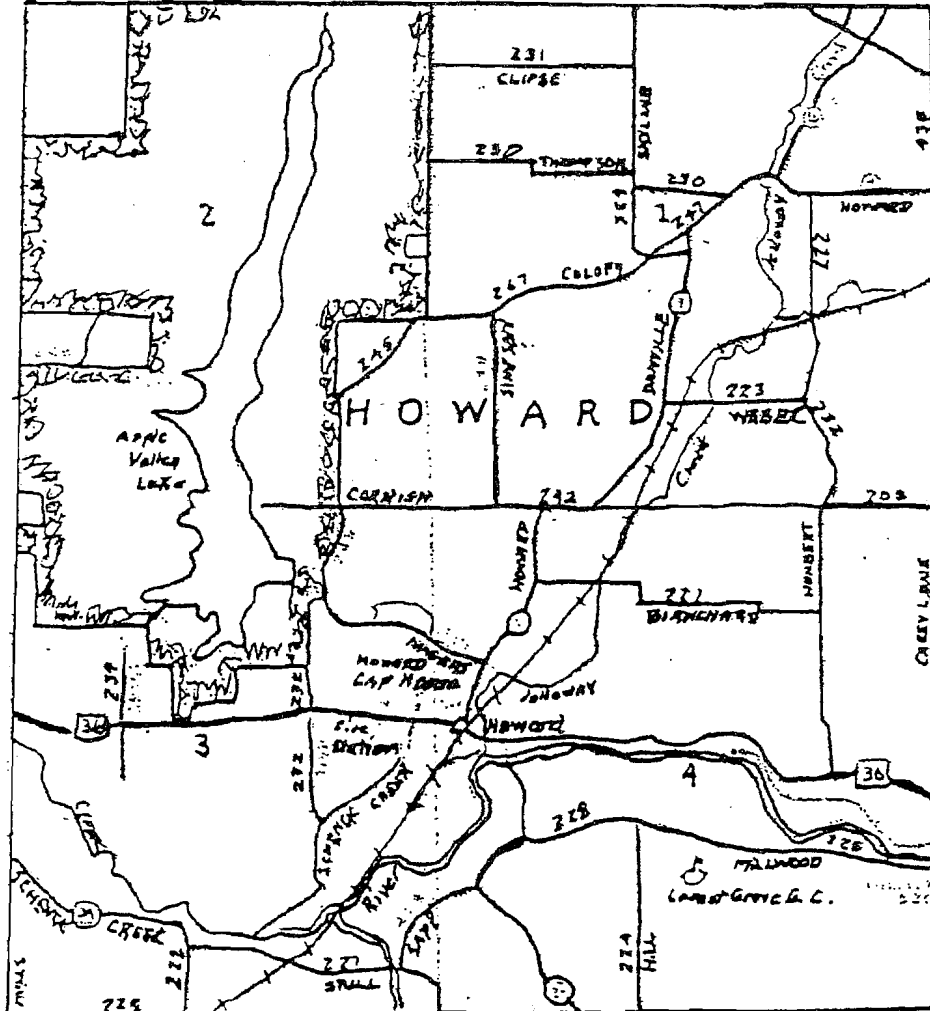


# HOWARD TOWNSHIP ZONING MANUAL



4-24-07  
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P.O. Box 266  
HOWARD, OH 43028

4/24/07  
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\$10 DEPOSIT REQUIRED

## INDEX

<u>ARTICLE</u>	<u>PARAGRAPH</u>	<u>TITLE</u>	<u>PAGE</u>
<u>I</u>		<u>PURPOSE AND SCOPE</u>	1
<u>II</u>		<u>TITLE</u>	1
<u>III</u>		<u>INTREPRETATION OF STANDARDS</u>	1
<u>IV</u>		<u>DEFINITIONS</u>	2
<u>V</u>		<u>DISTRICTS AND GENERAL PROVISIONS</u>	
	5.0	Districts	8
	5.1	Zoning Map	8
	5.2	District Boundaries	8
	5.3	Compliance With Regulations	8
	5.4	Rear Dwellings	9
	5.5	Street Frontage Required	9
	5.6	Traffic Visibility	9
	5.7	Off-Street Parking and Loading	9
	5.8	Essential Services	9
	5.9	Unsafe Buildings	9
	5.10	Vacated Street or Alley	9
	5.11	Trailers Prohibited - Except	9
	5.12	Trailers - Visitors	10
	5.13	Territory Not Included - Annexations	10
	5.14	Accessory Buildings in R-Districts (AG Districts)	10
	5.15	Restricted Parking	10
<u>VI</u>		<u>NONCONFORMING USES OF BUILDINGS</u>	
	6.0	Existing Nonconforming Uses	11
	6.1	Nonconforming Use or Buildings, Enlargement, Substitution, etc.	11
	6.1a	Substitution	11
	6.1b	Nonconforming Use Made To Conform	11
	6.2	Discontinuance of a Use	11
	6.3	Nonconformity - Performance Standards	11
	6.4	Repairs and Alterations	11
	6.5	Replacing Damaged Buildings	11
	6.6	Exemption of Essential Services	11

<u>ARTICLE</u>	<u>PARAGRAPH</u>	<u>TITLE</u>	<u>PAGE</u>
<u>VII</u>		<u>C-1 CONSERVATION DISTRICT</u>	
	7.0	Purpose	12
	7.1	Uses Permitted in the C-1 Conservation District	12
	7.2	Conditional Uses in the C-1 Conservation District	12
	7.3	Required Conditions	13
	7.4	Required Lot Area and Lot Width in the C-1 District	13
	7.5	Height Regulation in the C-1 District	13
<u>VIII</u>		<u>AG - AGRICULTURAL DISTRICT</u>	
	8.0	Purpose	14
	8.1	Uses Permitted in the AG District	14
	8.2	Conditional Uses in the AG District	14
	8.3	Required Lot Area and Lot Width in the AG District for Agricultural Uses	14
	8.4	Required Lot Area and Lot Width in the AG District for Residential Use	15
	8.5	Height Regulation in the AG District	15
	8.6	Required Yards in the AG District	15
	8.7	Required Floor Area in the AG District	15
	8.7a	Single Family Dwelling	15
	8.8	Off-Street Parking Requirements in the AG District	15
	8.9	Agricultural Structures: Area, Width, and Yard	15
<u>IX</u>		<u>R-1 RESIDENCE DISTRICT</u>	
	9.0	Purpose	16
	9.1	Uses Permitted in the R-1 District	16
	9.2	Conditional Uses in the R-1 District (As Approved by Board)	16
	9.3	Required Lot Area and Lot Width in the R-1 District	17
	9.4	Required Floor Area in the R-1 District	17
	9.4a	Single Family Dwelling	17
	9.5	Height Regulation in the R-1 District	17
	9.6	Required Yard in the R-1 District	17
	9.7	Reduction in Area Requirements in the R-1 District	17

<u>ARTICLE</u>	<u>PARAGRAPH</u>	<u>TITLE</u>	<u>PAGE</u>
<u>X</u>		<u>PROVISIONS GOVERNING COMMERCIAL DISTRICTS</u>	
	10.0	Purpose	19
	10.1	Uses permitted in the B-1 general business district	19
	10.2	Conditional uses permitted in the B-1 general business district	19
	10.3	Required lot area and lot width in the B-1 district	20
	10.3a	Residential uses	20
	10.3b	Commercial uses	20
	10.4	Building height regulation in the B-1 district	20
	10.5	Required yards in the B-1 district	20
	10.5a	Residential uses	20
	10.5b	Commercial uses	20
	10.6	Off-street parking and loading requirements	20
	10.7	Landscaping or screening provisions	21
<u>XI</u>		<u>BUSINESS MULTI-FAMILY DISTRICTS</u>	
	11.0	Purpose	23
	11.1	Uses permitted in the BMF General Business District	23
	11.2	Required lot area and lot width in BMF District	24
	11.3	Building height regulation in the BMF District	24
	11.4	Required yards in the BMF District	24
	11.5	Off-street parking and loading Requirements	24
	11.6	Landscaping and screening provisions	24

<u>ARTICLE</u>	<u>PARAGRAPH</u>	<u>TITLE</u>	<u>PAGE</u>
<u>XII</u>		<u>PLANNED UNIT DISTRICT (PUD)</u>	
	12.0	Purpose	26
	12.1	Application, procedure for establishment of a planned unit district	26
		1. Preapplication conference	26
		2. Principles to guide zoning commission	27
		3. Application to zoning commission	27
		4. Data required with application	27
		5. Review by regional planning commission	28
		6. Basis of approval	29
		7. Public hearing	29
		8. Effect of approval	29
	12.2	Permitted uses	30
	12.3	Development principles and standards	30
<u>XIII</u>		<u>R-2 PUD RESIDENCE DISTRICT</u>	
	13.0	Purpose	31
	13.1	Uses permitted in a R-2 PUD Residence District	31
	13.2	Conditional uses in a R-2 PUD Residence District	31
	13.3	Required lot area and yard area on a R-2 PUD Residence District	31
	13.4	Building size and height requirements	32
<u>XIV</u>		<u>B-2 PUD BUSINESS MULTI-FAMILY DISTRICT</u>	
	14.0	Purpose	33
	14.1	Uses permitted in a B-2 PUD District	33
	14.2	required lot area, yard area in a B2-PUD District	34
	14.3	Building size and height requirement	34
	14.4	Off-street parking and loading requirements	34

<u>ARTICLE</u>	<u>PARAGRAPH</u>	<u>TITLE</u>	<u>PAGE</u>
<u>XV</u>		<u>SPECIAL PROVISIONS</u>	
	15.0	Performance standards	35
	15.1	Enforcement provisions	36
<u>XVI</u>		<u>OFF-STREET PARKING AND LOADING REGULATIONS</u>	
	16.0	Off-street parking	37
	16.1	Number of parking spaces required	37
	16.2	Development and maintenance of parking areas	39
	16.3	Off-street loading	39
	16.4	Loading space - dimensions	40
	16.5	Loading space - occupy yard	40
	16.6	Loading space - district from R-District	40
<u>XVII</u>		<u>DISPLAY SIGNS AND OUTDOOR ADVERTISING</u>	
	17.0	Commercial signs and billboards advertising	41
	17.1	Real estate signs and signs advertising only the goods or services provided on the premises shall:	41
	17.2	Traffic obstruction	41
	17.3	R-Districts - signs prohibited except	41
	17.4	Church or institutional signs - Directional	41
	17.5	Temporary signs	42
	17.6	Surety bonds	43
	17.7	Fees	43
<u>XVIII</u>		<u>EXTRACTION OF MINERALS</u>	
	18.0	General requirements	44
	18.1	Applicant - financial ability	44
	18.2	Application - contents, procedure	44
	18.3	Public hearing	45
	18.4	Rehabilitation	45
	18.5	Additional requirements	46
	18.6	Gas and oil wells	46

<u>ARTICLE</u>	<u>PARAGRAPH</u>	<u>TITLE</u>	<u>PAGE</u>
<u>XIX</u>		<u>MOBILE HOMES AND MOBILE HOME PARKS, MOTELS AND MOTOR HOTELS</u>	
	19.0	General requirements	47
	19.1	Mobile home parks - submission of plans	48
	19.2	Mobile home parks - minimum standards and requirements	49
	19.3	Utilities	49
	19.4	Interior streets	50
	19.5	Recreation areas	50
	19.6	Length of occupancy	50
	19.7	Additional requirements	50
	19.8	Fees	50
<u>XX</u>		<u>EXCEPTIONS AND MODIFICATIONS</u>	
	20.0	Lot of record	51
	20.1	Exception to yard requirements	51
	20.2	Exception to height limits	51
<u>XXI</u>		<u>ENFORCEMENT</u>	
	21.0	Enforcement by zoning inspector	52
	21.1	Filing plans	52
	21.2	Zoning certificate	53
	21.3	Fees	53
	21.4	Violations and penalties	53
	21.5	Violations and remedies	54
<u>XXII</u>		<u>BOARD OF ZONING APPEALS</u>	
	22.0	Appointment - board of zoning appeals	55
	22.1	Procedure	55
	22.2	Application, appeals, hearings and stay of proceedings	56
	22.3	Powers of the board of zoning appeals	57
	22.4	Interpretation of zoning map	58
	22.5	Administrative review and variances	58
	22.6	General	59
	22.7	Variances - literal enforcement would Create undue hardship	59
	22.8	Variance - conditions prevailing	60
	22.9	Variance - findings of the board	60
	22.10	Performance standards - procedure	61

<u>ARTICLE</u>	<u>PARAGRAPH</u>	<u>TITLES</u>	<u>PAGE</u>
<u>XXIII</u>		<u>DISTRICT CHANGES AND RESOLUTION AMENDMENTS</u>	
	23.0	Initiation of amendments or supplements	62
	23.1	Procedure for change	62
	23.2	Names and addresses of property owners	62
	23.3	Public hearing by the zoning Commission	62
	23.4	Written notice	63
	23.5	Transmittal to regional planning commission	63
	23.6	Action by regional planning commission	63
	23.7	Recommendation by zoning commission to township trustees	63
	23.8	Public hearing by township trustees	63
	23.9	Written notice	63
	23.10	Vote by township trustees	64
	23.11	Effective date of amendment or Supplement: referendum	64
	23.12	Result of referendum	64
	23.13	Court of common pleas	64
	23.14	Fees	64
<u>XXIV</u>		<u>VALIDITY AND REPEAL</u>	
	24.0	Validity	65
	24.1	Authentication	65
	24.2	Repeal	65



ARTICLE I

PURPOSE AND SCOPE

PREAMBLE: This Resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the appropriate use of land, and to facilitate adequate and economical provisions for public improvements, all in accordance with a comprehensive plan for the desirable future development of Howard Township, 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 II

TITLE

HOWARD TOWNSHIP, OHIO, ZONING RESOLUTION: This Resolution shall be known and may be cited and referred to as the "Howard Township, Ohio, Zoning Resolution."

ARTICLE III

INTERPRETATION OF STANDARDS

REQUIREMENTS AS MINIMUMS: In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Whenever this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations, the provisions of this Resolution shall govern.

## ARTICLE IV

### DEFINITIONS

INTERPRETATION: For the purpose of this Resolution certain terms or words used herein shall be interpreted as follows:

All words used in the present tense include the future tense. All words in the singular include plural and all words in the plural include the singular. The word "shall" is mandatory and not directory. The words "used" shall be deemed to include "designed, intended, or arranged to be used."

Accessory Use or Building: A use customarily incidental and sub-ordinate to the principal use or building and located on the same lot with such principal use of building.

Agriculture: The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operations of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals.

Alley or Lane: A public or private way not more than 20 feet wide affording only secondary means of access to abutting property.

Apartment house: See Dwelling, Multi-Family.

Automotive or trailer sales area: An open area other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Automobile service station or filling station: A place where gasoline, kerosene, or any other motor fuel or lubrication oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

Automobile Wrecking: The dismantling or disassembly of used motor vehicles or trailers, for the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement: A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than 5 feet above grade at any such entrance or exit.

Beginning of Construction: The incorporation of labor and material within the walls of the building or buildings; the incorporation of labor and materials at the site, lot or parcel where a building is to be constructed; the incorporation of labor and materials where land is to be used for purposes other than construction of a building.

Board: The Board of Zoning Appeals of the Township.

Board or Lodging House: A dwelling or part thereof where meals and/or lodging are provided for three or more persons for compensation by previous arrangement, but not transients.

Building: Any structure constructed or used for residential, business, industrial or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs and similar structures, whether stationary or movable.

Building line: The line beyond which no building or part thereof shall project, except as otherwise provided by this Resolution.

Cellar: That portion of a building between floor and ceiling partly underground, but having half or more than half of its clear height below the adjoining finished grade.

Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

Clinic: A clinic is a place which provides a range of services by a group of licensed practitioners, their associates and assistants, including the care, diagnosis and treatment of those who are sick, ailing, infirm and/or injured persons, and include the care of those who are in need of medical, surgical or dental attention, but who are not provided with board or room nor kept overnight on the premises.

Club: A non-profit association of persons who are bonafide members, paying regular dues, and are organized for some common purpose but not including a group organized solely or primarily to render a service customarily as a commercial enterprise.

Commission: The Township Zoning Commission.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

Conditional uses permitted in each district are listed in the official schedule of district regulations.

Display Sign: A structure that is arranged, intended, or designed or used as an advertisement, announcement, or direction, including a sign, sign screen, billboard and advertising devise of any kind.

District: A portion of the territory of the Township within which certain uniform regulations are requirements or various combinations thereof apply.

Dwelling: A permanent building used primarily for human habitation but not including facilities for the housing of transient residents nor to include mobile homes.

Dwelling, Single Family: A permanent building separate and free standing, in itself providing living accommodations for one family.

Dwelling, Two Family: A permanent building designed exclusively for occupancy by two families.

Dwelling, Multi-Family: A permanent building or portion thereof providing separate living accommodations for three or more families.

Dwelling, Unit: One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

Dwelling, Group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

Essential Services: Those public services provided by the State, County or Township.

Frontage: All the property abutting on one side of a street, between intersecting or intercepting streets, or between a street and right-of-way, waterway, and of a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

Frost Line: Frost line is defined as 28 inches on original grade. 28 inches to top of 8 inch footer.

Garage, Private: A detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers of the families resident upon the premises.

Garage, Public: A space or structure for the storage, sale, hire, care, repair, or refinishing of self-propelled vehicles.

Home Occupation: Any use conducted entirely within a dwelling by the occupant of the dwelling and as a secondary use which is clearly incidental to the use of the dwelling for residential purposes. Such a use shall employ not more than one person outside the family resident in the dwelling.

Hospital: A building or portion thereof used for the accommodation of sick, injured, or infirm persons, including sanatoria, sanatoria.

Industry: Storage, repair, manufacture, preparation or treatment of any article, substance or commodity.

Junk Yard: Any open area where waste, discarded or salvaged, materials are brought, sold, exchanged, baled or packed, disassembled or handled, including auto-wrecking yards, house wrecking yards, used lumber yards and places or yards for storage and equipment. Refer to Ohio Revised Code Chapter 4737.

Kennel: Any structure or premises on which five or more dogs over five (5) months of age are kept.

Living Space: An area with five (5) feet or more head room.

Lot: A piece, parcel or plot of land, occupied or to be occupied by one principal building and its accessory buildings including the open spaces required under this Resolution.

Mineral: Any chemical compound occurring naturally as a product of inorganic processes.

Mobile Home: A structure designed to be used for human habitation, carrying or storage of persons or property, not having a permanent foundation, being able to be easily equipped with wheels or other devices to be transported from place to place.

Mobile Home Becoming a Permanent Residence: Residence has to meet square footage requirements and be placed on full perimeter foundation with wheels, tongue and axle removed.

Motel or Motor Hotel: A series of attached, semi-attached, detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

Neighborhood Retail Outlet: A commercial establishment which caters to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences, utilizing a floor area of less than 10,000 square feet and design to serve the day to day needs of the neighborhood.

Non-Conforming Use: A use of building or land lawful at the time of enactment of this Resolution that does not conform with the "permanent use" provisions of this Resolution.

Recreational Facilities: Any instrumentality provided by the State, church or private enterprise, for the purpose of rest and relaxation, mental or physical refreshment, or any other activity relating to fun and games.

Sign; Area of: The total exterior surface computed in square feet of a sign having but one exposed exterior surface, one-half (1/2) the total of the exposed exterior surface computed in square feet of a sign having more than one such surface.

Stable-Commercial: A stable for horses, donkeys, mules or ponies, which are let, hired, used or boarded on a commercial basis and for compensation.

Stable-Private: An accessory building for the keeping of horses, donkeys, mules or ponies owned by the occupant of the premises and not kept for the remuneration, hire or sale.

Standard Equipment: A criterion for the control of type and placing of industrial equipment.

Performance: A criterion established in the interest of protecting the public health, and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by and inherent in or incidental of land uses.

Story: That portion of a building, included between the surface of any floor and the surface of the floor next above it, then the space between the floor and the ceiling next above it.

Street: Any public or private way dedicated to public travel fifty (50) feet or more in width. The word "street" shall include the words, "roads", "highway" and "thoroughfare".

Structure: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders.

Tourist Home: A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

Thoroughfare, primary or secondary: An officially designated federal or state numbered highway or county or other road or street designated as a primary thoroughfare on an official Thoroughfare Plan, or a county or other road or street designated as a secondary thoroughfare on said Plan, respectively.

Use: The purpose or activity for which a building, structure or land is occupied or maintained.

Variance: A variance is the relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the application, a literal enforcement of the Resolution would result in unnecessary and undue hardship. As used in this Resolution, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Yard: An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings except as otherwise provided in this Resolution.

Front Yard: The yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.

Rear Yard: The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

Side Yard: The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

Height of the Building: No dwelling shall exceed 2-½ stories or 35 feet in height as measured from the basement floor, crawl space floor or slab floor.

Zoning Certificate: A document issued by the Zoning or Building Inspector authorizing buildings, structure, or uses consistent with the terms of the Zoning Resolution and for the purpose of carrying out and enforcing its provisions.

Zoning Inspector: The Zoning Inspector of the Township, or his/her authorized representative.

Zoning Map: The Zoning Map or Maps of the Township, together with all amendments subsequently adopted.

## ARTICLE V

### DISTRICTS AND GENERAL PROVISIONS

5.0 Districts: The Township is hereby divided into 7 Districts known as:

C-1	Conservancy District
AG	Agricultural District
R-1	General Residential District
B-1	General Business District
BMF	Business Multi-Family District
PUD	Business Multi-Family District
PUD	Planned Unit District
PUD R2	Residence District

5.1 Zoning Map: The districts and boundary thereof are established as shown on the Zoning Map, which map, together with all notations, references, data, district boundaries and other information shown thereon, shall be part of these Regulations. The Zoning Map, properly attested, shall be and remain on file in the office of the Township Clerk.

5.2 District Boundaries: The district boundary lines on said map are intended to follow either streets or alleys or lot lines; and, where the districts designated on the Map are bounded approximately by such street, alley or lot lines, the street or alley or lot line shall be construed to be the boundary of the district, unless such is otherwise indicated on the map. In case of subdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning Map or by dimensions.

Where the boundary of a district follows a railroad line, such boundary line shall be deemed to be located midway between the main tracks of the said railroad line.

5.3 Compliance with Regulations: No building shall be erected, converted, or altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located, except as hereinafter provided. No building shall be erected, enlarged or altered except in conformity with the area regulations, minimum yard requirements, and minimum off-street parking space requirements of this Resolution for the district in which such building is located.



- 5.4 Rear Dwelling: No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all the yard and other open space and off-street parking requirements. For the purpose of determining the front yard in such cases, the rear line of the required rear yard of the principal building in front shall be considered the front lot line for the building in the area. In addition, there must be provided for any such rear dwelling, an unoccupied and unobstructed access way not less than 20 feet wide, to a public street for each dwelling unit in such dwelling, or one not less than 50 feet for three or more dwelling units.
- 5.5 Street Frontage Required: Except as permitted by other provisions of these regulations, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least 50 feet on a street; and there shall not be more than one single-family dwelling for such frontage.
- 5.6 Traffic Visibility Across Corner Lots: In any R-District on any corner lot, no fence, structure or planting shall be erected or maintained within 20 feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.
- 5.7 Off-Street Parking and Loading: In any district, spaces for off-street parking and off-street loading shall be provided in accordance with the provisions of Article 12.
- 5.8 Essential Services: Essential services shall be permitted as authorized and regulated by law and other resolutions of the Township, it being the intention hereof to exempt such essential services from the application of these regulations.
- 5.9 Unsafe Buildings: Nothing in these regulations shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by proper authority.
- 5.10 Vacated Street or Alley: Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.
- 5.11 Trailers Prohibited - Except: A trailer, coach, garage, basement or temporary structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such use shall not be continued for more than 18 months. A separate zoning certificate shall be required for the use of the temporary dwelling quarters.

- 5.12 Trailers - Visitors: Not more than one trailer coach may be temporarily used as a residence by a visitor on occupied property owned, leased or rented by a resident of the Township for a period of thirty (30) days, provided, that:
1. All provisions of the Knox County Board of Health are complied with.
  2. A fee of \$10.00 shall be paid to the Zoning Inspector who may issue a "Temporary Visitors Zoning Certificate" after a period of 30 days, subject to renewal by the Zoning Commission.
- 5.13 Territory Not Included - Annexations: In every case where territory has not been specifically included within a district or where a territory becomes part of the unincorporated area of the Township as a result of the dis-incorporation of any city, town or portion thereof, or otherwise, such territory shall automatically be classified as a "C-1 District" until otherwise classified.
- 5.14 Accessory Buildings in Districts - AG Districts: Accessory buildings shall be distant at least six (6) feet from any dwelling situated on the same lot unless an integrated part thereof; at least three (3) feet from any lot lines of adjoining lots which are within an R or G District.
- 5.15 Restricted Parking: Permanent parking over ninety-six (96) hours is restricted on any Township road within the Township's right-of-way of fifteen (15) feet.

## ARTICLE VI

### NON-CONFORMING USES OR BUILDINGS

- 6.0 Existing Non-conforming Uses - Continuation: Except as hereinafter specified, the lawful use of a building or premises existing at the time of the adoption of amendment of this Resolution may be continued although such use, building or structure does not conform with the provisions of this Resolution for the district in which it is located.
- 6.1 Non-conforming Uses or Buildings - Enlargement, Substitution, Etc.: No existing building or premises devoted to a use not permitted by this Resolution in this district in which such building or premises is located, except where required to do so by law, or order, shall be enlarged, extended, reconstructed, substituted, or structurally altered, unless approved by the Board except as follows:
- 6.1-a Substitution: When authorized by the Board in accordance with the provisions of Article 18 the substitution for a non-conforming use of another not more objectionable non-conforming use.
- 6.1-b Non-conforming Use Made to Conform: Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.
- 6.2 Discontinuance of a Use: No building, structure, or premises where a non-conforming use has been discontinued for a period of twenty-four (24) months or more shall again be put to a non-conforming use.
- 6.3 Non-Conformity - Performance Standards: All uses non-conforming at the time of adoption of this Resolution, by reason of non-compliance with the provisions of Article 12 if not otherwise stipulated by the Board, shall adopt necessary measures to conform therewith within two (2) years of the adoption of this Resolution.
- 6.4 Repairs and Alterations: Repairs and maintenance work as required to keep it in sound condition may be made to a non-conforming building or structure.
- 6.5 Replacing Damaged Buildings: Any non-conforming building or structure, or one or more of a group of non-conforming buildings or structures related to one industry and under one ownership, which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, or act of God, may be reconstructed and used as before, if it be done within twenty-four (24) months of such calamity.
- 6.6 Exemption of Essential Services: Essential services, as defined in this Resolution shall be exempt from the provisions of Article 6.4 and 6.5 of this Article.

## ARTICLE VII

### C-1 CONSERVATION DISTRICT

7.0 PURPOSE: The purpose of the conservation district is to protect the public health and safety, to protect the corridor along the Kokosing River which was granted “Scenic River” status, and to reduce the financial burdens imposed on the community which result from improper use of lands having excessively high water tables or are subject to frequent and periodic floods and overflow.

7.1 Uses permitted in the C-1 Conservation District

1. Any customary agricultural use, forestry.
2. Recreational facilities, such as fishing, lakes, golf courses, golf driving ranges and parks.
3. Water conservation works; including water supply works, flood control and watershed protection, fish and game hatcheries and preserves, hydroelectric power installation, etc.
4. Accessory use and buildings.
5. Essential services
6. Single family residential dwellings in locations not prone to flooding and in accordance with Article VIII.

7.2 Conditional Uses in the C-1 Conservation District

1. Rifle ranges, gun clubs, archery courts, and other similar uses provided they are not located closer than 700 feet distance from any R-District.
2. Reclamation of lands subject to flooding, provided that no filling, draining, construction of levees or other improvements intended to reduce the danger of flooding or erosion shall be authorized by the Board unless the Board finds that such reclamation work is in concert with the objectives of the Land Use Plan; and, that any such work is done in accordance with plans approved by the County soil and Water Conservation District.

### 7.3 Required Conditions

Building or structures authorized in the Conservation District shall not obstruct natural drainage courses and floodways. Equipment, materials and wastes stored in areas subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not become a source of water pollution or contamination.

1. Engineer's Report: Whenever the Board is required to pass on matters of protection of life and property from flood hazards, it shall request a report and recommendations thereon from the chief engineer of any conservation district. Such report shall be considered final and conclusive and the Board shall be bound thereby.
2. Changes to Non-Conservation District: Changes of district classification from C-1 to any other classification provided by this Resolution, may be initiated in accordance with the requirements of this Resolution; provided that no such change shall be authorized by the Township Trustees unless the chief engineer of the conservation district certifies to the Township Trustees that any flood condition existing at the time the C-1 District was originally established does no longer exist or has been remedied to the satisfaction of said engineer, and that the area in question is now reasonably well protected from floods for the intended purpose and occupancy. Prior to recommending a change of zoning to the Township Trustees, the Township Zoning commission shall require completion of all necessary flood works in accordance with the requirements and specifications of the C-1 District.

### 7.4 Required Lot Area and Lot Width in the C-1 District:

None, except as may be specified by the Board; provided that no structure shall be located closer than 35 feet to any existing or proposed public right-of-way, and not closer than 15 feet to any side or rear lot line.

### 7.5 Height Regulation in the C-1 District:

No structure shall exceed 35 feet in height.

### 7.6 Uses Prohibited in the C-1 Conservation District:

1. Commercial mining, disposal of garbage and refuse, including sanitary fills, and sewage disposal by the Township or its agents.

## ARTICLE VIII

### AG – AGRICULTURAL DISTRICT

- 8.0 PURPOSE: The purpose of the Agricultural District is to provide an area for agricultural pursuits protected from infringement of unguided urban development; and to conserve areas physically unsuitable for intensive development.
- 8.1 Uses Permitted in the AG District
1. Agricultural uses, commercial grain storage.
  2. One-family residential dwelling, home occupations.
  3. Utility and service system buildings and lands, public buildings, picnic grounds, religious and educational institutions.
  4. Unlighted signs notifying of sale, rental or lease of land or sale of farm goods on the premises on which the sign is maintained having not over six (6) square feet of sign area; signs announcing meeting time and place of civic organizations.
- 8.2 Conditional Uses in the AG District
1. Real Estate, professional, and small announcement signs, subject to the provisions of Article 14.
  2. Uses of land including quarrying and mining of natural resources subject to Articles 15 and 18.
  3. Cemeteries, golf courses and similar uses.
- 8.3 Required Lot Area and Lot Width in the AG District for Agricultural Uses
- For combined agricultural and residential use each dwelling shall be located on a lot having an area of not less than 5 acres and a lot width of not less than 275 feet, and located 500 feet or more from existing agricultural building or buildings. The lot depth shall not exceed three (3) times the lot width.

8.4 Required Lot Area and Lot Width in the AG District for Residential use

Each dwelling shall be located on a lot having not less than one acre in area and a lot width of not less than 150 feet at the building line.

8.5 Height Regulation in the AG District

No dwelling shall exceed 2-½ stories or 35 feet in height as measured from the lowest footer.

8.6 Required Yards in the AG District

All dwellings shall have the following minimum yard space:

Front Yard	-	60 feet
Side Yard	-	20 feet each side
Rear Yard	-	60 feet

Corner lots shall provide the minimum front yard requirements on each side of the lot.

8.7 Required Floor Area in the AG District

Any building intended in whole or in part for residential purposes shall provide a minimum floor area as hereinafter specified:

Single Family Dwelling: Minimum 1200 square feet living space \* \*\*  
All dwellings shall have full perimeter footers 8 inches below frost line

8.8 Off-Street Parking Requirements in the AG District

There shall be provided in the AG District off-street parking in accordance with Article 13.

8.9 Agricultural Structures: Area, Width, and Yard

Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code confer no power on any Board of Township Trustees or Zoning Appeals to prohibit the use of any land for agricultural purposes or the construction or use of any buildings or structures incident to the use of agricultural purposes of the lands in which such buildings or structures are located, and no zoning certificate shall be required for such building or structure.

\* Shall not be less than 20 feet in width or depth whichever is the smaller dimension.

\*\* Square footage does not include basement area.

## ARTICLE IX

### R-1 RESIDENCE DISTRICT

9.0 PURPOSE: The purpose of the Residence District is to provide an area for residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve.

#### 9.1 Uses Permitted in the R-1 District

1. One and two family dwellings, home occupations.
2. Light agricultural uses including nurseries and raising of farm products (not to include livestock). Seasonal products may be sold in the premises.
3. Churches, schools, libraries, museums, and art galleries, parks, playgrounds, community centers, cemeteries, public services, utility office buildings.
4. Accessory buildings and uses.
5. Unlighted real estate signs, nonconforming business use signs may not have over six (6) feet of sign area but public building or church sign or bulletin boards pertaining to the property on which they are placed and not having over 15 feet of sign area.

#### 9.2 Conditional Uses in the R-1 District (As approved by the Board)

1. Utility sub-stations and pump houses provided that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety or welfare of the residents of the area.
2. Professional and Business office.



9.3 Required Lot Area and Lot Width in the R-1 District

Each dwelling shall be located on a lot having an area of not less than 22,000 square feet and a lot width of not less than 125 feet at the building line, except as hereinafter modified.

9.4 Required Floor Area in the R-1 District

Any building intended in whole or part for residential purposes shall provide a minimum floor area as hereinafter specified.

- 9.4a A. Single Family Dwelling: minimum 1200 square feet living space, excluding basement.
- B. Two Family Dwelling: per unit - for one bedroom units with full basement 1000 square feet. Add for each additional bedroom 150 square feet.
- C. All dwellings shall have full perimeter footers eight (8) inches below frost line.

9.5 Hcight Regulation in the R-1 District

No residential dwelling shall exceed 2-½ stories or 35 feet in height as measured from the basement floor, crawl space floor or slab floor.

9.6 Required Yard in the R-1 District

All structures shall have the following minimum yard spaces:

- Front Yard - 40 feet
- Side Yard - 15 feet each side
- Rear Yard - 45 feet

Corner lots shall provide the minimum front yard requirement on each side of the lot.

9.7 Reduction in Area Requirements in the R-1 District

The lot area and frontage requirements for any lot served by a public sewage system or public water system may be reduced as hereinafter specified.

Sewerage and Water Available

Minimum lot area - 12,000 square feet  
Minimum lot frontage - 90 feet\*

Water Available

Minimum lot area - 14,000 square feet  
Minimum lot frontage - 90 feet\*

Sewerage Available

Minimum lot area - 14,000 square feet  
Minimum lot frontage - 90 feet\*

\* At the building lines \*\*Square footage excludes basement area

RESOLUTION

It is hereby resolved by the Howard Township Zoning Commission that the following proposed amendment of the Howard Township Zoning Plan should be considered and processed in accordance with Article XX of the Howard Township Zoning Plan and Section 519.22 of the Ohio Revised Code.

Specifically, it is proposed that the following definition be added to Article IV, Page 5 of the Howard Township Zoning Plan:

Neighborhood Retail Outlet: A commercial establishment which caters to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences, utilizing a floor area of less than 10,000 square feet and designed to serve the day to day needs of the neighborhood.

It is further proposed to amend Article X, Paragraph 10.1 and 10.2 appearing on Pages 19 and 20 of the Howard Township Zoning Plan to read as follows:

## ARTICLE XX

### B-1 BUSINESS DISTRICT

10.0 PURPOSE: The purpose of a B-1 business district is to provide for a wide range of retail outlets, all of which are consistent with needs of a residential and agriculture area.

10.1 Uses Permitted in the B-1 General Business District

1. Any use permitted in a residential district.
2. Neighborhood Retail Outlets: furniture, department, clothing, shoe and variety stores, hardware, appliance, paint, wall paper, grocery, restaurant, tavern and drug stores.
3. Specialty Shops: gift shops, magazine, book and stationary outlets, florist shops, camera and photography shops, and sporting goods.
4. Service and Recreation: laundromat, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, marinas, bath houses and places of amusement and assembly.
5. Business and Professional Offices: medical and dental offices, law offices, insurance and real estate office.
6. Accessory uses or buildings.

10.2 Conditional uses permitted in the B-1 General Business District

1. Any conditional use permitted in the residential districts.
2. Building Trades or Equipment: building, concrete, electrical, masonry, sheet metal, plumbing and heating shops, building materials establishments (providing no assembly, construction, millwork or concrete block manufacture is done on the premises).
3. Vehicle Drive-In and Heavy Vehicle Services: drive-in theaters, drive-in restaurants and refreshment stands, express, cartage and trucking facilities, large item machinery or bulk sales and storage not including outdoor unfenced storage.
4. Heavy Service and Processing Facilities: laundry and dry cleaning plants, linens, towels, diaper and similar supply services, animal pounds, kennels and veterinary establishments, frozen food lockers, seed and food processing plants and dairies.

5. Major Retail Outlets: furniture, department, clothing, shoe and variety stores, hardware, appliance, paint, wall paper, grocery stores, supermarkets, meat markets, drug stores, bakery in conjunction with retail stores.
6. Automotive and Related Uses: new and used car sales, service and repair, gasoline filling stations, motorcycle and bicycle shops, cab and bus stands and depots.
7. Accessory Uses or Buildings.
8. Signs: Business and advertising signs pertaining to the business on the property on which the sign is located provided that (a) illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into the public way, and (b) that any sign located in a direct line of vision of traffic control signals shall not have flashing intermittent red, green or amber illumination.

10.3 Required Lot Area and Lot Width in the B-1 District

10.3a Residential Uses: Each residential use to be accommodated in the B-1 District shall meet the minimum lot area and minimum lot width requirements of the R-1 Residence District.

10.3b Commercial Uses: No minimum lot area or minimum lot width is required for commercial uses.

10.4 Building Height Regulation in the B-1 District: In the B-1 General Retail District, no building shall exceed 2 stories or 30 feet in height, except as provided in Article 17.

10.5 Required Yards in the B-1 District

10.5a Residential Uses: Each residential use to be accommodated in the B-1 district shall meet the minimum yard requirements of the R-1 Residence District.

10.5b Commercial Uses: Front Yard - 25 feet

Side Yard - no minimum yard requirements except lots adjoining a residential district shall equal that required in the adjoining Residence District.

Rear Yard - 20 feet (Where a lot line abuts an alley, one-half of the alley may be considered in meeting the rear yard requirements)

10.6 Off-Street Parking and Loading Requirements: There shall be provided in the B-1 District off-street parking and loading in accordance with the provisions of Article 16

- 10.7 Landscaping or Screening Provisions: For non-residential uses abutting a "R" District, the minimum yard may be reduced to 50% of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board is provided. Such screening shall be a masonry or solid fence between 4 and 6 feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with evergreen shrubs not less than 4 feet in height.

## RESOLUTION

After carefully considering the recommendations of the Howard Township Zoning Commission, the Knox County Regional Planning Commission and the comments and input of the applicant, Richard Bartholomew, and the comments and input of various citizens who spoke during the public meetings on this subject, the Howard Township Board of Trustees resolves that the recommendation of the Zoning Commission should be followed with only technical modifications, and that the Howard Township Zoning Plan should be amended as follows:

Article V, Paragraph 5.0 should be expanded to include an additional district specifically a BMF Business, multi-family district.

An additional Article, specifically Article XI should be added to the Howard Township Zoning Plan which reads as follows:

## ARTICLE XI

### BUSINESS MULTI-FAMILY DISTRICTS

#### 11.0 Purpose:

The purpose of a BMF business, multi-family district is to provide for a wide range of neighborhood retail outlets and associated business facilities as well as certain multi-family structures, all of which will be of such a nature as to be fully compatible and to provide services which are consistent with the needs of a residential and agricultural area.

#### 11.1 Uses Permitted in the BMF General Business District:

1. Any use permitted in a residential district.
2. Neighborhood Retail Outlets: furniture, department, clothing, shoe and variety stores, hardware appliance, paint, wall paper, grocery, restaurant and drug stores.
3. Specialty Shops: gift shops, magazine, book and stationery outlets, florist shops, camera and photography shops, shoe repair and tailor shops.
4. Service and Recreation: laundromat, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops.
5. Business and Professional Offices: medical and dental offices, law offices, insurance and real estate offices.
6. Accessory uses or buildings
7. Multi-family housing which can be constructed and used within the following limits:
  - a. No more than eight (8) units in one structure.
  - b. No more than one multi-family structure per one-half (1/2) acre.
  - c. Each unit shall have a minimum of 570 square feet interior floor space.
  - d. Each unit shall have no more than one bedroom.

e. No multi-family unit shall be used or occupied until adequate sewer and water facilities as required by the Ohio and Knox County Department of Health are in place and functional.

11.2 Required Lot Area and Lot Width in the BMF District

a. Residential Uses: Each residential use to be accommodated in the BMF District shall meet the minimum lot area and minimum lot width requirements of the R-1 District.

b. Commercial Uses: No Minimum lot area or minimum lot width is required for commercial uses, the minimum lot area for multi-family structures is 1/2 acre.

11.3 Building Height Regulation in the BMF District

B-1, General Retail District: In the BMF General Retail District, no building shall exceed 2 stories or 30 feet in height, except as provided in Article 17.

11.4 Required Yards in the BMF District:

a. Residential Uses: Each residential use to be accommodated in the BMF District shall meet the minimum yard requirements of the R-1 District.

b. Commercial Uses:

Front Yard - 25 feet

Side Yard - No minimum yard requirements except lots adjoining a residential district shall provide a side yard on the adjoining side equal to that required in the adjoining Residence District.

11.5 Off-Street Parking and Loading Requirements.

There shall be provided in the BMF District off-street parking and loading in accordance with the provisions of Article 13.

11.6 Landscaping or Screening Provisions

For non-residential uses abutting an "R" District, the minimum yards may be reduced to 50% of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board is provided. Such screening shall be a masonry or solid fence between 4 and 6 feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than 4 feet in height. The Howard Township Board of Trustees further resolves to adopt the recommendation of the Howard Township Zoning Commission and to designate the following described .589



of an acre to be a BMF District as provided for in the Howard Township Zoning Resolution as herein amended:

Situate in Lot 15, Quarter 3, Township 7, Range 11, Howard Township, Knox County, Ohio, and being described as follows:

Beginning at the north east corner of Lot 15 in the center of Grant Road, (Township Road 239); thence South 0 deg. 15' 24" East, along the east line of Lot 15 and the center of Grant Road, a distance of 185.0 feet; thence South 89 deg. 23' 16" West, passing through an iron pipe at 30 feet, a total distance of 138.64 feet to an iron pipe; thence North 0 deg. 05' 24" West a distance of 185.0 feet to an iron pipe on the north line of Lot 15 and on the south line of the Orchard Hills Subdivision; thence North 89 deg. 23' 16" East, along said lot line and subdivision lines, passing through an iron pin found at the southeast corner of Lot 359 of the Orchard Hills Subdivision at 108.64 feet, a total distance of 138.64 feet to the point of beginning, containing 0.589 of an acre, more or less, as surveyed May 29, 1977 by Thomas M. Tracy, Surveyor No.# 6399, Ohio, but being subject to all easements and restrictions of record.

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## ARTICLE XII

### PLANNED UNIT DISTRICT (PUD)

12.0 PURPOSE: To establish regulations pertaining to the use of land and/or structures and physical development within each of a Planned District, adopted as a District.

12.1 Application, Procedure for Establishment of a Planning Unit District:

Planned Districts may be established by application in accordance with the provisions set forth below. The procedures and conditions set forth for establishing a Planned Development shall be followed unless a written statement by the applicant shall clearly show that the procedures or conditions do not apply in the specific case. Such statement shall accompany the application to Howard Township Zoning Commission and Township Trustees.

Any application for a Planned Development for any land use or structure permitted under this Resolution shall be submitted in accordance with the following procedure:

1. Preapplication Conference:

The landowner shall schedule a Preapplication conference with the Zoning Commission, County Engineer, Knox County Regional Planning Commission staff and Public Utilities Companies concerned. The landowner, at the conference, shall provide evidence that the following steps have been taken:

a. Prior to preparing a development plan, the Landowner shall consult informally with the Township Zoning Commission, County Engineer, Knox County Regional Planning Commission staff, in order that he may become familiar with subdivision and Zoning Requirements, the relationship of his property to existing conditions, and to insure conformity and compatibility with and to the development plan of the county with respect to community facilities, utilities and services.

b. The landowner shall, also, consult informally with public utility companies in order to determine the character and extent to electric power and telephone lines and to determine the most advantageous routing of these lines and utility easements.

c. The landowner shall provide, in the absence of municipal water and sewage, his own detailed plans for central water and sewage, approved by the Knox County Board of Health.

2. Prior to concluding the Preapplication Conference between the landowner and the Zoning Commission, the Zoning Commission shall consider the following principles governing Planned Development in the Township of Howard.

a. It shall be the duty of the Zoning Commission to discourage Planned Development that are far in advance of the needs of the township, or which, by their very nature of location, cannot be efficiently serviced by public utilities, fire or police protection.

b. It shall, further, be the duty of the Zoning Commission to encourage that Planned Developments be coordinated with the development of adjacent small parcels of land and, to this end, the Zoning Commission shall require the landowner to submit sketch plans for such coordinated development, showing how streets can be connected, lot orientations coordinated and open spaces extended. The Zoning Commission may, also, arrange meetings with several owners of such small parcels of land or may carry out the intent of this directive by such other means as may be lawful and appropriated.

3. Application to Zoning Commission:

An application for a Planned Development shall be submitted to the Zoning Commission on a special form provided for that purpose. The application shall be executed by or on behalf of the landowners and filed in duplicate with the Zoning Inspector. A filing fee, in the amount of One Hundred Dollars (\$100.00) payable to the Township Clerk, shall be submitted, along with the application. Said filing fee shall be used to defray the costs of the public hearing and work by the Zoning Commission.

4. Data Required with Application:

The application for approval for a Planned Development shall include three (3) copies of a development plan, drawn at a scale of 1" = 100' and including the following information:

a. Location and the size of the area involved and the nature of the landowner's interest in the land proposed to be developed.

b. The density of land used to be allocated to parts of the area to be developed.

c. The locations, function, ownership and manner of maintenance of Common Open Space Areas.

d. The use, approximate height, bulk and location of buildings and other structures.

- e. The feasibility of proposals for the disposal of sanitary waste and storm water.
- f. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of land, building and other structures, including proposed easements for public utilities.
- g. The provisions for parking of vehicles and the location and width of proposed streets and existing streets abutting the property.
- h. Statement indicating the required modifications in the regulations in the Township of Howard Zoning Resolution otherwise applicable to the subject property.
- i. If development is to be staged within a period of time, a time frame is to be established for each developmental stage.
- j. Said application shall, also, be accompanied by a written statement by the landowner setting forth the reason why in his opinion, the Planned Development would be consistent with the specific criteria, if any, theretofore published and adopted by the Zoning Commission.
- k. Twenty (20) percent of total acreage of the tract proposed for development shall be devoted to open space.
- l. Development shall be in compliance with any existing regulations of a Property Owners Association and the application shall contain a written statement designating such approval.

5. Review by the Knox County Regional Planning Commission Staff:

One (1) copy of every application for a Planned District, received by the Clerk of Howard Township Zoning Commission shall be promptly delivered to the staff of the Knox County Regional Planning Commission for its review and report to Howard Township Zoning Commission.

The Knox County Regional Planning Commission staff shall, as a part of its review, consult with the County Engineer's Department and other departments of the County concerning the application.

Nothing herein shall be deemed to forbid or discourage informal consultations between the landowners and the staff of the Knox County Regional Planning Commission prior to the filing of an application for a Planned District, provided no statement or representation by a member of The Knox County Regional Planning Commission staff shall be binding upon Township Zoning Commission.

6. Basis of Approval:

The Township Zoning Commission shall review and take action (approve or disapprove) on the application within sixty (60) days following the date the application was received by the Commission.

The Township Zoning Commission shall base its approval of a Planned District on the following considerations.:

- a. That the plan is consistent in all respects with the purpose, intent and applicable standards of this Resolution.
- b. That the proposed development as envisioned on the plan is in conformance with the Comprehensive Plan adopted for the Township of Howard.
- c. That the proposed Plan provides for the preservation and protection of existing trees, ground over, topsoil, streams, rock outcroppings, and scenic views from dangers caused by excessive and poorly planned grading for streets and building sites.
- d. That the benefits, improved arrangement and the design of the Planned Development justify the deviation from the Standard Zoning District requirements incorporated in the Articles of this Resolution.

7. Public Hearing:

- a. Upon review and recommendation of an application for a Plan, the Township Zoning Commission shall forward to The Township Trustees a record of the action taken on the proposed application. The Township Trustees shall act on the application in accordance with the provisions of Article XIX of this Resolution.

8. Effect of Approval:

- a. The Plan, as approved by the Howard Township Trustees, shall constitute an amendment to the standard Zoning district regulations as they apply to the land included in the approved amendment.

The applicant shall then be required to prepare a subdivision plat of record in accordance with the Subdivision Regulations for the County of Knox.

The subdivision plat shall be in accord with the plan as approved by the Howard Township Trustees.

12. Permitted Uses:

Only uses designated as permitted uses shall be allowed as a matter of right in a Planned District and any use not so designated shall be prohibited except when in character with the proposed development, such additional uses may be approved as part of the Planned Development.

13. Development Principles and Standards:

The Development Principles and Standards set forth shall be the minimum allowed for development in a Planned District.

## ARTICLE XIII

### R-2 PUD RESIDENCE DISTRICT

- 13.0 **PURPOSE:** The purpose of the R-2 PUD Residence District is to provide for residential uses within a planned unit development which is served by a central sewer and water system and which is subject to restrictive covenants enforced by the property owners themselves.
- 13.1 Uses Permitted in a R-2 PUD District
- a. Single family dwellings.
  - b. Accessory buildings and uses such as boat houses.
- 13.2 Conditional Uses in a R-2 PUD District
- a. Utility substations and pump houses provided that such structures will not detract from the general appearance of the area and not adversely affect the comfort, safety or welfare of the residents of the area.
  - b. Recreation facilities and buildings within areas designated as "common areas" on the original plat of the planned unit development and within "common areas" designated by a properly constituted property owners association.
- 13.3 Required Lot Area and Yard Area in a R-2 PUD District
- a. Each dwelling shall be located on one or more building lots which are served by a central sewer and water system and which are properly designated and described on a plat which has been accepted by the Knox County Regional Planning Commission and recorded in the Knox County Recorder's Office.
  - b. No building shall be located on any property nearer than 25 feet to the front property line or nearer than 20 feet on any side street line. No building shall be located nearer than 8 feet from the rear property line or nearer than 5 feet or 10% of the lot width, whichever is greater, from the side of the property.

13.4 Building Size and Height Requirement

- A. Every dwelling shall have not less than 1200 square feet of living area. Exclusive of basements, porches, breezeways, carports, patios, pool areas, Garages and other accessory uses.
- B. No dwelling shall exceed 2-½ stories or 35 feet in height as measured from the basement floor, crawl space floor or slab floor.
- C. No garages shall be more than 1-½ story or 20 feet in height measured from the lowest footer.
- D. All dwellings and garages shall have full perimeter footers eight (8) inches below frost line.



## ARTICLE XIV

### B-2 PUD BUSINESS/MULTIFAMILY DISTRICT

14.0 PURPOSE: The purpose of the B-2 PUD Business/Multi-Family District is to provide for small retail, commercial and professional business uses as well as multi-family structures within a planned unit development which is serviced by a central sewer and water system and which consists of platted lots on a designated subdivision plat which has been properly accepted and approved by the appropriate governmental authorities and recorded in the Knox County Recorder's Office.

#### 14.1 Uses Permitted in a B-2 PUD District

- A. Any uses permitted in a R-2 PUD District
- B. Specialty Shops: Gift shops, magazine, book and stationery outlets, florist shops, camera and photography shops, shoe repair and tailor shops.
- C. Service and Recreation: Laundromat, dry cleaning and laundry pick-up stations, barber and beauty shops.
- D. Business and Professional Offices: Medical and dental offices, law offices, insurance and real estate offices.
- E. Multi-Family Housing: Multi-family housing which can be constructed and used within the following limits:
  - (1) No more than two units per structure
  - (2) No more than one structure per platted lot.
  - (3) Each unit shall have a minimum of 1000 square feet of interior living space.
  - (4) No multi-family unit shall be used or occupied until adequate sewer and water facilities, as required by the Ohio and Knox County Departments of Health, are in place and functional.
- F. Accessory Buildings and Uses:

14.2 Required Lot Area, Yard Area in a B-2 PUD District

- A. Each multi-family, business or residential structure shall be located on one or more platted building lots which are served by a central sewer and water system and which are properly designated and described on a plat which has been accepted by the Knox County Regional Planning Commission and recorded in the Knox County Recorder's Office. No more than one building shall be constructed per lot.
- B. No building shall be located on any property nearer than 25 feet to the front property line or nearer than 20 feet on any side street line. The address will determine the front of the property. No building shall be located nearer than 8 feet from the rear property line or nearer than 5 feet or 10% of the lot width, whichever is greater, from the side of the property.

14.3 Building Size and Height Requirement

- A. Every building shall have not less than 1000 square feet of enclosed gross ground floor area, exclusive of basements, porches, breezeways, carports, patios, pool area, garages and other accessory uses.
- B. No dwelling shall exceed 2 - ½ stories or 35 feet in height as measured from the lowest footer.
- C. All dwellings shall have full perimeter footers 8 inches below the frost line.

14.4 Off Street Parking and Loading Requirements

- A. All commercial and professional business uses in a B-2 PUD District shall provide for adequate parking and loading areas in accordance with the provisions of Article 13 of the Howard Township Zoning Regulations.

## ARTICLE XV

### SPECIAL PROVISIONS

#### 15.0 Performance Standards

For the protection of the public health and safety, no land or building shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition unless the following performance standards are observed.

1. Fire Hazards: Any activity involving the use of flammable or explosive material shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of such material.
2. Radioactivity or electrical Disturbances: No activity shall emit dangerous radioactivity at any point, or electrical disturbances adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
3. Noise: Noise which is objectionable as determined by the Board due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
4. Vibration: No vibration shall be permitted which is discernible on any adjoining lot or property.
5. Smoke: Smoke shall be controlled as much as economically possible as determined by the Township Trustees.
6. Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
7. Air Pollution: No pollution of air by flash, dust, vapor or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling.
8. Glare: No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.

9. Erosion: No erosions, by either wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

10. Water Pollution: Pollution of water shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency.

15.1 Enforcement Provisions:

All uses existing on the effective date of this Resolution shall conform to these performance requirements within two (2) years, provided that an extension of up to six (6) months may be granted by the Board. Extensions may be granted by the Board if the owner or operator of the use can demonstrate that compliance would create an unreasonable hardship.

The Zoning Inspector shall refer any proposed use which is likely to violate performance requirements to the Board for review.

ARTICLE XVI

OFF-STREET PARKING AND LOADING REQUIREMENTS

16.0 Off-Street Parking:

Surfaces for off-street automobile parking shall be provided on any lot on which any of the following uses are hereinafter established, such space shall be provided with vehicular access to a street or alley. For purposes of computing gross off-street parking area required, the ratio of 250 square feet per parking space shall be used.

16.1 Number of Parking Spaces Required:

The number of off-street parking spaces required shall be set forth in the following:

<u>Use</u>	<u>Parking Spaces Required</u>
Automobile or Machinery Sales & Service Garages	1 for each 600 sq. ft. floor area
Banks, Business & Professional	1 for each 400 sq. ft floor area Offices
Bowling Alleys	7 for each alley
Churches and Schools	2 for each 5 seats in an auditorium or one for each 12 classroom seats; whichever is greater
Dance Halls & Assembly Halls without fixed seats, exhibition halls except church assembly rooms in conjunction with auditorium.	1 for each 100 sq. ft. of floor area used for assembly or dancing.
Dwellings	2 for each family or dwelling unit
Funeral Homes, Mortuaries	4 for each parlor or each 50 sq. ft. of floor area
Barber & Beauty Shops	3 spaces per operator

Furniture & Appliance Stores, household equipment or furniture repair shop over 1,000 sq. ft. floor area	1 for each 400 sq. ft. of floor area
Hospitals	1 for each bed
Hotels, Lodging Houses	1 for each bedroom
Libraries, Museums or Art Galleries	1 for each 250 sq. ft of floor area
Mfg. plants, Research or testing laboratories, bottling plants, over 1,000 sq. ft. in area	1 for each three employees in the maximum working shift or 1200 sq. ft. of floor area, whichever is greater
Medical or Dental Clinics	1 for each 200 sq. ft. of floor area
Motel or Motor Hotel	1 for each living or sleeping unit
Restaurants, Beer Parlors, and nightclubs, or over 1,000 sq. ft. in area	1 for each 200 sq. ft of floor area
Retail Stores, Shops, etc. of over 2,000 sq. ft. floor	1 for each 150 sq. ft. of floor area
Sanitariums, Convalescent Homes or Children Homes	1 for each 2 beds
Sports Arenas, Auditoriums, Theaters, Assembly Halls, other than schools	1 for each 4 seats
Wholesale Establishments or Warehouses	1 for each 3 employees on maximum shift for each 3000 sq. ft. of floor area, whichever is greater

16.2 Development and Maintenance of Parking Areas:

Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

1. Screening and Landscaping: Off-street parking areas for more than 5 vehicles shall be effectively screened on each side which adjoins premises situated in any R District by a masonry wall or solid fence of acceptable design. Such wall or fence shall be between 4 feet and 6 feet in height and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with an evergreen hedge, or dense planting of evergreen shrubs not less than 4 feet in height.
2. Surfacing: Any off-street parking area for more than 5 vehicles shall be graded for proper drainage and surfaced with a durable hard surface, such as concrete or asphaltic concrete.
3. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R-1 District.
4. Joint Use of Parking Areas: Parking spaces may be located on a lot other than that containing the principal use with approval of the Board provided a written agreement, approved by the Board and accepted by the Board of Township Trustees shall be filed with the application for a zoning permit.
5. Parking Areas-Modifications: The Board may authorize on appeal a modification, reduction or waiver of the foregoing requirements, if it should find that, in the particular case appealed the peculiar nature of the residential, business, trade, industrial or other use, or in the exceptional shape or size of the property or other exceptional situation or condition, would justify such action. No action shall be taken by the Board unless and until it has first received the recommendation of the Zoning Commission regarding the appeal.

16.3 Off-Street Loading:

In any district, in connection with any building or part thereof, erected and having a gross floor area of 5,000 square feet or more, which is to be occupied by manufacturing storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise maintained, on the same lot with such building, at least one off-street loading spaces, plus one additional such loading space for each 10,000 square feet or major fraction thereof, of gross floor area so used in excess of 10,000 square feet.

- 16.4 Loading Space - Dimensions: Each loading space shall be not less than 10 feet in width, 25 feet in length, and 14 feet in height.
- 16.5 Loading Space - Occupy Yard: Subject to the limitations in Article 14.6 such space may occupy all or any part of any required yard.
- 16.6 Loading Space - Distance from R-District: No space shall be closer than 50 feet to any other lot located in any R-District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence not less than 6 feet in height.



## ARTICLE XVII

### DISPLAY SIGNS & OUTDOOR ADVERTISING

#### 17.0 Commercial Signs and Billboards Advertising Shall:

Observe the setback (front yards) requirements of the district in which they are located, except that at any intersection along any road or street shown in the major Road Plan of Knox County, the setback on unimproved land shall not be less than 100 feet from the right-of-way lines (existing or as established) of each such road and intersecting streets.

Not to be located within 300 feet of any R-District or the entrance to a park, library, school, church, playground, hospital or similar institution.

#### 17.1 Real Estate Signs and Signs Advertising only the Goods or Services provided on the Premises shall:

Be set back from the right-of-way line (Existing or as established) at least one-half of the setback (front yard) requirement of the district in which they are located.

Not to be lighted in any way as to cause unnecessary interference with the use and enjoyment of nearby residential or institutional uses or with the safety of vehicular traffic; and, NOT TO EXCEED 100 SQUARE FEET IN SIZE.

#### 17.2 Traffic Obstruction:

No display sign shall be so placed as to obstruct or interfere with a required doorway, other required means of ingress or egress or traffic visibility.

#### 17.3 R-Districts - Signs Prohibited - Except:

No display signs (except those exempted - church signs and temporary signs) shall be permitted in any R-Districts. Announcement or professional signs for home occupations and professional activities where permitted shall not exceed 6 square feet in AG or R-Districts and not more than 8 square feet in other districts.

#### 17.4 Church or Institutional Signs - Directional:

Any bona-fide church, religious sect or congregation, public or semi-public institutional use, such as a government building, hospital, school, etc., may erect directional signs in the Township, subject to the following specifications:

1. Support and Location: Such signs shall be mounted on a street post imbedded in concrete between sidewalk and curb, so that the bottom of the sign shall be at least 6 feet from the ground. There shall be not more than one church sign located on the corner of any street intersection.
2. Design: All church signs shall be of uniform design, size and construction as specified by the Board.
3. Permission - Property Owner: The church, sect or congregation shall secure in writing, permission from the owner of the property in front of which such sign is sought to be erected. Such permission shall be filed with the Zoning Inspector who will issue the required permit upon approval of the location by the Board.
4. Bonds: Bond shall be provided as required for other display signs.
5. Church signs - Bulletin Board: Any bonafide church, religious sect or congregation, community center or similar semi-public or institutional use may erect and maintain for their own use a bulletin board or announcement sign not over 15 square feet in area on the same premises upon which such use is located. If not attached flat against the building, said sign shall be at least 12 feet from all street lines.

#### 17.5 Temporary Signs

The Board may authorize the installation of temporary signs in accordance with the requirements of this paragraph and subject to such additional requirements and conditions as it may deem necessary.

1. Banners: and similar temporary signs in connection with public or semi-public promotional or festive occasions.
2. Subdivision Signs: Signs advertising sale of lots in an undeveloped subdivision may be erected and displayed in said subdivision, provided that not more than one such sign facing on any one street shall be permitted in any sub-division; and provided that each sign shall be removed at the expiration of one year after its erection, or when 60% of the lots fronting on the street which such sign faces have been built upon and occupied as residences, whichever occurs first.
3. Contractors Signs: Signs announcing the names of contractors and material men participating in the construction of a building shall be permitted during the actual construction period, provided that such signs shall be located only on the parcel of land being improved.

17.6 Surety Bond:

The owner or person in control of a display sign suspended over a street or extending into a street more than one foot beyond the building lines, whether permanent or temporary, shall execute a bond as required.

17.7 Fees:

Fees shall be subject to the provisions of Article 18.3 of this Resolution.

## ARTICLE XVIII

### EXTRACTION OF MINERALS

- 18.0 GENERAL REQUIREMENTS: Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any AG District may file with the Board an Application for authorization to mine minerals therefrom, provided, however, that he shall comply with all requirements of the District in which said property is located, and with the following additional requirements:
1. Distance from Property Lines: No quarrying operation shall be Carried on or any stockpile placed closer than 100 feet to any property lines unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to 25 feet by written consent of the owners of the abutting property.
  2. Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road not part of such operation, shall not take place closer than 25 feet to the nearest line of right-of-way.
  3. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board.
  4. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust free conditions by surfacing or other treatment.
  5. Processing: The crushing, washing and refining or other similar processing may be authorized by the Board as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations or the District in which the operation is located.
- 18.1 APPLICANT – FINANCIAL ABILITY: In accepting such plan for review, the Board must be satisfied that the proponents are financially able to carry out the proposed mining operations in accordance with the plans and specifications submitted.
- 18.2 APPLICATION – CONTENTS, PROCEDURE: An application for such operation shall set forth the following information.

1. Name of the owner or owners of land from which removal is to be made.
2. Name of the applicant making the request for such permit.
3. Name of the person or corporation conducting the actual removal operation.
4. Location, description and size of the area from which removal is to be made.
5. Location of processing plant used.
6. Type of resources or materials to be used.
7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. Description of equipment to be used.
9. Method of rehabilitation and reclamation of the mined area.

### 18.3 Public Hearing

Upon receipt of such application, the Board shall set the matter for a public hearing in accordance with the provisions of Article 19.

### 18.4 Rehabilitation

To guarantee the restoration, rehabilitation and reclamation of mined out area, every applicant granted a mining permit as herein provided, shall furnish a performance bond running to the Township in an amount of not less than \$2,000.00 and not more than \$100,000.00 as a guarantee that such applicant, in restoring, reclaiming and rehabilitation of such land, shall within a reasonable time and to the satisfaction of the Board meet the following minimum requirements:

1. Surface Rehabilitation: All excavations shall be made either to a water producing depth, such depth to be not less than 5 feet below the low water mark, or shall be graded or back-filled with non-noxious, non-inflammable and non-combustible solids, to secure:
  - a. That the excavated area shall not collect and permit to remain herein stagnant water; or
  - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof - so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

2. Vegetation: Vegetation shall be restored by appropriate seeds or grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinafter provided.

3. Banks of Excavations Not Backfilled: The banks of all excavations not backfilled shall be sloped to the water line at a foot vertical and said bank shall be seeded.

#### 18.5 Additional Requirements

In addition to the foregoing the Board may impose such other conditions, requirements or limitations concerning the nature extent of the use and operation of such mines, quarries, or gravel pits as the Board may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the performance bond shall be determined by the Board prior to issuance of the permit.

#### 18.6 Gas & Oil Wells

In any and all districts of the Township a well may be drilled for the exploration for or production of natural oil or gas only after or when the following conditions have been complied with:

- a. Compliance with all applicable laws of the State of Ohio.
- b. Surety Bond in the amount of \$10,000.00 has been obtained and is attached to the drilling permit application to be filed with said application conditional upon the faithful performance of each and every condition set forth in the permit and guaranteeing the repair of all damage to public property resulting from such well or the drilling of the well, including damage to the streets, pavements, curbs, gutters, sidewalk, water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, street or traffic signs or signals, drainage facilities, but not necessarily limited thereto.

Such bond is to be held by the Township Clerk until released or reduced and released by the Township Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs.

- c. No tanks or reservoirs erected for or intended for the storage of petroleum products shall be located within 50 feet of any public right-of-way nor within 100 feet of a residential lot line.

## ARTICLE XIX

### MOBILE HOMES, MOBILE HOME PARKS, MOTELS & MOTOR HOTELS

- 19.0 General Requirements: The Board of Appeals may authorize establishment of a mobile home park in any District, however, such mobile home park site shall be located at least 300 feet from any existing residences and be in accordance with the provisions of this Article. The sanitary regulations prescribed by the authority having jurisdiction, and as may be otherwise required by law - shall be complied with, in addition to the following regulations:
1. Area and Yard Requirements: Mobile home parks, motels and motor hotels shall comply with all area and yard requirements prescribed for such uses in the district in which located.
  2. Parking: All areas used for automobile access and parking shall comply with the applicable provisions of this Resolution, provided that there shall be at least one offstreet parking space for each mobile home park lot and one additional space for each 4 such lots to accommodate guests.
  3. Entrance to Mobile Home Parks; Motels: No vehicular entrance to or exit from any mobile home park or motel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises does not abut.
  4. Landscaping - Unused Areas: All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than 10 feet in width, shall be established and maintained within the mobile home park along its exterior boundaries.
  5. Enclosures: Mobile home parks and motels shall be enclosed on the sides and in the rear by appropriate privacy fences not less than 6 feet high, or by a combination of landscaped screens and other suitable fences acceptable to the Board.
  6. Enlargement Permit: Any enlargement or extension to any existing motel, motor hotel or mobile home park, shall require application for a zoning certificate, as if it were a new establishment.

7. Enlargement - Existing Facilities to Comply: No enlargements or extensions to any motel, motor hotel or mobile home park shall be permitted unless the existing facility is made to conform substantially with all the requirements for new construction for such establishment.

8. Mobile Homes Prohibited - Except: Except as provided in Article 5.11 and/or 5.12, 8.2 and 9.2, no person shall park or occupy any mobile home on any premises in any district outside an approved mobile home park. The parking of an unoccupied mobile home in an accessory private garage building or in a rear yard shall be permitted in any district, provided no living quarters shall be maintained or any business conducted in such mobile home while so parked or stored.

9. Wheels not to be Removed: In any mobile home part, the wheels or any similar transporting devices of any mobile home or camp car, shall not be removed except for repairs.

19.1 Mobile Home Parks - Submission of Plans: An application for the establishment of a mobile home park shall be filed with the zoning inspector and must be accompanied by a plat, drawn to scale and certified by a bona fide land surveyor, civil engineer, landscape architect or architect. The inspector shall check the plat, and, after approval of the County Board of Health, if he finds the same to be in compliance with the requirements of this Article, forward the same to the Board of Appeals. The Inspector shall also advise the Zoning Commission of the pending application and the Commission shall review the same and submit its recommendation thereon to the Board of Appeals. The Inspector shall also advise the Zoning Commission of the pending application and the Commission shall review the same and submit its recommendation thereon to the Board of Appeals. The Board shall hold a public hearing on the application, giving 10 days notice thereof in a newspaper of general circulation. Upon completion of said hearing the Board shall approve, conditionally approve or deny the application. The plat shall contain the following information:

1. Accurate Dimensions of the proposed mobile home park;
2. All roads and approaches and the method of ingress and egress from public highways;
3. The Complete electric service installation, wire service outlets and lighting facilities;
4. The complete location of any natural gas facilities to serve the mobile home park;
5. A complete layout of unit parking spaces and the number of square feet therein, together with dimensions thereof; and



6. The location of electric power or gas distribution systems, water mains or wells for water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewers or septic tanks, sewer drain lines, leeching beds, fire protection stalls, and other building or structures contemplated to be used by such applicant in connection with said business.

19.2 Mobile Home Parks - Minimum Standards and Requirements:

1. Park Area: The minimum mobile home park area shall be ten (10) acres.
2. Lot Area: The minimum lot area per mobile home unit size within the mobile home park shall be 5,000 square feet.
3. Lot Width: The minimum lot width per mobile home unit within the mobile home park shall be 50 feet. Each lot shall be clearly defined by a permanent marker in the ground.
4. Access: Each mobile home park shall abut upon a public street and each mobile home lot shall have direct access to a private hard surface road, such as concrete or asphaltic concrete.
5. Distance Between Mobile Homes: The minimum distance between neighboring mobile homes shall be not less than 30 feet.
6. Concrete Slab: Each mobile home unit lot shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slabs shall have a minimum horizontal dimension of 8 x 10 feet and a minimum thickness of 4 inches.

19.3 Utilities: The following requirements shall apply:

1. Water Supply: Water supply shall be from a municipal water service or from approved and protected driven wells that meet all test requirements, provided with tight, elevated concrete platforms and which will not be subject to overflow or surface drainage. A daily minimum of 150 gallons per mobile home shall be required. The source of water supply for human consumption shall meet all the requirements of the Knox County and State Boards of Health. The use of open wells, springs, cistern, or open storage tanks for human consumption is unlawful and shall constitute a violation of the terms of this Resolution.
2. Sewage Treatment and Sewage Disposal: The treatment of all sewage shall be through a sewage disposal system approved by the Knox County and State Board of Health.

3. Waste and Garbage Disposal: Mobile Home Parks shall be kept clean and in sanitary condition and provided with suitable covered metal receptacles for garbage, waste, litter, and trash. Disposal of waste and garbage shall be regular and as determined by the Knox County Board of Health.
  4. Mobile home units not equipped with water and sewer facilities shall be located not more than 400 feet from a community utility building which shall provide separate toilet and shower facilities for each sex.
  5. Fire hydrants shall be located in accordance with the specifications of the National Board of Fire Underwriters.
  6. Each mobile home unit shall be equipped with at least one electric outlet.
  7. Copies of the recommendations of all approving authorities shall be attached to each application to establish a mobile home park.
- 19.4 Interior Streets: The minimum roadway of interior one-way streets with parking permitted on one side shall be 21 feet. The minimum roadway width of two-way streets with parking permitted on one side shall be 30 feet. The minimum width of two-way streets without parking shall be 20 feet. Such streets shall be paved with a hard surface, such as concrete or asphaltic concrete and maintained in good condition and lighted at night.
- 19.5 Recreation Areas: There shall be provided within each mobile home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of 300 square feet for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with appropriate equipment.
- 19.6 Length of Occupancy: No mobile home shall remain in a mobile home park for a period exceeding 15 days without connection to the permanent sanitary sewer system of the park.
- 19.7 Additional Requirements: In addition to the foregoing, the Board may impose such other conditions, requirements or limitations concerning the design, development and operation of such mobile home parks as it may deem necessary for the protection of adjacent properties and the public interest.
- 19.8 Fees: Subject to the provisions of Article 21.3 of this Resolution.

## ARTICLE XX

### EXCEPTIONS AND MODIFICATIONS

#### 20.0 Lot Of Record

When a lot is an official lot of record at the time of adoption of this Resolution and does not comply with the area, yard or other requirements of this Resolution, such lot may be used as a building site provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.

#### 20.1 Exception to Yard Requirements

1. Allowable Projections of Residential Structure into Yards: Any structure may project into the required front yard if existing structures on both adjacent lots in the same district have less than the required minimum front yard, provided, however, that such projection shall extend no closer to the street than either of the adjacent structures.

Architectural features of residential buildings such as window sills, cornices, roof overhangs may project into the requirements provided such projection is not more than 4 feet and does not reach closer than 4 feet to any lot line.

2. Allowance Projections of Business Structures over Sidewalk: Signs, awnings, canopies, marquees are permitted to over-hang the sidewalk in the B District only, provided that over-hanging signs are a minimum of 8 feet above the sidewalk at any point and that all other structures are a minimum of 8 feet above the sidewalk at any point.

3. Allowable Projection of Accessory Building Into Rear Yard: One story accessory buildings may project into only rear yards abutting on an alley providing such projections extends not closer than 5 feet to the rear lot line.

#### 20.2 Exception to Height Limits

The height limitations of this Resolution shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyors, flagpoles, radio towers, masts and aerials.

## ARTICLE XXI

### ENFORCEMENT

#### 21.0 Enforcement by Zoning Inspector

There is hereby established the office of Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce this Resolution in accordance with the administrative provisions of this Resolution.

All departments, officials, and public employees of the Township vested with the duty or authority to issue permits and licenses shall conform with the provisions of this Resolution and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this Resolution shall be null and void.

#### 21.1 Filing Plans

Every applicant for a Zoning Certificate shall be accompanied by plans in duplicate drawn to scale in black or blue-line print, showing (on the basis of survey) the actual location, shape and dimensions of the lot to be built upon or to be changed in its use in whole or in part; the exact location, size and height of any building or structure to be erected or altered; the existing and intended use of each building or structure or any part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of such present use and proposed use to be made of the lot; such other information with regards to the lot and the neighboring lots as may be necessary and to provide for the enforcement of this Resolution. One copy of such plans shall be returned to the owner when such plans have been approved by the Zoning Inspector, together with such zoning certificate as may be granted.

The lot and the location of the building thereon shall be staked out on the ground before construction is started. In every case where the lot is not provided and it is not intended to be provided with public water and/or the disposal of sanitary waste by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Department of Knox County of the proposed method of water supply and/or disposal of sanitary waste.

## 21.2 Zoning Certificate

It shall be unlawful for an owner to use or to permit the use of any structure, building, or land or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate shall have been issued by the Zoning Inspector. Such Zoning Certificate shall show that such building or premises, or part thereof, and that such proposed use thereof are in conformity with the provisions of this Resolution. It shall be the duty of the Zoning Inspector to issue a Zoning Certificate provided he is satisfied that the structure, building or premises and the proposed use thereof and the proposed methods of water supply and disposal of sanitary waste conform with all the requirements of this Resolution.

No permit for the excavation and construction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform with the provisions of this Resolution.

The Zoning Inspector shall act upon all such applications on which he is authorized to act within the provisions of this Resolution, within 30 days after the date they are filed in full compliance with all the applicable requirements. He shall either issue a Zoning Certificate within said 30 days, or shall notify the applicant in writing of his refusal of such Certificate and the reasons thereof.

Failure to notify the applicant in case of such refusal within the said 30 days shall entitle the applicant to a Zoning Certificate unless the applicant consents to an extension of time.

Upon written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of the enactment of this Resolution certifying, after inspection, the intent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution.

## 21.3 Fees

Fees shall be charged in accordance with the orders and direction of the Board of Township Trustees.

## 21.4 Violations and Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of the provisions of this Resolution or any amendment or supplement thereto adopted by the Board of Township Trustees. Any person, firm or corporation violating any of the provisions of this Resolution or any amendment or supplement thereto shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$100.00. Each and every day which illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues shall be deemed a separate offense.

## 21.5 Violation - Remedies

In case any building is, or is supposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used in violation of this Resolution, or any amendment or supplement thereto, the Board of Township Trustees, the Prosecuting Attorney for Knox County, the Zoning Inspector, or any adjacent or neighboring property owners who would be specifically damaged by such violation in addition to other remedies provided by law, may institute action or actions, proceedings or proceeding, injunction, mandamus, or abatement to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. The Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any action brought under this Article.

## ARTICLE XXII

### BOARD OF ZONING APPEALS

#### 22.0 Appointment - Board of Zoning Appeals

There is hereby created a Township Board of Zoning Appeals consisting of five (5) members who shall be appointed by the Board of Township Trustees, and who shall be residents of the unincorporated area of the township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. The members may be allowed their expenses or such compensation, or both as the Township Trustees may approve and provide. The Board may, within the limits of the monies appropriated by the Township Trustees for this purpose, employ such executives, professional, technical and other assistants as it deems necessary. Vacancies on the Board shall be filled by the Board of Township Trustees and shall be for the respective unexpired term.

#### 22.1 Procedure

The Board shall organize and adopt rules for its own government and in accordance with this Resolution. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman may administer oaths, and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board 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, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Township Trustees and shall be a public record.

Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution; and a concurring vote of three members of the Board shall be necessary to reverse an order or determination of the Zoning Inspector or to decide in favor of an applicant in any matter of which the Board has original jurisdiction under this Resolution or to grant any variance from the requirements stipulated in this Resolution. The Board may call upon the township departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

## 22.2 Application, Appeals, Hearings and Stay of Proceedings

1. Applications - when and by whom taken: An Application, in cases on which the Board has original jurisdiction under the provisions of this Resolution, may be filed by a property owner, including a tenant or by a government official, department, board or bureau. Such applications shall be filed with the Zoning Inspector who shall transmit the same to the Board.

2. Appeals - When and by Whom Taken: An appeal to the Board may be taken by any person aggrieved or by an Officer of the Township affected by any decisions of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and the Board, a Notice of Appeal, specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

3. Hearings: The Board shall fix a reasonable time for the hearings on the application or appeal, giving ten (10) days notice to the parties in interest, give notice of such public hearing by one (1) publication in one or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing and decide the same within reasonable time after its submission. Each application or appeal shall be accompanied by a check payable to the Clerk of the Township or cash payment sufficient in an amount to cover the cost of publishing and/or posting and mailing the notice or notices of hearing or hearings. At the hearing any party may appear in person or by attorney. A party adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Knox County, on the ground that the decision was unreasonable or unlawful.

4. Decision of the Board: The Board shall decide all applications and appeals within a reasonable time after the final hearing thereon. A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decisions shall be binding upon the Zoning Inspector and shall be observed by him, and he shall incorporate the terms and conditions of the same in the certificates to the applicant whenever a certificate is authorized by the Board.

A decision of the Board shall not become final until after the expiration of five (5) days from the date such decision is made unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

5. Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Board after Notice of Appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order, which may, on due cause show, be granted by the Board, on application after notice to the Zoning Inspector or by judicial proceedings.



### 22.3 Powers of the Board of Zoning Appeals

1. Conditional Uses, Specified, Exceptions and Interpretations of Zoning Map: The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, applications filed as hereinbefore provided for conditional uses, special exceptions, or for interpretations of the Zoning Map, or for decisions upon other special questions upon which the Board is authorized by this Resolution to pass. In considering an application for a conditional use, a special exception, or interpretation of a zoning map, the Board shall give due regard to the nature and condition of all adjacent land structures; and in authorizing a conditional use or special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance, and operation in addition to those expressly stipulated in this Resolution for the particular conditional use or special exception – which the Board may deem necessary for the protection of adjacent properties and the public interest.
2. Conditional Uses and Special Exceptions: In addition to permitting or denying the conditional uses and special exceptions hereinbefore specified, the Board shall have the power to permit or deny the following conditional uses and special exceptions:
3. Non-conforming Uses – Substitution: The substitution of a non-conforming use existing at the time of enactment of this Resolution by another non-conforming use, if no structural alterations, except those required by law or resolution, are made, provided, however, that any use so substituted shall be of the same or of a more restricted classification.
4. Non-Conforming Uses – Extension: The extension of a non-conforming building upon the lot occupied by such building, or on an adjoining lot; provided that such lot was under the same ownership as the lot in question at the time the use of such building became non-conforming and that such extension is necessary and incidental to such existing nonconforming use; provided further that the value of such extension shall not exceed in all 25% of the assessed valuation for tax purposes; provided further that such extension shall be within a distance of not more than 50 feet of the existing building or premises; and provided still further, that such extension shall in any case be undertaken within five (5) years of the enactment of this Resolution.
5. Extension of Use or Border District: The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than 25 feet beyond the dividing lines of the two districts, under such conditions as will safeguard development in the more restrictive district.
6. Performance Standards Procedure: The Board shall have the power to authorize, upon application in specific cases, filed as hereinbefore provided, issuance of a Zoning Certificate for uses that are subject to Performance Standards procedure as provided in this Resolution.

7. Temporary Structures and Uses: The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Resolution, for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a 12 month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

#### 22.4 Interpretation of Zoning Map

Where the street or lot layout is actually on the ground, or as recorded, differs from the streets and lot lines as shown on the Zoning Map, the Board, after notice to the owner or owners of the properties or property concerned, and after public hearing, shall interpret the Zoning Map in such a way as to carry out the intent of this Resolution. In case of any question as to location of any boundary line between zoning districts, a request for interpretations of the Zoning Map may be made to the Board and a determination shall be made by the Board.

#### 22.5 Administrative Review and Variances

1. Administrative Review: The Board shall have the power to have and decide appeals filed as hereinbefore provided where it is alleged by the appellant that there is an error in any order, requirements, decision, or grant of refusal made by the Zoning Inspector or other administrative officials in the interpretations of the provisions of this Resolution.

2. Variances: The Board shall have the power to authorize upon appeal in specific cases filed as hereinbefore provided such variances from the provisions and requirements of this Resolution as will not be contrary to the public interest; but only in such cases where, owing to special conditions, pertaining to a specific piece of property. The literal enforcement of the provisions and requirements of this Resolution would cause undue and unnecessary hardship.

Where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specified piece of property on the effective date of this Resolution, or by reason of the exceptional topographic conditions or other extraordinary situations or conditions of such properties, or of the use or development of property immediately adjoining the piece of property in questions, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship, the Board shall have the power to authorize a variance from the terms of this Resolution, so as to relieve such hardship and so that the spirit and purpose of this Resolution shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed structure of use as it may deem necessary in the interest of the furtherance of the purpose of this Resolution and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem necessary to insure that the conditions attached are being and will be complied with.

No such variance in the provisions or requirements of this Resolution shall be authorized by the Board unless the Board finds that all the following facts and conditions exist:

- (a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district.
- (b) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
- (c) That the authorizing of such variances will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Resolution or of the public interest.

No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property or the intended use of said property for which a variance is sought, one or the other or in combination - is not of so general or recurrent a nature as to make reasonably practically the formulation of a general regulation for such conditions or situations.

#### 22.6 General

In exercising its power, the Board may, in conformity with the provisions and statutes and of this Resolution reverse or affirm wholly or partly or may modify the order, requirement, decisions, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

#### 22.7 Variance - Literal Enforcement Would Create Undue Hardship

The Board shall have the power to authorize upon appeal in specific cases, filed as herebefore provided, such variances from the terms, provisions or requirements of this Resolution as will not be contrary to the public interest; provided, however, that such variances shall be granted only in such cases where, owing to a special and unusual condition pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would result in practical difficulty or undue hardship so that the spirit of the Resolution shall be upheld, public safety and welfare secured and substantial justice done.

## 22.8 Variance - Conditions Prevailing

Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship - unnecessary to carry out the spirit and purpose of this Resolution - the Board shall have power to authorize a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary, to enforce compliance with the conditions attached..

## 22.9 Variance - Findings of Board

No such variance of the provisions or requirements of this Resolution shall be authorized by the Board unless the Board finds, beyond reasonable doubt, that all the following facts and conditions exist:

1. Exceptional Circumstances: That there are exceptional or extra-ordinary circumstances or conditions applying to the property in question or to the intended use of the property, that do not apply generally to other properties or classes of use in the same zoning district.
2. Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
3. Absence of Detriment: That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Resolution or the public interest.
4. Not of General Nature: No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property or the intended use of said property, for which variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.
5. Variances - Board May Reverse Orders, etc.: In exercising its power, the Board may, in conformity with the provision of statute and of this Resolution, reverse or affirm, wholly or partially, or may modify an order, requirements, decisions or determination appealed from, and may make such order, requirements, decision or determination as ought to be made, and to that end, shall have all powers of the Office from whom the appeal is taken.

## 22.10 Performance Standards - Procedure

The Board shall have the power to authorize upon application on specific cases, filed as hereinafter provided, issuance of a Zoning Certificate for uses that are subject to performance standards, procedure under Article 13 of this Resolution as provided in the following:

1. Application: An application for a Zoning certificate for a use subject to performance standards shall be submitted in duplicate on a form prescribed by the Board. The applicant shall, also, submit in duplicate a plan for the proposed construction or development - including a description of the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements as set forth in Article 15 in accordance with rules prescribed by the Board specifying the type of information required in such plans and specifications. The fee for such application shall include the cost of the special reports that may be required to process it, as set forth in Paragraph 2 below.
2. Report by Specialists: If, in its opinion, the proposed use may cause emission of dangerous or objectionable elements, the Board may refer the application to one or more specialists qualified to advise as to whether a proposed use will conform to the applicable performance standards specified In Article 15 for investigations and report. Such consultant or consultants shall report as promptly as possible after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.
3. Review by Board: Within 30 days after the Board has received the aforesaid application, or the aforesaid report, or within such further period as agreed to by the applicant, the Board shall decide whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a Zoning Certificate or require a modification of the proposed equipment or operation. Any Zoning Certificate so authorized and issued shall be conditioned upon among other things, the following:
  - (a) That the applicant's buildings and installations when completed will conform to operation to the applicable performance standards and,
  - (b) That the applicant will pay the fees for services of the expert consultant or consultants deemed reasonable and necessary by the Board to advise the Board as to whether or not the applicant's completed buildings will meet said applicable performance standards.
4. Continued Enforcement: The Zoning Inspector shall investigate any reported violation of performance standards, and, if there is reasonable grounds for the same, shall notify the Board of the occurrence or existence of a probable violation thereof. The Board shall investigate the alleged violation, and for such investigation, shall employ qualified experts. The service of any qualified expert employed by the Board to advise in establishing a violation shall be paid by the violator if the said violation is established otherwise by the Township.

## ARTICLE XXIII

### DISTRICT CHANGES AND RESOLUTION AMENDMENTS

#### 23.0 Initiation of Amendments or Supplements

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission, by the passage of a resolution therefore by the Township Trustees or by the filing of an application therefore by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Zoning Commission. The Township Trustees shall upon the passage of such resolution certify it to the Zoning Commission.

#### 23.1 Procedure for Change

Applications for amendments or supplements to this Resolution shall be submitted to the Zoning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be changed or affected, attesting to the truth and correctness of all facts and information presented with the applications.

#### 23.2 Names and Addresses of Property Owners

Any person or persons desiring amendments or supplements to this Zoning Resolution shall file with the application for such change a statement giving the names of all owners of property within and contiguous to the area proposed to be reclassified or redistricted, and the addresses of such owners appearing on the current tax roll.

#### 23.3 Public Hearing by the 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 20 days, nor more than 40 days for 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 Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least 15 days before the date of such hearing.

23.4 Written Notice

Written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by certified mail 15 days before such hearing to the addresses of such owners appearing on the current tax roll, list or duplicate of the County or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

23.5 Transmittal to Regional Planning Commission

Within 5 days after the adoption of such motion or the certification of such resolution or the failure of such application the Zoning Commission shall transmit a copy thereof together with a text and map pertaining thereto to the Regional Planning Commission.

23.6 Action by Regional Planning Commission

The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.

23.7 Recommendation by Zoning Commission to Township Trustees

The Zoning Commission shall, within 30 days after such hearing, recommend the approval or denial of the proposed amendment or supplement, 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 Regional Planning Commission thereon to the Township Trustees.

23.8 Public Hearing by Township Trustees

The Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall be not more than 30 days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Trustees by one publication in one or more newspapers of general circulation in the township, at least 15 days before the date of such hearing.

23.9 Written Notice

Written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by certified mail 15 days before such hearing to the addresses of such owners appearing on the current tax roll, list or duplicate of the County or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

23.10 Vote by Township Trustees

Within 20 days after such public hearing, the Township shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Trustees deny or modify the recommendation of the Zoning Commission, the unanimous vote of the Township Trustees shall be required.

23.11 Effective Date of Amendment or Supplement: Referendum

Such amendment or supplement adopted by the Trustees shall become effective in 30 days after the date of such adoption unless within 30 days after the adoption of the amendment or supplement there is presented to the Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township equal to not less than 8% of the total vote cast for all candidates for in such area at the last preceding general election at which a governor was elected, requesting the Township Trustees to submit an amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

23.12 Result of Referendum

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

23.13 Court of Common Pleas

Any person adversely affected by an order of the Board of Township Trustees, adopting, amending or rescinding a regulation may appeal to the Court of Common Pleas of Knox County on the ground that said Board failed to comply with the law in adopting, amending, rescinding, publishing or distributing such regulation or that the regulation as adopted or amended by the said Board was unreasonable or unlawful.

23.14 Fees

Each application for a zoning amendment except those initiated by the Zoning Commission, shall be accompanied by a check or cash payment sufficient in amount to cover the cost of publishing, posting and/or mailing the notices of the hearing or hearings required by the foregoing provisions.



ARTICLE XXIV

VALIDITY AND REPEAL

24.0 Validity

This Resolution and the various parts, articles and paragraphs thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence or phrase of this Resolution is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby.

24.1 Authentication

The Township Clerk is hereby ordered and directed to certify the passage of this Resolution. This Resolution shall be in effect and be in force from and after its passage, approval and publication.

24.2 Repeal

All other Resolutions of the Township, inconsistent herewith and to the extent of such inconsistency and no further, are hereby repealed.

**ZONING RESOLUTION, HOWARD TOWNSHIP, KNOX COUNTY, OHIO**

This Resolution shall be in full force and effect from and after its passage and upon Certification by the Knox County Board of Election that a majority of votes cast are in favor of this Resolution.

Adopted this   4th   day of  
  November   1980.

Board of Township Trustees  
Howard Township  
Knox County, Ohio

ATTEST: \_\_\_\_\_  
          Clerk