

Zoning Resolution of Hopewell Township

Perry County, Ohio

**AMENDED
March 29, 2004**

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The Hopewell Township Zoning Task Force**

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PREAMBLE

This Resolution is enacted for the purpose of promoting public health, safety, and morals; to conserve and protect property values; to secure the most appropriate use of land, to facilitate adequate and economical provisions for public governments, and to provide a method of administration and to prescribe penalties for violation of provisions hereafter described ~ all as authorized by the Ohio Revised Code.

ARTICLE 1: GENERAL PROVISIONS

101 *Applicability*

Subject to the limitations specified in Section 519.211 of the Ohio Revised Code, the regulations set forth in this Resolution shall be applicable to all buildings, structures, uses and lands of any private individual or entity, or any political subdivision, district taxing unit or bond-issuing authority, located within the unincorporated area of Hopewell Township, Ohio.

102 *Interpretation*

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

104 *Conformance Required*

Except as hereinafter provided, no land, buildings, structures, or premises shall hereafter be used, and no building or structure or part thereof shall be located, erected, moved, re-constructed, extended, enlarged, or altered except in conformity with regulations herein specified for the District in which it is located.

105 *Exemptions*

The provisions of this Resolution shall apply to all land, every structure and every use of land or structure except agriculture, public utilities subject to certain provisions, and alcohol sales at retail establishments as defined below:

- A. Sections 519.02 to 519.25 inclusive, of the Ohio Revised Code, confer no power on any board of township trustees or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes. No zoning permit shall be required for the construction or remodeling of buildings incidental to the agricultural operation on the land where such buildings shall be located (*see Section 904*). All such structures shall meet the setback requirements for the zoning district in which it is located.
- B. Public Utilities will be governed in accordance with the Ohio Revised Code Section 519.211 and any amendments thereto.
- C. Section 519.21 of the Ohio Revised Code confers no power on any board of township trustees, or board of zoning appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

106 *Separability*

Should any section, clause, or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, such declaration shall not affect the validity of the Resolution as a whole, or part thereof, other than the part so declared invalid.

108 *Repeal of Conflicting Resolution, Effective date.*

This Resolution shall supercede all previous Resolutions and give this Resolution full force and effect. This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

110 Fees

The Board of Township Trustees shall by separate resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, and other matters pertaining to the administration and enforcement of this Resolution. The schedule of fees may be altered or amended only by the Board of Township Trustees. Until said fees are paid, no action shall be taken on any application.

ARTICLE 2: DEFINITIONS

202 Intent

The following terms shall have the meaning given herein for the purpose of this Resolution:

- A. The words "shall" and "will" are to be interpreted as mandatory.
- B. The word "may" is permissive.
- C. The word "Township" shall mean Hopewell Township, Perry County, Ohio.
- D. The term "this Resolution" shall mean the **Zoning Resolution of Hopewell Township, Perry County, Ohio.**

204 Definitions

Accessory Building or Structure

See *Building, Accessory*.

Accessory Use

A use subordinate to the principal use of a building or premise, and customarily incidental thereto.

Adults Only Entertainment Establishments

An establishment having any of its display area or items for sale of its stock which are characterized by material with an emphasis on adults only material (such as adult book store or adult video book stores). Also establishments which features exhibitions of: Persons totally nude, topless or bottomless, or persons with less than full opaque covering of private parts of the body, erotic dancers; strippers, or similar entertainment which utilizes adult only material. This term also includes massage parlors.

Adults Only Material

Any book, magazine, newspaper, pamphlet, poster, print, slide, transparency, figure, image, description, motion picture film, record, tape, or video which are characterized by their emphasis on matter that is pornographic in nature. In addition any other tangible thing or any service, capable of arousing interest through sight, sound, or touch, or is characterized by an emphasis on sexual excitement.

Agriculture

The use of land for farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Building

A structure having a roof supported by columns or walls designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building, Accessory

A subordinate building, detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building, Principal

A building or structure in which is conducted the principal use of the lot on which it is situated.

Building Footprint

The maximum extent of the existing building foundation.

Building, Height of:

The vertical distance from the established average sidewalk grade, street grade, or finished grade as the building line, whichever is highest, to the highest point of the building.

Building Setback Line

A line established by this Resolution generally parallel with a lot line defining the limits of a yard in which no building or structure may be located above ground except as provided herein. The front building setback line shall be measured from the centerline of a street or road.

BZA

Board of Zoning Appeals.

Cemetery

Land used or intended to be used for the burial of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Club

A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Comprehensive Plan

The Comprehensive Plan for Perry County or parts thereof, as and when adopted or amended by the Perry County Regional Planning Commission or a Township Comprehensive Plan adopted by the Hopewell Township Trustees.

Conditional Use

A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the BZA.

Conditional Use Permit

A permit issued by the Zoning Inspector upon approval by the BZA to allow a use other than a principally permitted use to be established within the district.

Density

Number of dwelling units per acre of land. Gross Density is the number of dwelling units per acre of the total land to be developed. Net Density is the number of dwelling units per acre of land where the acreage involved includes only the land devoted to residential uses.

District, (Zoning)

A portion of the land within Hopewell Township where certain uniform regulations and requirements are in effect.

Dwelling

Any building or portion thereof designed or used for residential purposes, but not including a hotel, motel, rooming house, tent, cabin or recreation vehicle or other such accommodation used for transient occupancy.

Dwelling, Modular

A fixed dwelling constructed with pre-assembled or partially pre-assembled modules or units, built using the same type of materials used in conventional construction, brought to a building site by temporary means of transport, assembled and permanently fixed to the ground. A mobile home as separately defined shall not be deemed to be a modular dwelling.

Dwelling, Multi-Family

A dwelling consisting of two or more dwelling units, including condominiums, with varying arrangements of entrances and common walls. Multi-family housing may include public housing.

Dwelling, Single Family

A dwelling designed for or occupied exclusively by one family.

Easement

Authorization by a property owner for another to use (as a driveway, for utilities, etc.) a designated part of his property for a specified purpose.

Floodplain

The land, including the flood fringe and floodway, that is subject to inundation by the 100-year frequency flood. Generally, floodplains are identified on Flood Insurance Rate Maps produced by the Federal Emergency Management Agency; however, other data sources that identify the floodplain may be used.

Floor Area

The measurement of floor area for the purposes of this Resolution shall be the sum of the area of the first floor, as measured to the inside of exterior walls plus that area, similarly measured, of all other stories having eight-four (84) or more inches of headroom. For residential uses, the floor area of uninhabitable basements, cellars, garages, attics, breezeways, and unenclosed porches shall be excluded.

Grandfather Clause

See *Nonconformities*.

Home Occupation

An occupation which is carried on in the home clearly incidental and secondary to the residential use meeting the requirements of Section 904 of this Resolution.

Junk Yard

Land used to dismantle more than two motor vehicles or trailers, or land used to store, sell or dump partly dismantled, obsolete or wrecked vehicles or their parts, manufactured homes, travel trailers, used building materials, junk, paper, or other salvaged materials.

Lot

A single tract or parcel of land having frontage on a dedicated public or approved private street or road, occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with the minimum open space as required in this Resolution.

Lot, Area of

The computed area within the lot lines.

Lot, Corner

A lot abutting two streets or roads at their intersections, where the interior angle is not more than 135 degrees.

Lot Depth

The mean horizontal distance between the front and rear lot lines, measured at right angles to the street or road lines.

Lot Frontage

Portion of a lot abutting a dedicated street or road, or street or road right-of-way, measured at the front lot line.

Lot Line, Front

The lot line separating the lot from the right-of-way line of the principal street on which the lot abuts.

Lot Line, Rear

The lot line opposite and most distant from the front lot line.

Lot Line Side

Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street or road, is considered a front lot line.

Lot Width

The horizontal distance across the lot between side lot lines measured at the building setback line.

Lot of Record

A lot which is a part of a recorded plat or a lot described by metes and bounds, the map and/or description of which has been recorded in the office of the Perry County Recorder.

Manufactured Home

A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974 and has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

Manufactured Home Park

A development constructed primarily for manufactured homes, with continuing local general management and with special facilities for common use by occupants including such items as common recreational buildings and common open space.

Mobile Home

A transportable, non-site built dwelling unit designed to be used as a year-round residential dwelling and built prior to the Federal Manufactured Housing Construction and Safety Standards Act of 1974. Because mobile homes, as herein defined, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in any zoning district.

Non-Conformities

A building, structure, or use of land existing at the time of enactment of this resolution, and which does not conform to the regulations of the district or zone in which it is situated.

Parcel

See "Lot" definition.

Parking, Off-Street

For the purpose of this Resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Person

Any individual, firm, trust, partnership, association or corporation.

Principal Use

The primary or chief purpose for which a lot or structure is used.

Public Uses

All lands, other than streets and highways, owned by and officially designated for continuing public use by a municipality, township, county, school district, State of Ohio, United States Government, or any other duly constituted agency of the government, such as parks, schools and administrative, recreation, cultural, and service buildings.

Recreation Facilities

Public or private facilities either for profit or not-for-profit that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs; riding stables; parks; and commercial golf courses. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, swimming pools, and bowling alleys.

Recreational Vehicle

Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conducting of any business, trade, or occupation, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power. For the purposes of this resolution, the term "recreational vehicle" is meant to include "campers" and "trailers".

Right-of-Way (ROW)

A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features such as grade separation, landscaped areas, viaducts, and bridges.

Semi-Public Uses

Land owned by a non-profit organization or agency which is open to general public use, including but not limited to a cemetery, church, parochial school, college, hospital, site occupied by an auditorium, museum, art gallery, or other institutions of an educational, religious, charitable, or philanthropic nature but not including any private or semi-private club, lodge, fraternity, sorority, or other similar activity.

Setback Line

See *Building Setback Line*.

Sign

Any device designated to visually inform or attract the attention of persons.

Street

Any public or private way dedicated to public travel. The word "street" shall include the words "road," "highway," and "thoroughfare."

Structure

Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, porches, decks, billboards and swimming pools.

Structure, Accessory

A subset of structures that are of accessory use and incidental to a primary structure or dwelling. Accessory structures include but are not limited to porches, decks, carports, garages and swimming pools.

Use

The specific purposes of which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance

A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Yard

A required open space other than a court unoccupied and unobstructed by any building or portion of a building.

Yard, Front

A yard extending between side lines across the front of a lot and from the front lot line to the building setback line.

Yard, Rear

A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Yard, Side

A yard extending from the principal building to the side lot line on both sides.

Zoning Inspector

The Zoning Inspector of the township, or his/her authorized representative employed by the Township Trustees to enforce the zoning regulations.

Zoning Map

The map or maps of the township, together with all amendments subsequently adopted showing official zoning boundaries.

Zoning Permit

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

ARTICLE 3: OFFICIAL ZONING MAP AND ZONING DISTRICTS

302 *Official Zoning Map*

The Board of Township Trustees, upon recommendation of the Hopewell Township Zoning Commission, shall adopt an Official Zoning Map which shall set out and delineate the zoning district established in this Resolution with relation to all land within the jurisdiction of these regulations. The Official Zoning Map shall remain on file in the office of the Hopewell Township Trustees.

304 *Official Zoning Map as part of this Resolution*

The Official Zoning Map and all notations, references, and other matters thereon are hereby made part of this resolution.

306 *Determination of District Boundaries*

Except where referenced and noted on the Official Zoning Map by a clearly designated line and/or written dimensions, the district boundary lines are intended to follow property lines, lot lines, centerlines of streets, alleys, or streams as they existed at the time of adoption of this resolution. The Zoning Inspector shall interpret the location of boundary lines as shown on the Official Zoning Map. When the Zoning Inspector's interpretation is questioned, the boundary lines shall be determined by the Board of Zoning Appeals as prescribed in Section 1208.

308 *Zoning Districts Established*

All parts of Hopewell Township shall be designated on the Official Zoning Map as being located in one of the following zoning districts:

- “RR-1” Rural Residential District (Low Density)
- “RR-2” Rural Residential District (Moderate Density)
- “FPO” Floodplain Overlay District
- “PUCD” Planned Use Conservation Development District

ARTICLE 4:
RR-1: RURAL RESIDENTIAL DISTRICT (LOW DENSITY)

402 Purpose

The purpose of the RR-1 District is to accommodate residential and limited business and other development while protecting and preserving the rural character in which agriculture, woodlands, wetlands, and low density is predominant, regardless as to the availability of water systems and/or sewage disposal systems.

404 Use Regulations

Principally Permitted Uses

Agriculture & Roadside Farm Stands (see Sections 904 & 908)
Single Family Dwellings
Temporary Living Spaces (see Section 912)
Accessory Buildings and Accessory Structures (see Section 920)
Signs up to 32 sq. ft. (signs less than 16 sq. ft. do not need a zoning permit – see Section 936)
Home Occupations (see Section 906)

Conditionally Permitted Uses

Public and Semi-Public Uses
Airports
Extensive and Intensive Use Recreation Facilities
Clubs
Veterinary Clinics or Animal Hospitals
Commercial Uses including:
 Agricultural Related Businesses (e.g., Fertilizer, Grain and/or Implement Sales)
 Convenience Store / Service Stations
 Fuel Dealers
 Small Retail Businesses and Service Establishments
Mining
Signs Greater than 32 sq. ft. (see Section 936)
Adults Only Entertainment Establishments (see Section 940)
Manufactured Home Parks (see Section 928)

406 Minimum Development Standards for the RR-1 District

Lot Area:	2.0 acres
Density:	1 dwelling or other principal building (not including accessory buildings or accessory structures) per lot
Frontage: ¹	200 feet
Lot Width:	200 feet
Side Yard Width (Side Setback):	10 feet
Front Yard Depth (Front Setback):	80 feet ²
Rear Yard Depth (Rear Setback):	30 feet
Maximum Lot Depth to Width Ratio:	3 to 1 for lots less than 10 acres. No depth to width ratio for lots over 10 acres.

¹ All lots shall have contiguous and permanent frontage on a dedicated public road or street.

² From centerline of road.

**ARTICLE 5:
RR-2: RURAL RESIDENTIAL DISTRICT (MEDIUM DENSITY)**

502 Purpose

The purpose of the RR-2 District is efficiently use land through higher density that has access to public sewer and water systems, to minimize infrastructure costs and to still maintain the rural character, to the extent possible, of the township.

504 Use Regulations

Principally Permitted Uses

- Agriculture and Roadside Farm Stands (see Sections 904 & 908)
- Single and Multi- Family Dwellings
- Temporary Living Spaces (see Section 912)
- Accessory Buildings and Accessory Structures (see Section 920)
- Signs up to 4 sq. ft. (such signs do not require a zoning permit – see Section 936)
- Home Occupations

Conditionally Permitted Uses

- Public and Semi-Public Uses
- Intensive Use Recreation Facilities
- Clubs
- Veterinary Clinics or Animal Hospitals
- Commercial Uses including:
 - Agricultural Related Businesses (e.g., Fertilizer, Grain and/or Implement Sales)
 - Convenience Store / Service Stations
 - Small Retail Businesses and Service Establishments
- Manufactured Home Parks (see Section 928)
- Signs Between 4 sq. ft. and 16 sq. ft. (see Section 936)

506 Minimum Development Standards for the RR-2 District

Lot Area:	1.0 acres
Density:	1 dwelling or principal structure (not including accessory buildings or accessory structures) per lot
Frontage: ³	100 feet
Lot Width:	100 feet
Side Yard Width (Side Setback):	10 feet
Front Yard Depth (Front Setback):	80 feet ⁴
Rear Yard Depth (Rear Setback):	30 feet

³ All lots shall have contiguous and permanent frontage on a dedicated public road or street.

⁴ From centerline of road.

ARTICLE 6: FLOODPLAIN OVERLAY DISTRICT (FPO)

602 Purpose

Flood hazard areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety and welfare. Flood losses may also be caused by the cumulative effect of obstructions in flood hazard areas which increase flood heights and velocities, and, when inadequately anchored, damages uses in other areas. Uses that are inadequately flood protected, elevated, or otherwise protected from flood damages may contribute to the flood loss

The purpose of the Floodplain Overlay District (FPO) is to promote public health, safety, and the general welfare and to minimize losses resulting from inundation of floodwaters by provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety, or property in times of floods or cause excessive increases to flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities which serve such uses be protected from flood damage at the time of initial construction.
- C. Control dumping, filling, grading, dredging, construction and other development, which may increase flood damage.
- D. Eliminate adverse impacts such as erosion to adjacent properties by prohibiting the alteration of stream channels and controlling the alteration of natural floodplains and natural protection barriers, which are involved in the accommodation of floodwaters.

604 Applicable Lands

This section applies to all lands within the jurisdiction of Hopewell Township and shown on the Official Zoning Map as the Floodplain Overlay District. This district is based on the current effective Flood Insurance Rate Map produced by the Federal Emergency Management Agency.

606 Use Regulations

The FPO District shall be superimposed over the Official Zoning Map. The underlying zoning district as shown on the Official Zoning Map shall hereafter be called the base district. Uses and minimum requirements shall be determined by the base district. However, if the provisions governing the overlay district are stricter than those of the base district, the provisions of the overlay district shall supersede those of the base district.

Prohibited Uses and Activities

Alteration or relocation of any watercourse
Fill of any nature or composition
Dwellings and structures in identified floodway areas.

Conditionally Permitted Uses

Grading activities
Dwellings and structures in flood fringe and approximate 1% chance flood zone areas

ARTICLE 7: PLANNED USE CONSERVATION DISTRICT (PUCD)

702 Purpose

This district, as allowed under the Ohio Revised Code Section 519.021, is established for the purpose of:

- A. Promoting the general public welfare;
- B. Encouraging the efficient use of land and resources by:
 - 1. Identifying and preserving unique or sensitive natural resource areas such as floodplains, steep slopes, woodlands and prime farmland,
 - 2. Reducing erosion and sedimentation by minimizing land disturbance and removal of vegetation during development,
 - 3. Promoting contiguous open space, and
 - 4. Protecting prime agricultural land and preserve farming as an economic activity;
- C. Promoting greater efficiency in providing public and utility services by permitting clustering of houses and structures which will reduce the amount of infrastructure, including paved surfaces and utility easements;
- D. Encouraging innovation in the planning and building of different types of development.

704 Qualifying Conditions

All of the following conditions must be met for a property owner to make application for a rezoning to a PUCD:

- A. A PUCD shall contain a minimum of 25 acres. All land within the development shall be contiguous in that it shall not be divided into segments by, (1) any limited access highway, and (2) any tract of land (other than streets or rights-of-way for pipeline or electric transmission lines) not owned by the landowner.
- B. Subject to Township approval, contiguous property of any size, may be added to a PUCD at any time, after a final development plan has been approved or after construction of the development has been initiated or completed in phases or in its entirety, provided its design is an integral part of and is harmonized with the character of the preexisting development. All additional development to an approved PUCD shall be processed, reviewed and approved in accordance with the requirements of this Article.
- C. A PUCD shall be permitted only where adequate water and sanitary sewer facilities are used for all residential and non-residential structures.
- D. At the time of application and throughout the development period, all land included in the development must be under the single control of the applicants or his/their successor(s), except for any portions of the development which are finished during phased construction and transferred to private ownership in accordance with the requirements of this Article.

706 General Regulations for the "PUCD" District

A. Applicability of Regulations

The PUCD option is available at the request of the applicant. The applicant shall comply with all other provisions of these regulations and all other applicable laws, except those that are incompatible with the provisions contained herein.

B. Density Determination

The maximum number of lots in the PUCD district shall be determined by dividing the area of the tract of land by the minimum lot size of the RR-2 District.

C. Open Space

Open space is the portion of the PUCD that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.

D. Standards to Determine Open Space

1. The minimum restricted Open Space shall comprise at least 40% of the gross tract area.
2. The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
 - a. The 100-year floodplain;
 - b. Riparian zones of at least 75 feet width along all perennial and intermittent streams;
 - c. Slopes above 25% of at least 5,000 square feet contiguous area;
 - d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
 - e. Populations of endangered or threatened species or habitat for such species; and
 - f. Archaeological sites, cemeteries, and burial grounds.
3. The following are considered Secondary Conservation areas and should be included to the maximum extent feasible:
 - a. Areas identified as prime farmlands as identified by the Perry County Soil and Water Conservation District;
 - b. Existing healthy forests of at least one acre contiguous area; and
 - c. Other significant natural features and scenic viewsheds such as ridge lines and rock outcroppings, especially those that can be seen from public roads
4. At least 75% of the Open Space shall be in a contiguous tract. The Open Space shall adjoin any neighboring areas of designated Open Space.

E. Permitted Uses of Open Space

Uses of Open Space may include the following:

1. Conservation of natural, archeological or historical resources;
2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation oriented areas;
3. Walking or bicycle trails, provided they are constructed of porous paving materials;
4. Passive recreation areas such as open fields;
5. Active recreation areas, provided that they are not more than 20% of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include limited impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space;
6. Agriculture, horticulture, silviculture, or pasture uses provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas.

F. Prohibited Uses of Open Space

1. Roads, parking lots and impervious surfaces, except as specifically authorized in previous sections;
2. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection;
3. Golf Courses.

G. Ownership and Management of Open Space

1. The Open Space must be owned and managed in such a manner to be preserved as such in perpetuity. A homeowners association representing the residents of the PUCD shall own the Open Space. Membership in the association shall be mandatory and automatic for all homeowners of the PUCD and their successors. The homeowners association shall have lien authority to ensure the collection of dues from all members. The responsibility of maintaining the Open Space and any facilities located thereon shall be borne by the homeowners association.
2. The Applicant shall submit a Plan for Management of the Open Space and Common Facilities that:
 - a. Allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long term capital improvements;
 - b. Estimates the cost and staffing requirements needed for maintenance and operation of the Open Space and outlines the means by which such funding will be obtained or provided;
 - c. Provides that any changes to the Plan be approved by the Board of Township Trustees; and
 - d. Provides for enforcement of the Plan.
3. In the event that the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, Hopewell Township may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the homeowner's association, or to the individual property owners that make up the homeowner's association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

H. Legal Instrument for Permanent Protection

- A. The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
 1. A permanent conservation easement in favor of either:
 - a. A land trust or similar non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - b. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
 2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
 3. An equivalent legal tool that provides permanent protection, if approved by Hopewell Township.
- B. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

I. Minimum Development Standards for Lots

Lot Area:	.4 acre
Frontage: ⁵	50 feet
Lot Width:	50 feet
Side Yard Width (Side Setback):	10 feet
Front Yard Depth (Front Setback):	20 feet ⁶

⁵ All lots shall have contiguous and permanent frontage on a dedicated public road or street.

Rear Yard Depth (Rear Setback): 20 feet

J. Permitted Uses of Lots

Permitted uses of lots in the PUCD District shall be the same as permitted under the RR-2 District

⁶ From centerline of road.

**ARTICLE 8
(RESERVED FOR FUTURE USE)**

ARTICLE 9: SUPPLEMENTAL DISTRICT REGULATIONS

901 *Minimum Dwelling Area*

All dwellings shall have a minimum floor area of 900 square feet.

902 *Frontage Required for Lots*

Except as permitted by other provisions of this Resolution, each use of land shall be located on a lot, as defined in Article 2, which lot shall have contiguous and permanent frontage on a dedicated public street or road.

903 *Sanitary Requirements*

Building sites in all districts shall provide sufficient area for proper sewage disposal. Method and proposed location of sewage disposal system shall be shown on construction plans submitted for a zoning permit.

All proposed dwellings and manufactured homes not being connected to a public sewer system shall have a private sewage disposal system that complies with the Perry County Health Department Regulations. Proof of compliance with the Health Department Regulations shall be required (i.e., a completed site evaluation) prior to the issuance of a zoning permit. All proposed commercial and industrial structures not being connected to a public sewer system shall have a private sewage disposal system that complies with the Ohio Environmental Protection Agency regulations.

904 *Non-Farm Dwellings*

Any residential structures, including rental housing, that cannot clearly be shown to be related to and incidentally used for the agricultural operation shall be required to have a zoning permit and conform to the zoning requirements.

906 *Home Occupations*

Any person may maintain an office or carry on a customary home occupation in a dwelling unit provided the following conditions are met:

- A. The home occupation shall primarily occur entirely within the confines of the dwelling unit. A home occupation that extends outside of the dwelling unit ceases to be a home occupation. Such use may be allowed to extend into an accessory structure in the RR district provided a conditional use permit is obtained for a commercial business.
- B. There is a maximum of one (1) non-resident employees engaged in the home occupation.
- C. No equipment or process shall be used which will create excessive noise, vibration, glare, fumes, odors, or interfere with radio and television transmission/reception.

908 *Roadside Farm Stands*

Roadside farm stands may consist of a structure used only for the display and sale of agricultural products produced on the premises provided the following conditions are met:

- A. Adequate facilities are provided and maintained for off-street or road parking.
- B. The stand shall be setback a minimum of ten (10) feet from the front lot line.

910 Temporary Uses During Construction

Construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.

912 Temporary Living Spaces

- A. A manufactured home can be used as a temporary living space if it is located on the same lot as an existing dwelling and is used as a temporary living space (with permit) in the case of a hardship. Hardships typically include the care of ill or aged relatives.
 - 1. All temporary manufactured homes shall comply with the Perry County Health Department regulations regarding sanitary sewage disposal and water supply.
 - 2. A permit for a temporary living space in a manufactured home will be issued for a period of one (1) year. An extension beyond one (1) year may be granted by the Board of Zoning Appeals. The Board must specify a time period for any extension.
- B. A recreational vehicle or accessory structure may be lived in on a lot upon which a dwelling is in the actual process of construction for a period of time not to exceed one (1) year. A further extension may be granted by the Board of Zoning Appeals, but in no case may the recreational vehicle be lived in on the construction site for more than eighteen (18) months from the beginning of construction.
- C. Living quarters may be maintained in a partially completed dwelling for a period of time not to exceed one (1) year from the start of construction provided that:
 - 1. Such dwelling shall comply with the Perry County Health Department regulations regarding sanitary sewage disposal and water supply; and
 - 2. All exterior framework, siding, and windows are completed and fully installed.

914 Recreational Vehicles

The parking of one (1) recreational vehicle is allowed in the RR-1 and RR-2 districts provided that no living quarters are maintained or any business practiced while the recreational vehicle is parked or stored.

920 Accessory Buildings and Structures

- A. Attached garages or other structures connected to the principal building by a breezeway or other permanent construction shall be considered additions to the principal structure for the purpose of this resolution and are required to meet the same setbacks as the principal structure.
- B. Detached accessory buildings and accessory structures shall meet all setbacks of the zoning district in which it is located.

922 Corner Lots: Setback and Visibility

In all districts, a corner lot shall have a minimum side yard setback on the sides facing the street equal to the required front setback line in the district in which it is located.

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede or restrict vision higher than three feet above the center line grades of the intersecting streets in the area bounded by an assumed right of way of 30 feet or the actual right of way,

whichever is greater, on such corner lots and a the centerline of the intersecting road or street 25 feet from the point of intersection of the rights-of-ways.

926 *Manufactured Homes on Individual Lots:*

Manufactured homes are allowed in all zoning districts that allow single family residences. The following provisions apply to manufactured homes:

- A. Manufactured home size shall be a minimum of nine hundred 900 square feet.
- B. All wheels, axles, and springs needed to transport the unit to the site shall be permanently removed.
- C. The unit shall be constructed upon and attached to a permanent foundation and skirted appropriately.
- D. The unit must be certified to have met HUD (Housing and Urban Development) standards.
- E. The lot the unit is located on complies with the area and frontage standards for the zoning district where it is located.

928 *Manufactured Home (Mobile Home) Parks*

A. Application

The owner of a tract of land ten (10) acres or more in area may submit a plan for the development and use of such tract of land as a manufactured home park under the provisions of this Section as a conditional use in the RR-1 and RR-2 districts.

B. Ohio Department of Health

All manufactured home parks shall meet the requirements of the Ohio Sanitary Code adopted by the Ohio Department of Health under the authority of the Ohio Revised Code Section 3733.02.

C. Subdivision Regulations

All manufactured home parks shall meet the requirements of the Subdivision Regulations for Perry County under the authority of the Ohio Revised Code Section 711 (explained in O.A.G. 72-020).

D. Board of Zoning Appeals

All applications and plans for a manufactured home park shall be reviewed by the Board of Zoning Appeals as a conditional use. In reviewing such application and plans for a mobile home park the Board shall determine whether the following requirements are met:

- 1. The proposed park is ten (10) acres or more in size.
- 2. The minimum floor area of any manufactured housing unit used as a dwelling shall be nine hundred (900) square feet.
- 3. The manufactured homes within the park shall be limited to single-family occupancy.
- 4. The park will be located in such a way to assure a maximum compatibility with other types of residential development.
- 5. The park will not be detrimental to the neighborhood.
- 6. A manufactured home park shall not have for display, sale, or storage any manufactured homes on the premises.
- 7. Lot size for each manufactured home shall not be less than 50 foot frontage by 100 foot depth. All manufactured homes shall be set facing in the same direction.
- 8. All manufactured homes shall be set back at least 30 feet from the front lot line, 10 feet from each side lot line and 30 feet from the rear lot line.
- 9. The roadway shall be at least 30 feet wide, with a hard surface construction (minimum chip and seal).
- 10. Streets are to be lighted by post lamps with photo-sensors and having a minimum of 100 watts. Lights shall be set at the front of each lot.

As a condition to determining that the park is compatible to nearby residential development, the Board of Zoning Appeals may set conditions including, but not limited to a requirement of screening by plants to obscure the view of the tract, limitations on signs allowed, and assurances of adequate recreation facilities.

934 Junk Yards

Junk yards are prohibited when they are determined to be a junk yard as defined in this resolution.

936 Signs

Signs shall meet the following provisions:

- A. A maximum of one sign shall be allowed per lot.
- B. No zoning permit is required for signs sixteen (16) square feet or less in the RR-1 District, and four (4) square feet or less in the RR-2 and PUCD Districts, provided such signs meet the requirements of this section.
- C. Signs greater than four (4) square feet are allowed in the RR-2 and PUCD Districts as conditional uses. No sign shall be more than sixteen (16) square feet in the RR-2 and PUCD Districts.
- D. Signs greater than thirty-two (32) square feet in the RR-1 District shall require a conditional use permit.
- E. No signs shall be erected in such a manner as to obstruct free and clear vision, or at any location where, by reason of position, shape, or color it may obstruct the view of motorists or pedestrians.
- F. Any illuminated signs shall be shaded as not to interfere with the vision of motorists or pedestrians and so as not to direct light on a neighboring residential property.
- G. All signs shall be designed in a professional looking manner.
- H. Any sign that is not maintained shall be removed by the owner at their expense.
- I. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs.
- J. "Billboards" which are signs advertising, promoting or advertising a product or service not located on the same property as the sign that exceeds 200 square feet in area, shall not be allowed along any county or township roadways, and shall be located no closer than 1,500 feet from any residential dwelling.

938 Screening for New Commercial Facilities

An adequate buffer and screening shall be required for new commercial and retail facilities to minimize adverse impacts such as glare, noise, dust, etc. on adjacent properties. The applicant shall be required, as part of the application for a conditional use permit, to submit a detailed site plan and a general screening plan that shows the type, location, and description of the measures that will be used for screening or buffering.

940 Adults Only Entertainment Establishments

Adults only entertainment establishments are a conditional permitted use only in the RR-1 District and are prohibited in all other districts. Any adults only entertainment establishment shall be located in a minimum of one thousand (1,000) feet from any church, cemetery, residential dwelling, park, or school in order to avoid a degenerating influence on these uses or areas. The distance shall be measured from the

nearest property line of the existing use to the nearest property line of the proposed adults only entertainment establishment use.

ARTICLE 10: NON-CONFORMING USES AND BUILDINGS

1002 Intent

Within the districts established by this resolution or subsequent amendments, there exists lots, use of land, or buildings which individually or in combination lawfully existed before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution, shall be allowed to continue to exist until voluntarily removed. The legitimate interest of those who lawfully established these non-conformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. It is also the intent of this resolution that non-conformities shall not be enlarged upon, expanded or extended, moved, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district without the approval of the BZA, except as otherwise specifically provided for in this resolution.

1004 Single Non-Conforming Lots of Record

In a district in which dwellings are permitted, a single family dwelling may be constructed, or reconstructed on the same foundation, or replaced on the same foundation on a lot which is non-conforming as to width, frontage and/or area provided the following conditions are met:

- A. The lot was recorded as such in the office of the Perry County Recorder prior to the effective date of this resolution.
- B. The owner of such lot does not own adjoining property and did not own such property at the time this resolution became effective.
- C. All applicable setback requirements are met.
- D. The lot has been approved for on-lot water supply and sewage disposal by the Perry County Health Department.
- E. The lot must have met the width, frontage, and/or area of the zoning resolution in effect at the time that the lot was created.

1006 Non-Conforming Uses of Land

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

- A. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this resolution. The BZA may permit a building containing a nonconforming use to be enlarged to an extent not exceeding 25 percent of the ground floor area of the existing building(s) devoted to a nonconforming use at the time of the adoption or amendment of provisions of this resolution making the use nonconforming provided the expansion does not violate other provisions of this resolution (i.e., setbacks).
- B. No nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this resolution.
- C. If any nonconforming uses of land are voluntarily discontinued or abandoned for more than two years, any subsequent use of such land shall conform to the regulations specified by this resolution for the district in which such land is located.

- D. No additional structure not conforming to the requirements of this resolution shall be erected in connection with such nonconforming uses of land.

1008 Non-Conforming Structures

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

- A. A non-conforming building may be altered or repaired without prior approval from the BZA if such alteration or repair does not increase the degree of non-conformity. For example, if the setback requirements are non-conforming as to the dimensions, such dimensions shall not be further decreased.
- B. A non-conforming structure in which a non-conforming use occurs that is destroyed by fire, flood, winds, natural disasters, or other acts beyond the control of the owner may be repaired or reconstructed and the non-conforming use, if any, may be continued provided that such repair or reconstruction is begun within a period of one (1) year, is located within the same building footprint, and does not increase the degree of non-conformity.

ARTICLE 11: ZONING INSPECTOR AND ZONING PERMITS

1102 Establishment

The position of Hopewell Township Zoning Inspector is hereby created. S/he shall be appointed by the Board of Township Trustees and shall receive such compensation as the Trustees shall provide.

1104 Relief from Personal Liability

The Zoning Inspector, acting in good faith and without malice in the discharge of his/her duties during enforcement of this Resolution is relieved of all personal liability for any damage that may occur to person(s) or property as a result of such acts or alleged failure to act. Further, s/he shall not be held liable for the costs in any action, suit, or proceeding that may be instituted against him/her as a result of the enforcement of this Resolution.

1106 Powers and Duties

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

- A. Enforce this Resolution and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to the BZA or other appropriate entity for action.
- B. Issue zoning permit(s) when the provisions of this Resolution have been met, or refuse to issue the same in the event of noncompliance.
- C. Collect designated fees, as established, for zoning permits, appeals, variances, and conditional uses.
- D. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning permits and receipt of complaints of violation of this Resolution and action taken on the same.
- E. Inspect any buildings or lands to determine whether any violations of this Resolution have been committed or exist.
- F. Provide information, testimony, or other evidence as needed during BZA hearings for appeals, variances, and conditional uses.

1108 Removal from Office

The Zoning Inspector may be removed by the Township Trustees for nonperformance of duty, misconduct in office, or other just cause.

1110 Zoning Permits

No building or other structure, excepting buildings or structures utilized exclusively for agricultural purposes shall be erected, moved, added to, structurally altered; nor shall any building, structure, or land be established or changed in use without a permit issued by the Zoning Inspector for such use. The Zoning Inspector shall not issue a permit for any use or structure that does not conform with the provisions of this resolution unless receiving a written order from the BZA deciding an appeal, conditional use, or variance as provided by this resolution.

A. Applications

An application for a zoning permit shall be required for all uses, structures, alterations, etc. regulated herein prior to the actual establishment of such uses, construction or alteration of such structures. At a minimum the application shall contain the following information:

1. Name, address, and telephone number of the applicant.
2. Address or location of property.
3. Existing use.
4. Proposed use.
5. Zoning district in which property is presently located.
6. Plans drawn to approximate scale, showing the actual dimensions and shape of the lot to be built upon; the dimensions and location of existing buildings on the lot, if any; and location and dimensions of the proposed building(s) or alterations.
7. An approval by the Perry County Health Department of the proposed method of disposal of sanitary waste prior to approval by the Zoning Inspector.
8. Such other plans (i.e., off-street parking, screening), material, and information as may be requested by the Zoning Inspector to determine conformance with, and provide enforcement of this resolution.

In particular cases, the Zoning Inspector may reduce submittal requirements for an application when the proposed action warrants.

B. Approval of Zoning Permit

Within thirty (30) days after the receipt of a complete application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the completion of work within one (1) year. One copy of the zoning permit application, including plans, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use, construction, or alteration is in conformance with the provisions of this Resolution.

C. Revoking a Permit

A zoning permit shall be revoked by the Zoning Inspector and the provisions of *Article 14 – Enforcement* shall be initiated if, among other things, the actual use, construction or alteration does not conform to the terms of the application and permit granted thereon.

D. Expiration of a Zoning Permit

A zoning permit shall expire one (1) year after issuance. Extensions of no more than six months may be granted by the BZA. The application for an extension shall be made in writing on forms provided by the Zoning Inspector.

1112 Certificate of Compliance

After the completion of any activity permitted under these regulations, such activity shall not be deemed compliant until a Certificate of Compliance has been issued by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this resolution. The applicant shall be responsible for notifying the Zoning Inspector and requesting an inspection for a Certificate of Compliance.

1114 Procedures for Review and Approval for the PUCD District

Because of the special characteristics of a Planned Unit Conservation Development, an application for a zoning change shall be accompanied by a Development Plan. Zoning Certificates for the PUCD District shall be issued only after the successful rezoning of the site to a PUCD District.

A. Development Plan Review Conference

The applicant shall attend a Development Plan Review Conference with the Zoning Inspector and the Chairman of the Zoning Commission. The Site Plan Review Conference is intended to facilitate the filing and consideration of a complete application. The applicant may supply a preliminary development plan for discussion. No representation made by the Zoning Inspector or the Chairman of the Zoning Commission during such conference or at any other time shall be binding upon the Township with respect to the application subsequently submitted.

B. Filing of PUCD Application and Zoning Change

The applicant shall submit the required ten (10) copies of the Development Plan, including the review fee in accordance with the Schedule of Fees, and an application for a Zoning Amendment (with the required fee). The Development Plan and Zoning Amendment application shall be filed with the Zoning Inspector together with a narrative summary of the development objectives shall include the following information:

1. All property lines, shape and dimensions of the lot to be built upon showing directional bearings and distances, adjacent streets, and location with reference to identifiable street intersections. A list of the names and addresses of the owners of all contiguous properties to the subject site.
2. Name of development, legal description of property, north arrow, scale, acreage, name and address of record owner, lessee and engineer.
3. Vicinity map locating the subject property in Hopewell Township. Both the vicinity map and the plan shall be oriented with parallel north arrows;
4. The total lot area of the property;
5. All public and private rights-of-way and easement lines located on or adjacent to property which are proposed to be continued, created, enlarged, relocated or abandoned;
6. Existing topography, an approximate delineation of any topographical changes shown by contour with appropriate intervals to permit accurate review;
7. Any locations, modifications, changes and additions to existing building(s), including floor area, heights and setbacks;
8. Delineation of all open space areas including the percentages of open space as required in Section 706(C) and identification of Primary Conservation Areas;
9. Plan for Management of the Open Space and Common Facilities;
10. Location of proposed streets and rights-of-way widths;
11. A schedule of development, including the staging and phasing if planned;
12. Additional information or engineering data, in such form and content as necessary, to determine that the Development Plan meets the standards of this Article and other requirements of these regulations.

C. Development Plan Review by the Zoning Inspector

When the Zoning Inspector deems the Final Development Plan to be complete the Inspector shall review the development plan with compliance the requirements for the PUCD District. The Zoning Inspector shall transmit the Development Plan, written recommendations and comments, and the zoning amendment application to the Zoning Commission. The Zoning Commission shall proceed with the PUCD review as a zoning amendment in accordance with the procedures in Section 1308.

ARTICLE 12: BOARD OF ZONING APPEALS (BZA)

1202 Establishment

The Board of Township Trustees shall appoint a BZA consisting of five (5) members who shall be residents of the unincorporated territory of the township. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until her/his successor is appointed. Members shall be removable for the same causes and in the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointments made by the Board of Township Trustees and shall be for the unexpired term.

1204 Organization

The BZA shall organize and adopt rules in accordance with this Resolution. Meetings of the BZA shall be held at the call of the Chairman, or in his absence, the Acting Chairman. The Chairman or Acting Chairman may administer oaths and the Board may compel the attendance of witnesses. All meetings of the BZA shall be open to the public. The Secretary of the BZA shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. Records of BZA actions shall be kept and be filed in the office of the Board of Township Trustees.

Three (3) members of the Board shall constitute a quorum to conduct business. The BZA shall act by Resolution and the concurring vote of three (3) members shall be necessary to decide on any matter of which the BZA has jurisdiction to decide upon. In the absence of three (3) members, one (1) member shall be a quorum for the purpose of establishing a date and time for the continuance of the meeting, after this is accomplished, such meeting shall be adjourned.

1206 Powers and Duties

The BZA shall:

- A. Have the power to subpoena witnesses, administer oaths and may require the production of documents, under such rules as it may establish.
- B. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector, in accordance with Section 1206 of this Resolution.
- C. Authorize variances in accordance with Section 1210 of this Resolution.
- D. Permit conditional uses as specified in the zoning districts as established by this Resolution and under the conditions specified in Section 1208.
- E. Interpret boundaries of the Official Zoning Map.
- F. Authorize the substitution or extension of nonconforming uses in accordance with Article 10 of this Resolution.

1208 Appeals

- A. *Purpose*
Appeals to the BZA concerning interpretation of administration of this Resolution may be taken by any person aggrieved or by any officer of the Board of Township Trustees affected by any decision of the Zoning Inspector.
- B. *Application for Appeal*

Appeals to the BZA shall be taken within twenty (20) days after the decision by the Zoning Inspector. The applicant shall make a written application on a form provide by the Zoning Inspector specifying the grounds upon which the appeal is being taken, and furnish the and names and addresses of property owners within one-half mile of the boundaries of the property. If the property is within one-half mile of the Village of Glenford, for the purposes of notification of Glenford residents, only the names and addresses of any adjacent property owners shall be required, in addition to township property owners within one-half mile of the boundaries of the property. The Zoning Inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken. The applicant is responsible for furnishing the names and addresses of adjacent property owners as part of the application.

A fee as established in the schedule of fees shall be applied to expenses incidental to advertising and reporting facts relative to the appeal request, and shall accompany the application.

C. Public Hearing by the BZA, Notice

The BZA shall schedule and hold a public hearing within thirty (30) days after receipt of an application for an appeal from the Zoning Inspector. Prior to the hearing, the BZA shall cause the following to be done:

1. A notice of such hearing shall be given in a newspaper of general circulation in Hopewell Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the appeal.
2. A written notice of such hearing shall be mailed at least twenty (20) days prior to the hearing to all property owners within one-half mile of the boundaries of the property where the appeal is sought.
3. If the property is within one-half mile of the Village of Glenford, sufficient public notice shall be deemed provided to Glenford property owners by written notice to adjacent property owners, and the posting of the notice in two public places and/or businesses serving the Village of Glenford.

D. Public Hearing for Appeal

Any person may appear at such hearings in person or by agent or attorney.

E. Action by the BZA

The BZA shall decide upon an application for appeal within thirty (30) days after the hearing.

1210 Conditional Uses

A. Purpose

The BZA shall have original jurisdiction and shall hear and decide upon application filed for conditional uses. This Resolution shall provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, methods of operation, intensity of use, public facilities requirements, and traffic generation.

B. Application for Conditional Use Permit

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing one original plus six copies with the Zoning Inspector, who shall within seven (7) days transmit it to the BZA. Such application at a minimum shall contain the following information: Name, address, and phone number of the applicant; legal description of the property; zoning district; description of existing use; description of proposed conditional use, and names and addresses of property owners within one-half mile of the

boundaries of the property, and such other information as the BZA may require. If the property is within one-half mile of the Village of Glenford, for the purposes of notification of Glenford residents, only the names and addresses of any adjacent property owners shall be required, in addition to township property owners within one-half mile of the boundaries of the property.

A fee as established in the schedule of fees shall be applied to expenses incidental to advertising and reporting facts relative to the conditional use request, and shall accompany the application.

C. Public Hearing by the BZA, Notice

The BZA shall schedule and hold a public hearing within thirty (30) days after receipt of an application for a conditional use from the Zoning Inspector. Prior to the hearing, the BZA shall cause the following to be done:

1. A notice of such hearing shall be given in a newspaper of general circulation in Hopewell Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed conditional use.
2. The property for which the conditional use has been requested shall be posted at least ten (10) days prior to the hearing with at least one (1) sign, legible from the road, indicating that a conditional use permit has been requested and giving a telephone number at which interested parties can obtain further information.
3. A written notice of such hearing shall be mailed at least twenty (20) days prior to the hearing to all property owners within one-half mile of the boundaries of the property where the conditional use permit is being sought.
4. If the property is within one-half mile of the Village of Glenford, sufficient public notice shall be deemed provided to Glenford property owners by written notice to adjacent property owners, and the posting of the notice in two public places and/or businesses serving the Village of Glenford.

D. Hearing For Conditional Use

At such hearing, the applicant shall present such statements and evidence as the BZA may require. The BZA shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the district regulations adopted for the zoning district involved or has been determined substantially similar thereto.
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will be served adequately by essential public facilities and services such as highways, street, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
5. Will not create excessive additional requirements at public cost for public facilities and service and will not be detrimental to the economic welfare of the community.
6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors.
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic or surrounding public thoroughfares.

8. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

The BZA shall require standards or conditions for the conditional use as deemed necessary to further the purpose of this Resolution.

E. Action by the BZA

Within thirty (30) days after the date of the public hearing, the BZA shall approve, approve with supplementary conditions, or disapprove the request for a conditional use. A written finding of such decision including reasons for disapproval of the conditional use application shall be made and provided to the applicant. If an application for a conditional use is disapproved by the BZA, the applicant may seek relief through the Court of Common Pleas.

1212 Variances

A. Purpose

The BZA shall have the power to authorize, in specific cases, such variances from the standards of this resolution as will not be contrary to the public interest where, owing to special conditions of the lot or building(s), a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

B. Application for a Variance

Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing one original plus six copies with the Zoning Inspector, who shall within seven (7) days transmit it to the BZA.

Such application at a minimum shall contain the following information: Name, address, and phone number of the applicant; legal description of the property; zoning district; description of existing use; and description of proposed use, description of the variance sought, reason for the variance request, and names and addresses of property owners within one-half mile of the boundaries of the property, and such other information as the BZA may require. If the property is within one-half mile of the Village of Glenford, for the purposes of notification of Glenford residents, only the names and addresses of any adjacent property owners shall be required, in addition to township property owners within one-half mile of the boundaries of the property.

A fee, established by the Board of Township Trustees in a separate resolution, shall be applied to expenses incidental to advertising and reporting facts relative to the variance request, shall accompany the application.

C. Public Notice of Variance Hearing

The BZA shall schedule and hold a public hearing within thirty (30) days after receipt of an application for a variance from the Zoning Inspector. Prior to the hearing, the BZA shall cause the following to be done:

1. A written notice of such hearing shall be mailed at least twenty (20) days prior to the hearing to all property owners. A written notice of such hearing shall be mailed at least twenty (20) days prior to the hearing to all property owners within one-half mile of the boundaries of the property where the variance is sought.

2. If the property is within one-half mile of the Village of Glenford, sufficient public notice shall be deemed provided to Glenford property owners by written notice to adjacent property owners, and the posting of the notice in two public places and/or businesses serving the Village of Glenford.
3. A notice of such hearing shall be given in a newspaper of general circulation in Hopewell Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed variance.
4. The property for which the variance has been requested shall be posted at least ten (10) days prior to the hearing with at least one (1) sign, legible from the road, indicating that a variance has been requested and giving a telephone number at which interested parties can obtain further information.

D. Variance Hearing

At such hearing, the applicant shall present such statements and evidence as the BZA may require. The BZA shall review the particular facts and circumstances of each variance, and shall not grant a variance unless it finds that:

1. The granting of the variance will be in accord with the general purpose and intent of the regulations imposed by this resolution on the district in which it is located.
2. There are special circumstances or conditions applying to the land, building, or use referred to in the application.
3. There is proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions.
4. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
5. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district. Such applications may be pursued as conditional uses or amendments.
6. The proposed variance will not impair adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

E. Action by the BZA

Within thirty (30) days after the date of the public hearing, the BZA shall approve, approve with supplementary conditions, or disapprove the request for a variance. A written finding of such decision including reasons for disapproval of the variance shall be made and provided to the applicant. If an application for a variance is disapproved by the BZA, the applicant may seek relief through the Court of Common Pleas.

ARTICLE 13: ZONING COMMISSION

1302 Establishment

The Zoning Commission shall be composed of five (5) members, appointed by the Township Trustees who shall be residents of the unincorporated territory of Hopewell Township. The terms of all members shall be of such length and so arranged that the term of one (1) member shall expire each year. Each member shall serve until her/his successor is appointed. Members shall be removable for the same causes and the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointments made by the Board of Township Trustees.

1304 Organization

The Zoning Commission shall adopt rules to govern its activities in accordance with this resolution. All meetings of the Zoning Commission shall be open to the public. The Zoning Commission shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or failing to vote, indicating such fact. The Zoning Commission shall keep records of its examination and other official actions, all of which shall be filed immediately in the office of the Township Trustees and shall be public record. Three (3) members of the Zoning Commission shall constitute a quorum.

1306 Powers and Duties

The Zoning Commission shall:

- A. Initiate proposed amendments to this resolution.
- B. Review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees pursuant to Section 1308.

1308 Amendments

It shall be the policy of Hopewell Township to consider this zoning resolution, together with its zoning district map, to be subject to amendment from time to time, in order to recognize changing conditions of land use and development, and to utilize proved practices in zoning. Section 519.12 Ohio Revised Code shall govern all zoning amendments as follows:

A. Initiation of / Application for Zoning Amendment

Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution therefor by the Board of Township Trustees, or by the filing of an application therefor by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Zoning Commission.

A fee, established by the Board of Township Trustees in a separate resolution, shall be applied to expenses incidental to advertising and reporting facts relative to the amendment request, shall accompany the application.

B. Public Notice of Amendment Hearing by Zoning Commission

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty or 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 of such application. Notice of such hearing shall be given by the township zoning commission by one publication in one or more newspapers of general circulation in the township at least ten days before the date of such hearing. Notices shall be sent to the following parties and contain the following information:

1. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, 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 the contiguous to and directly across the street from such area on the county auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment. The published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 - a. The name of the zoning commission that will be conducting the public hearing;
A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
 - b. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;
 - c. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
 - d. The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the public hearing;
 - e. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
 - f. Any other information requested by the Zoning Commission;
 - g. A statement that after the conclusion of such hearing the matter will be submitted to the board of township trustees for its action.

2. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 - a. A statement that the Hopewell Township Zoning Commission will conduct a public hearing on the proposed amendment;
 - b. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
 - c. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the public hearing;
 - d. The name of the person responsible for giving notice of the public hearing by publication;
 - e. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action;
 - f. Any other information requested by the Zoning Commission.

C. Comment by Perry County Planning Commission

Within five days after the adoption of such motion or the certification of such resolution or the filing of such application the township zoning commission shall transmit a copy thereof together with text and map pertaining thereto to the county or regional planning commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

D. Zoning Commission Amendment Hearing; Recommendation to Township Trustees

The Zoning Commission shall, within thirty days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the county or regional planning commission thereon to the Board of Township Trustees.

E. Public Notice of Amendment Hearing by Township Trustees

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the board by one publication in one or more newspapers of general circulation in the township, at least ten days before the date of such hearing. Notices shall be sent to the following parties and contain the following information:

1. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:
 - a. The name of the board that will be conducting the public hearing;
 - b. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
 - c. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;
 - d. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
 - e. The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the public hearing;
 - f. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
 - g. Any other information requested by the Township Trustees.

2. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 - a. The name of the board that will be conducting the public hearing on the proposed amendment;
 - b. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
 - c. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the public hearing;
 - d. The name of the person responsible for giving notice of the public by publication;
 - e. Any other information requested by the board.

F. Decision by Township Trustees

Within twenty days after such public hearing the Board of Township Trustees shall either adopt or deny the recommendations of the zoning commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the Zoning Commission the unanimous vote of the Board of Township Trustees shall be required.

G. Effective Date; Referendum

Such amendment adopted by the Board of Township Trustees shall become effective in thirty days after the date of such adoption unless within thirty days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part thereof include in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.

ARTICLE 14: ENFORCEMENT

1402 Compliance Required

It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any provision of this resolution or any amendment thereto. Failure to obtain a zoning permit or a certificate of compliance from the Zoning Inspector, and failure to adhere to the standards of a zoning permit or conditional use permit that has been issued shall be considered violations of this resolution and punishable as provided in this section.

Zoning permits are issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Resolution, and punishable as provided in this article.

1404 Complaints Regarding Violations

Whenever a violation of this resolution occurs, or is alleged to have occurred, any person may file a written complaint. It shall contain the cause and basis of the complaint, the name and telephone number of the complainant, and shall be filed with the Hopewell Township Zoning Inspector. The Zoning Inspector shall record properly such complaints, immediately investigate, and take action thereon.

1406 Notice of Violation

Whenever the Zoning Inspector determines that there has been a violation of any provision of this resolution, he/she shall give notice of such violation to the person responsible therefore and order compliance with this resolution as hereinafter provided. Such notice and order shall be put in writing and:

- A. Include a list of violations, referring to the section or sections of this resolution that have been violated;
- B. Provide a deadline for correcting the situation to bring the property into compliance;
- C. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to his last known mailing address, residence, or place of business, and a copy is posted in a conspicuous place on the property affected.

1408 Penalties for Violation

Violations of the provisions of this Resolution or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a minor misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00). Each day and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense. Nothing herein contained shall prevent Hopewell Township from taking such other lawful action as is necessary to prevent or remedy any violation. Hopewell Township shall prosecute any violation of this resolution in accordance with the penalties stated herein. The Board of Township Trustees may employ special counsel to represent it in any proceedings or to prosecute any actions brought under this section.