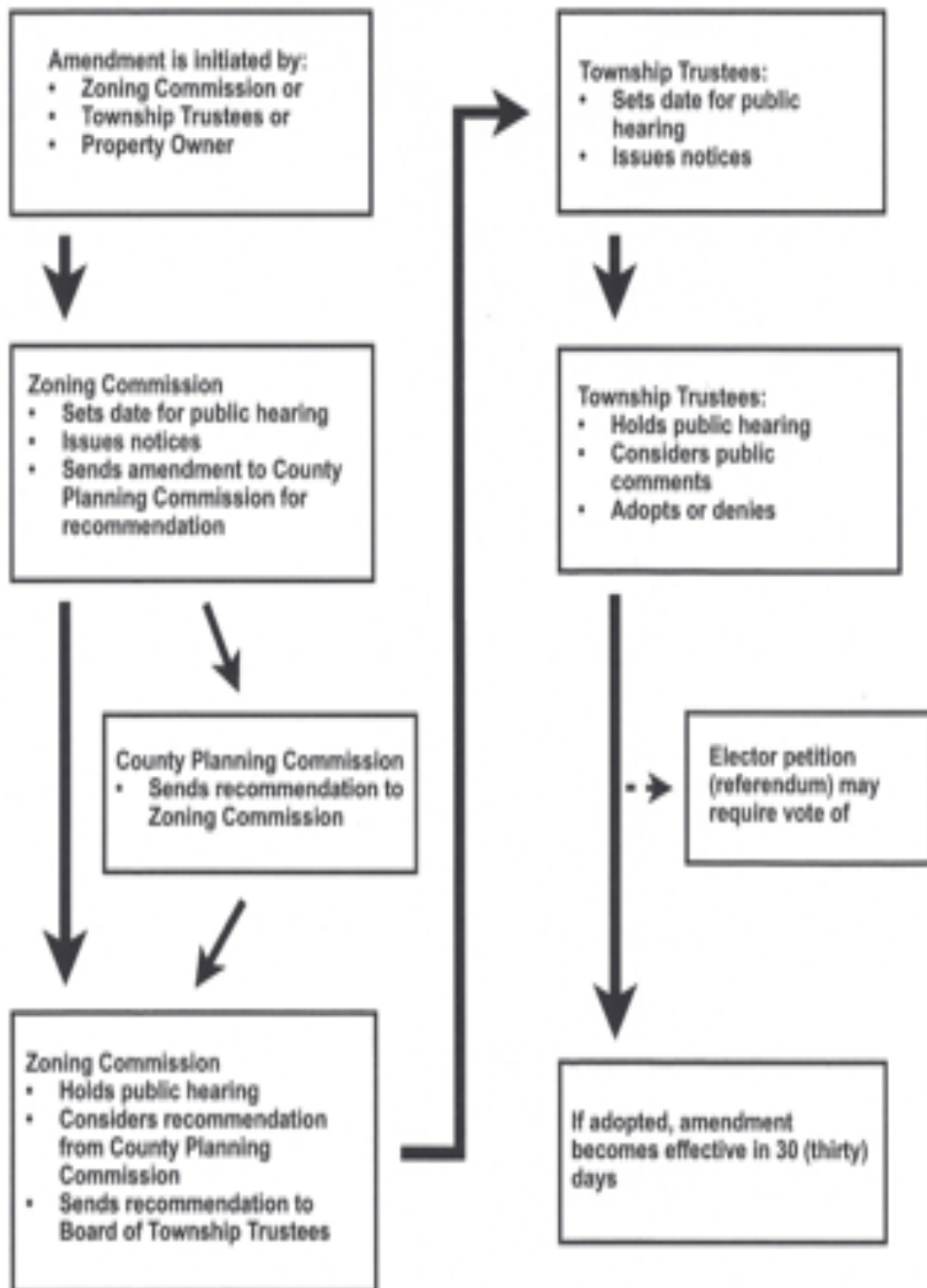
To prove that there is adequate utility, drainage, adequate access roads or entrance/exit drives to not create traffic hazards or congestion

To provide the location and size of the conditional use; the nature and intensity of the operation involved or conducted; the size of the site in relation to it and the location of the sites with respect to street access; height of structures, fences, landscaping and screening shall be such that it will be in harmony with the appropriate and orderly development use and enjoyment of the adjacent land, buildings and structures.

To provide evidence that the conditional use permit would not adversely affect the public health, safety or morals.

10.7 Revocation of Conditional Use Permit

ORC 519.14 provides that the board of appeals may revoke a variance/conditional use permit.



CHAPTER 11 AMENDMENTS

11.1 General. In accordance with Revised Code 519.12 et. seq. and whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Trustees may by resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures provided by law, amend, supplement or charge the regulations, district boundaries or classification of property, now hereafter established by this resolution.

A. Application Fees. At the time that an application for change of zoning is filled with the Zoning Commission, as provided herein, there shall be deposited with the Clerk of said Commission, such fee as adopted by resolution of the Board of Trustees to cover investigation, legal notices and other expenses incidental to the determination of such matter.

B. Application. Amendments or supplements to the zoning resolution may be initiated by section of the Township Zoning Commission, by the passage of a resolution therefore by the board of Township Trustees or by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or effected by the proposal amendment or supplement with the Township zoning commission. The Board of Township Trustees may require that the owner or lessee or property filing an application to amend or supplement the zoning resolution pay a fee therefore to defray the cost of advertising, mailing, and other expenses. If the Township Trustees require such a fee, it shall be required generally, for each application. The Board of Township Trustees shall upon passage of such resolution certify it to the Township Zoning Commission.

C. Scheduling. Upon the adoption of such action, or the certification of such resolution or the filing of such application the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty, nor more than forty days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing or such application. Notice of such hearing shall be given by the Township at least ten days before the date of such hearing.

D. Notification. If the proposed amendment or supplement intends to re-zone or re-district ten or less panels 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 days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be re-zoned or re-districted to the addresses 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 County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the County or Regional Planning Commission and the Board of Township Trustees as the case may be.

F. Filing of the Amendments The Township Zoning Commission shall, within thirty days after such hearing, recommend the approval or denial of the proposed amendment or supplement and submit the text and map to the County or Regional Planning Commission and the Board of Township Trustees.

CHAPTER 12
VALIDITY AND EFFECTIVE DATE

12.1 Validity. If an article, section, subsection, paragraph, sentence, or phrase of this resolution if or any reason held to be invalid by a Court of Competent Jurisdiction such decision shall not affect the validity of the remaining portions of this resolution.

12.2 Effective Date. This resolution and any amendments thereto, shall take effect and be in force from November 10, 1973, and any amendments thereto shall take effect as prescribed by Chapter 519 of the Ohio Revised Code.

CHAPTER 13 DEFINITIONS

13.1 Definitions. As used in this resolution, the term(s):

"**USED FOR**" includes "**DESIGNED FOR**" and vice versa; used in the "present tense" includes the "future tense", used in the "singular number" includes the "plural number" and vice versa; "building" includes "structure", "dwelling" includes "residence", "lot" includes "plot", "shall" is mandatory; and, "may" is permissive.

"**ACCESSORY BUILDINGS**" means a detached subordinate building that is located on the same lot as a principal buildings and not used or designed for human occupancy; and the use of which is clearly incidental to the use of the land or to the use of the principal building.

"**ACCESSORY USE**" means a use of land or buildings related to the primary use, of which use is clearly subordinate to the principal use of the land or buildings, and which is not used for human occupancy.

"**AGRICULTURE**" means the use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing of produce, provided that the operation of such accessory use shall be secondary to that of normal agriculture activities, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals. A use shall be classified as agricultural only if it is the principal or main use of the land.

"**AIRPORT**" means any landing area and all necessary appurtenances designed, used, or intended to be used for the landing and taking off of aircraft.

"**ALLEY**" means a right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of the abutting property.

"**ALTERATION**" means any change in the nature of the use of land and/or buildings; and includes any change in supporting members, beams, bearing walls, column or girders which would tend to prolong the life of the building or use, but not including normal maintenance and repair or, the movement or change in location on the land of buildings, or uses.

"**ARTERIAL HIGHWAY**" is a thoroughfare designated as such by the map enclosed, as part of these regulations.

"**AUTOMOBILE SERVICE STATION**" means any premises used for supplying gasoline or oil at retail direct to the motoring public; including minor accessories and service for automobiles conducted wholly within an enclosed building.

"**AUTOMOBILE SALES LOT**" means any premises used for the sale of new or used cars where any repair or service facilities are wholly within an enclosed building.

"**AUTO GRAVEYARD**" means "**JUNK YARD**" as defined herein.

"**AUTOMOBILE RECYCLING**" means the dismantling or disassembly of used motor vehicles and major components thereof, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

"**BASEMENT**" means a story partly or wholly underground, where no more than one-half the height of the story is above the average level of the adjoining ground.

"**BILLBOARD**" means a free standing sign that advertises a product or service not provided on the premises upon which the sign is located.

"**BOARD**" means the Board of Zoning Appeals.

"**BOARDING HOUSE**" means a building, not available to transients, in which meals are regularly provided for compensation for at least three (3) but not more than thirty (30) persons other than members of the proprietor's family.

"**BUILDING**" means a roofed "structure" for the shelter, support, enclosure, or protection of persons, animals or property, where each part of such a structure that is separated from the rest by unbroken part walls is a separate building for the purposes of this resolution.

"**BUILDING AREA**" means the horizontally projected area of the buildings on a lot, excluding terraces, unenclosed porches, other than open areas, and architectural appurtenances that project no more than two (2) feet.

"**BUILDING HEIGHT**" means the vertical distance measured from the average level of the finished grade at the front of the building to the highest point of a flat roof; to the decline of a mansard roof or the ridges of a gable, hip or gambrel roof.

"**BUILDING LINE**" means the line that establishes the minimum permitted distance on a lot between the outside building wall and the lot line; also called "setback"; provided that the second story or roof overhang may not project a distance of more than two feet into the side yard.

"**BUILDING, PRINCIPAL**" means the building housing the principal activity or use of the lot.

"**BUSINESS**" means the use of lands or buildings for the purposes of purchase, sale or exchange of goods and services; for the purpose of maintaining offices, recreational or amusement enterprises for profit.

"**CAR PORT**" means a covered automobile parking space not completely enclosed by walls or doors. For the purposes of this resolution, a car port shall be subject to all regulations prescribed in this resolution for a private garage.

"**CENTRALIZED SEWER SYSTEM**" or "Public Sewer"; and "Centralized Water System" or "Public Water", shall mean that individual lots connected to a common distribution or collection system, whether publicly or privately owned.

"CLINIC OR MEDICAL CENTER" means a place used for the diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but limited to out-patients only.

"COMMERCIAL KENNEL OWNER" is a person, partnership, firm, company, or corporation professionally engaged in the business of sheltering or breeding cats or dogs for boarding, breeding, sale, training, hunting, companionship or has purchased a kennel license from the county auditor.

"CONVALESCENT, NURSING, OR REST HOMES" means any dwelling with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.

"COMMISSION" means the Zoning Commission of Hopewell Township, Seneca County, Ohio.

"COURT YARD" means an occupied space, other than a yard on the same lot with a building, which is bounded on two (2) or more sides by the walls of such building.

"CORNER LOT" means a lot at the junction of, and abutting, two (2) interesting or intersecting streets.

"DETACHED BUILDING" means a building that has no structural connection with another building.

"DRIVE-IN" means an establishment selling foods, frozen desserts or beverages to consumers, the establishment being designed, used or intended to be used for the consumption of such items on the premises outside of the building in which they were prepared.

"DWELLING" means a building or part of a building that is used primarily as a place of abode, but not including a hotel, motel, lodging house, boarding house or tourist home.

"DWELLING UNIT" means a dwelling, or part of a dwelling, used by one (1) family, exclusively as a place of abode.

"EASEMENT" means a right to some profit, benefit, or use of, or over the land of another, created by grant or prescription, recorded as a matter of record.

"FAMILY" means one (1) or more persons living as a single housekeeping unit, but not including an unrelated group of more than six (6) persons or a group occupying a hotel, motel, club, nurses; home, dormitory, or fraternity or sorority house.

"FARM" means an area used for agricultural operations, including truck gardening, forestry, the operation of a tree of plant nursery, or the production of livestock and poultry.

"FLAG LOT" is a lot so shaped that the majority of the lot area is connected to a public roadway by a minimum constant width of land. A typical flag lot configuration is one that resembles a flag and pole or a pan and handle. Lot size and dimension shall exclude the pole portion of the lot.

"FRONT LINE" with respect to a building, means the foundation line that is nearest the front lot line.

"FRONT LOT LINE" means the line marking the boundary between the lot and the abutting street, easement for street purposes, lake, or watercourse; except that for a corner lot, means the line marking the boundary between lot and the shorter of the abutting streets, easements for street purposes, lake, or water course.

"FRONT YARD" means a yard that is bounded by the front line of the principle building by the adjacent street right-of-way or easement line, and by the segments of the side lot lines that they intercept; except that on double frontage lots, one such front yard may be used as a "rear yard" provided that, the minimum front building line in such case shall be complied with in placement of accessory buildings.

"GARAGE, PRIVATE" is a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on other than that permitted as a home occupation.

"GARAGE, PUBLIC OR STORAGE" is a building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

"GASOLINE SERVICE STATION" is any area of land, including any structure or structures thereon, that is or are used or designed for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this resolution there shall also be deemed to be included within this term any area or structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

"GENERAL CONSTRUCTION" includes any area of land including any structures thereon that are used to house equipment, supplies or offices for any type of construction or excavating work.

"GRADE FINISHED" is the completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

"GROUND FLOOR AREA" means the area of a building in square feet as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

"GROUP HOUSING DEVELOPMENTS" are those types of residential structures customarily known as garden apartments, terrace apartments, row housing units and those types of housing structures similar in character and density to such group housing.

"HOME OCCUPATION" means the use of a home for a business or professional service which does not involve treating or attending a person or animal, which is established entirely within a dwelling unit, is conducted only by members of the family residing in the residence, and/or one (1) employee who does not reside on the premises, and utilizing not more than twenty-five (25) percent of the ground floor area of all buildings on the lot.

"HOSPITAL OR SANITARIUM" is an establishment which provides accommodations, facilities and services over a continuous period of twenty-four (24) hours, or more for observation, diagnosis and care, of two (2) or more individuals suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical, or surgical services.

"HOTEL" is a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house or lodging house.

"INDUSTRIAL PARK" is a tract of land subdivided and developed according to a comprehensive plan for the use of a community of industries and containing at least one (1) street, designed solely to provide access to industrial establishments located upon it.

"JUNK YARD" means land or buildings where waste or discarded used property and materials is accumulated and is or may be salvaged for reuse or re-sale; including but not limited to automobiles, farm equipment, mobile homes, travel trailers, trucks, and/or parts thereof.

"KITCHEN" is any room and/or other space used or intended or designed to be used for cooking or for preparation for food for one (1) family.

"LIVING SPACE" is that area within a structure intended, designed, erected, or used for human occupancy, but excluding any cellar or basement area, or accessory use areas.

"LOADING SPACE, Dock or Berth" is 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 HOUSE" means a building, not available to transients, in which lodging is regularly provided for compensation for at least three but not more than thirty persons.

"LOT" means an area of contiguous area, exclusive of streets and alleys and other public places, used as a unit and fifty percent of whose average lot width abuts a street.

"LOT COVERAGE" or **"FLOOR AREA RATIOS (FAR)"** means the area covered by buildings divided by the total lot area, exclusive of streets, alleys, and walkways, but including utility and other similar easements.

"LOT, DEPTH OF" is the main distance from the right-of-way line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot; where the right-of-way is not established, it shall be assumed to be sixty (60) feet.

"LOT, INTERIOR" is a lot other than a corner lot.

"LOT, CORNER" is a lot at the point of intersection of an abutting on two (2) or more intersection streets, the angle of intersection being not more than one hundred thirty-five (135) degrees. It is the land occupied or to be occupied by the corner buildings.

"LOT LINE" means the legal boundaries of the "lot", excluding streets, alleys, public watercourses, and other public spaces.

"LOT, OF RECORD" is a lot which is part of a subdivision, the plot, or map of which has been recorded in the Office of the Recorder of Seneca County or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Recorder of Seneca County.

"LOT WIDTH" means the distance between the side lot lines measured the building line.

"MIGRANT HOUSING" means housing used for living quarters by migrant workers or employees on a seasonal basis (May 1-October 31) where such workers are employed as migrant labor at least part of the time.

"MOBILE HOME" means a vehicle or other portable structure more than thirty feet in length that is designed, used or intended to be used for movement on the highway, and designed or used as a dwelling.

"MOBILE HOME PARK" means an area of land on which two or more mobile homes are regularly accommodated or intended for such use, with or without charge, including any buildings, other structures, fixtures, or equipment that is used or intended to be used in providing that accommodation.

"MOTEL" is any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by automobile tourist or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges, and tourist cabins.

"NON-CONFORMING USE" means a use that exists at the time a provision of this ordinance is passed but does not comply with it.

"OPEN SPACE" is an area of land which is in its natural state, or is developed only for the raising of agricultural crops, or for public outdoor recreation.

"OPEN USE" means the use of lot without buildings, or a use for which a building with a floor area no larger than five (5) percent of the lot is only incidental.

"PARKING" is the temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

"PERSON" means also a corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit.

"PLACE" is an open occupied space other than a street or alley permanently reserved as a principal means of access to abutting property.

"PORCH" is a roofed or unroofed open structure projecting from the front, side or rear wall of a building, and having no enclosed feature of glass, wood, or other material more than thirty-six (36) inches above the floor thereof, except wire screening and the necessary columns to support the roof.

"PRINCIPAL, BUILDING" means the building in which the principal of the lot on which it is located is conducted, including a building that is attached to such a building in substantial way, such as by a roof and walls.

"PRIVATE GARAGE" means a garage whose principal use is to house motor vehicles for the accommodation of related dwelling units or related business establishments, located on the same lot as the principal use.

"PRIVATE SCHOOL" means a school other than a public school.

"PROFESSIONAL OFFICE" means an office used by members and the necessary personnel of a recognized profession such as architects, dentists, engineers, lawyers, physicians, surgeons, realty agents, insurance agents, and others.

"PUBLIC OVERNIGHT CAMP" means an area of land used or designed to be used to accommodate two (2) or more tents, travel trailers or other camping outfits for no longer than seventy-two (72) hours per camping party per two (2) week period; but not including mobile homes.

"PUBLIC GARAGE" means a garage, other than a private garage, whose services are available to members of the public or to persons occupying a hotel, club or similar facility.

"PUBLIC UTILITY" is any person, firm, corporation, governmental agency or board fully authorized to furnish and furnishing under municipal regulation, to the public, electricity, gas, steam, telephone, telegraph, transportation, or water, or any other similar public utility.

"REAR LOT LINE" means a line parallel to and farthest from the front lot line, being at least ten (10) feet long and lying wholly within the lot.

"REAR YARD" means a yard that extends across the full width of the lot and is bounded on thereat by the rear lot line, and the depth of which is the least distance from the rear of the principal building.

"RECYCLING CENTER" see **"JUNK YARD"** as defined herein.

"RIDING STABLE" means the use of any premises for riding horses for hire.

"RIGHT-OF-WAY" is a street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.

"SIDE LOT LINE" means a lot boundary line other than a front or rear lot line.

"SIDE YARD" means a yard, between the principal building and the adjacent lot line, that extends from the front yard, or street right-of-way where there is no front yard, to the rear yard, and the width of which is the least distance between the side lot line and the adjacent side of the building.

"SIGN" means visual devices or structures used for advertising, display, direction, or publicity purposes.

"STABLE" is any building, structure or portion thereof which is used for the shelter or care of horses, or other similar animals, either permanently or transiently.

"STAND" is a structure for the display and sale of products with no space for customers within the structure itself.

"STORY, HALF" is a space under a sloping roof which has the line of intersection of a roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished for living quarters. A half story containing independent apartments or living quarters shall be considered a full story.

"STORY, HEIGHT OF" the vertical distance from the top surface of one floor to the top surface of the next above. The height of the top most floor is the distance from the top surface of the floor to the top surface of the ceiling joists.

"STREET" means a right-of-way that is established by record to provide the principal means of access to abutting property.

"STREET, PUBLIC" is a public thoroughfare which has been dedicated or deed to the public for public use and accepted by the County Commission or Township Trustees, and which affords principal means of access to abutting property.

"STREET, PRIVATE" is a thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public.

"STRUCTURE" means anything constructed or erected that requires location on or in the ground or attachment to something having a location on or in the ground.

"STRUCTURAL CHANGE OR ALTERATION" means a substantial change in a supporting member of a building, such as bearing wall or partition, column, beam, or girder, or in an exterior wall or the roof.

"TANK, STORAGE" is in reference to petroleum or chemical products, a closed vessel for storage of liquid hydrocarbon substances at atmospheric pressure.

"TOURIST CAMP" is any lot, piece or parcel of ground where two (2) or more camp cottages, tents, camping or travel trailers, house trailers or mobile homes used as living or sleeping quarters are or may be located, said camp being operated for or with compensation.

"TOURIST HOME" is a dwelling in which over-night accommodations are provided or offered for transient guests for compensation.

"THROUGH LOT" means a lot fronting on two (2) parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.

"TRAVEL TRAILER" means a vehicle or other portable structure that is designed to move on the highway and designed or used as a temporary dwelling.

"TRAVEL TRAILER PARK" means an area of land on which two (2) or more travel trailers are regularly accommodated with or without charge, including any buildings, structures, or fixtures or equipment that is used or intended to be used in connection with providing such accommodations.

"USE" means the employment or occupation of a building, structure, or land for a person's service, benefit, or enjoyment.

"USE, SEASONAL" is the occupation of any building, or structure, or activity for a period not to exceed more than six (6) months of any one calendar year.

"VEHICLE BODY REPAIR SHOP" is for the repair and painting of any vehicle.

"YARD" means a space on the same lot with a principal building that is open and unobstructed, except as otherwise specified by this ordinance.

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