

ARTICLE VI

SUPPLEMENTARY DISTRICT
REGULATIONS

SECTIONS 600 - 616

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600 General.

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

601 Off Street Parking Requirements

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

602 Off-Street Parking Design Standards.

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

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

3. Setbacks:

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

4. Paving:

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

All conditional use permit parking lots will be paved.

5. Maintenance:

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

603 Determination Of Required Spaces.

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

604 Lighting.

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

605 Fences.

R-1 and R-2 need a building permit.

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

606 Ponds or Lakes.

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

607 Pools.

Public or private in-ground or above-ground swimming, wading or other pools containing more than four (4) feet of water depth shall be considered a structure for the purpose of this Resolution. A Building Permit will be required and shall conform to all required yard and set back lines. All in-ground pools shall have a fence constructed around them to provide for public safety. All above ground pools shall have the ladder pulled when not in use to provide for public safety.

608 Parking Disabled Vehicles.

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

609 Signs.

General.

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

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

B. General Requirements for All Signs and Districts.

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

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

9. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.
10. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
11. All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with the local building code in effect.
12. All signs shall be secured in such a manner as to prevent significant movement due to wind.
13. No advertising signs shall be attached to or supported by a tree or utility pole.
14. No sign shall contain words, images, or graphic illustrations of any obscene or indecent nature.
15. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing.
16. No sign shall be located nearer than eight (8) feet vertically, or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires.
17. No vehicle or trailer may be parked on a business premises, or a lot for the purpose of advertising a business, product, service, event object, location, organization, or the like.

C. Permit Required.

1. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Article have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted in this Article.

2. A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.
3. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

D. Signs Permitted in All Districts Not Requiring a Permit

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

E. Signs Permitted in Any District Requiring a Permit

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

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

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

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

G. Temporary Signs. No Permit required.

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

H. Free Standing Signs

Free-standing on-premises signs not over thirty (30) feet in height having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

I. Wall Signs Pertaining to Non-Conforming Uses.

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

J. Political Signs. No permit required.

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

K. Sign Setback Requirements.

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

L. Increased Setback

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

M. Setbacks for Off-Premises Signs.

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

N. Setbacks for Public and Quasipublic Signs.

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

O. Special Yard Provisions.

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

P. Limitation.

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

Q. Maintenance.

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

R. Non-Conforming Signs and Structures.

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

S. Loss of Legal Non-Conforming Status.

A legal non-conforming sign shall immediately lose its legal non-conforming status, and therefore must be brought into conformance with this Article or be removed, if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; or if it is part of an establishment which discontinues operation for ninety (90) consecutive days; or if it is structurally damaged to an extent greater than one-half of its estimated replacement value similarly, any legal non-conforming advertising structure so damaged must be brought into compliance or be removed.

T. Violations.

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 1116 of this Resolution. Political signs posted in violation of Sections J of this Resolution are subject to removal by the Zoning Inspector five (5) days after written notice of violation of Section J. has been given.

610 Off-Street Loading Space Requirements.

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

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

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

1. The use or storage of flammable or explosive materials if not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
2. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
3. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
4. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
5. Objectionable noise as determined by the Zoning Inspector to volume, frequency or beat is present;
6. Vibration discernible by the Zoning Inspector without instruments is present on an adjoining lot or property.
7. Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;
8. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;
9. Water pollution or contamination is present in violation of the regulations of the Ohio Environmental Protection Agency.

10. The use of more than 50 square feet of any land whether for private and/or commercial purposes, where waste, discarded or salvage materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc. are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled.
11. No person shall knowingly keep, maintain or have in his possession or under his control within Dover Township any dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal, or any other animal or reptile of wild, vicious or dangerous propensities. As used in this section dangerous or vicious animal means and includes the following:
 - A. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
 - B. Any animal which attacks a human being or domestic animal without provocation; or
 - C. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

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

1. Definitions.

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

- A. **Manufactured Home:** Any oneseif-propelled vehicle transportable in one or more sections which) in the traveling mode, is eight (8) body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electric systems contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.

- B. Modular Home: Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site built homes.
- C. Mobile Home: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it.

2. Siting Requirements:

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

- A. The structure shall be installed upon and property attached to the foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
- B. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.
- C. The structure shall be so oriented on the site that its long axis is parallel with the street, and it shall have an entranceway facing the street, except where diagonal placement and the addition of a garage, carport, or other accessory structure may be permitted by subdivision regulation and yard requirement.
- D. The site shall be suitably landscaped, with adequate screening devices as elsewhere required.
- E. The siting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.
- F. The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
- G. The site shall be serviced by utilities in such manner as required by Ohio Administrative Code.

3. Zoning of Factory-Built Housing:

- A. Mobile homes shall not be permitted in Dover Township.
- B. Manufactured homes shall be permitted only in approved manufactured home parks, unless otherwise authorized in this Resolution.
- C. Modular homes which meet the design and appearance standards contained in Section 613, shall be permitted accordingly.

613 Single Family Design and Appearance Standards.

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

- A. The structure shall be in conformance with the siting requirements contained in Section 612, #2.
- B. The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.

614 Cell Towers

In light of the opinion of the Ohio Supreme Court in Campanelli v. AT&T Wireless Services, Inc., 85 Ohio St. 3d 103, which held that townships may not regulate cell telephone towers in commercial or industrial areas are limited to regulating them to the extent permitted by 519.211 ORC in residential area, that the Zoning Commission of Dover Township objects to any cell telephone towers proposed to be located in any residential or agricultural residential area of Dover Township.

The Township Zoning Inspector and/or Clerk, when in receipt of a notice from a cell telephone company proposing a tower in a residential area, immediately send to them a notice of our objection and our requirement that they be bound by the requirements of 519.211 and that they be bound and that they will be required to obtain a conditional use permit from the Board of Zoning Appeals for such a use.

615 Adult Entertainment

Definition:

- A. A nightclub, bar restaurant, club, juice bar, or similar establishment which features persons in the state of nudity, semi-nude, live performances, films, books, motion pictures, video cassettes, slides, or other photographic reproductions which characterize depiction or description of sexual activities or erogenous anatomical areas.
- B. Nudity: State of being undraped – Naked
- C. Semi-Nude: The state of dress in which clothing covers no more than the genital, pubic region, and areola of the female breasts, as well as portions of the body covered by supporting straps or devices.
- D. Erogenous Anatomical Areas: Erogenous anatomical areas include, but are not limited to nudity or a state of nudity, wherein the appearance of the human bare buttocks, anus, male genitals, female genitals, female breasts, or a state of dress which fails to opaquely cover a human bare buttocks, anus, male genitals, female genitals, or areola of the female breast.

Adult entertainment establishments will only be permitted in a Commercial General District (C-G) after a Conditional Use Permit has been granted. The Conditional Use Permit will be issued for a one-year period only. After a one-year period has elapsed, a new Conditional Use Permit shall be required and may be issued provided the Zoning Inspector determines that the said use has been and is being operated according to specifications of the Zoning Resolution and the previous Conditional Use Permit. If necessary, the Board may make additional requirements for the continued operation of the use as a prerequisite of reissuance of the Conditional Zoning Certificate.

The following regulations shall apply to Adult Entertainment uses as defined herein:

1. Adult entertainment uses shall be 1000 feet from any church, public or private school, dwelling and/or residence and abutting local unit of government. Also must be 1000 feet from any other Zoning District in Dover Township.
2. Adult entertainment uses shall have a minimum setback of 250 feet from any roadway.
3. All points of vehicle entrance or exit shall be located no closer than 250 feet from the intersection of any roadway.

4. Only one sign will be permitted on their premises. No light emitting signs will be permitted. No off premises signs will be permitted in Dover Township. Sign cannot be more than 10 feet high and must meet all other requirements of Dover Township Zoning Resolution.

616 Home Occupation.

Home occupations are permitted in Dover Township but only as defined in this Resolution under Definitions.